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Law, Order and Freedom

A Historical Introduction to Legal Philosophy

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Springer

Chapter 3
The Commencement of the Modern Age

3.1 Introduction

The Modern Age in various ways entails a break with the Middle Ages. It is characterised, among other things, by the emergence of natural science in the 15th and 16th centuries, which led to a worldview that deviated radically from the Christian-Aristotelian outlook of the preceding period. This raised a number of new problems as to the foundation of a duty to obey the law. The most important problem was that the classical idea of the world as a rationally coherent and purposive whole was abandoned in the modern view. Therefore it was no longer evident that human society constituted a moral order with which the individual should identify. Instead, in modern philosophy the individual acquired the central position. A new line of reasoning, therefore, had to be developed to indicate why, and under which conditions, an individual had to subject himself to a legal order.

A number of other developments induced the disintegration of the Catholic worldview of the Middle Ages. In the 16th century the Reformation brought about a break in the religious unity which had existed up until then (Section 3.2). Calvinism, moreover, arrived at a different view of the relation between religion and state. Because of man's sinful nature, government and law would be exceeding their powers should they attempt to force subjects into a morally perfect way of life. One could not expect more from the state than the safeguarding of social order. Protestantism, moreover, strongly emphasised the direct accountability of every human individual towards God. State force to live a good life is then inappropriate.

The Renaissance,[1] which already started flourishing in Italy from the 13th century, similarly regarded the human individual as central, but without religious considerations playing any substantial role (Section 3.3). The ideals of the humanists of the Renaissance concerned the full development of the abilities of each person. This could lead to an amoral attitude to life aimed at the acquisition of power and honour. Machiavelli formulated in *Il Principe* (The Prince, 1513) a realistic political theory: the king should base his rule solely on calculations of power

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[1] 'Renaissance' means rebirth, specifically of the pre-Christian classical culture. With this sparkling civilization as model, the 'dark' Middle Ages had to be left behind.

(Section 3.3). In the preceding period state authority had usually been justified with reference to its moral tasks. Machiavelli, however, viewed all moral justifications of state power as mere rhetoric. The classical unity of *politics* and *morality* is thus breached here: power and justice break up into two disconnected phenomena with different spheres of application.

In the Renaissance, trade started to flourish too. In the *economic* domain, as in politics, a separate rationality was developed which was dissociated from moral rationality. In the Middle Ages the doctrine of the 'just price' applied: every object was ascribed its own inherent value, which constituted the benchmark for a correct transfer of property. One could bargain for a high price, but, in doing so, was not allowed to deviate too much from the just price by adding more than 50% to it, and thus disproportionately prejudice the other party. In modern legal thinking the principle of contractual freedom prevails; the determining factor is the intention of the parties. It is, moreover, regarded as economically rational to maximise one's profits, and thus to ask as high a price as possible. The value of an object is determined by supply and demand. Economic efficiency and moral propriety are dissociated.

This businesslike approach to reality arose in interaction with the rise of modern science which entailed an objectification of the process of acquiring knowledge (Section 3.4). The modern pursuit of power and profit requires a realistic knowledge of reality that enables one to make successful calculations for the longer term. Modern natural science provides such knowledge. It attempts to develop an objective view of reality that is not tainted with subjective religious and moral wishes, thus inducing the 'de-enchantment' of the world.

With this approach, the classical unity of the *true* and the *good* is lost. Aristotle and Thomas Aquinas presupposed the existence of a rational natural order which coincides with the morally good. Natural science, however, regards the world as a totality of arbitrary processes that serves no higher purpose. An understanding of these processes enables man to control nature. Science cannot, however, determine the purposes for which he should use his scientific knowledge. In the scientific view, the determination of purposes is dependent upon subjective human choices. According to the ideal of a value-free science, knowledge and morality constitute separate domains.

Modern instrumental rationality was extraordinarily successful, when measured against the aim of maximising knowledge, power and profit. Specialisation in each of these fields significantly increased the efficiency of scientific, political and economic action. Enormous scientific progress occurred because people could freely experiment without being hindered by religious dogma. A combination of objective natural science, search for profits, and struggle for power enabled Western countries to establish trade settlements around the world (think of the invention of the compass and of gunpowder (incidentally invented by the Chinese in the 9th century)). Technological applications of science furthered the control of nature, industrialisation and growth of prosperity, as well as a longer average lifespan to make use of these achievements. New information could be spread quickly thanks to the invention of the printing press.

   These developments required the establishment of central states to safeguard co-ordinated trade on a vast scale. (The privileged position of the knights of the Middle Ages had already been undermined: the rise of an assertive class of traders in the cities broke their economic power which had been tied to an agricultural method of production; the invention of gunpowder affected their military advantage. Hence the traditional view of the Middle Ages as a society of estates willed by God lost its potency.) The state had to ensure secure trade routes, guarantee that contracts are complied with, etc. For this purpose the central government had to radically interfere in society by means of law. As a consequence, law became more pragmatic and acquired, in addition to its traditional moral role, increasingly an instrumental function in the ordering of society.

Morality, law, politics, economics, religion and science, as a result, each acquired their own domain, characterised by distinctive purposes and rules. The moral unity of the cosmos which was the standard view in the classical period and the Middle Ages disintegrated in the Modern Age. Even so, many view this modern rationality as a sign of moral progress because it promotes a realistic, consciously chosen way of life. The growing scientific knowledge could lead to *emancipation* from the sup-pressive superstition of the 'dark' Middle Ages. In the first place, science provides objective knowledge of the causal and consequential relations of natural processes. Therefore, man can control nature in conformity with his own goals. No longer subject to nature's dominance, he can now take an independent stance towards it. Knowledge is power, as Bacon remarked, or *savoir pour prévoir pour pouvoir* (to know in order to foresee in order to control – Comte). In the second place, man acquired internal freedom by exposing the suppressive prejudices and prohibitions of religion and social traditions. He, for example, no longer had to be scared of threats of divine punishment after death. He could emancipate himself from the medieval doctrine that someone's destiny is determined by a society of estates willed by God. Every man could, thus, in future give shape to his life in accordance with his own conscious design.

   The moral ideal of modernity thus comes to light in individual *autonomy*. Human dignity consists in taking responsibility for the development of one's own person-ality. However, if the individual person is a self-legislator, instead of a communal being as in classical philosophy, his obedience to government and law becomes less self-evident. The modern solution to this problem lies in the construction of the social contract. This presupposes that everyone has a shared rational individual interest in a legal order which protects his life and liberty (see Grotius, Section 3.5, as well as Hobbes, Spinoza and Locke, Chapter 4). The ideal of autonomy resulted in the liberal ethics of the 18th-century French Enlightenment: every individual has a right to equal freedom (Chapter 5). Translated into law, this results in the ideal of the democratic constitutional state in which the classical fundamental rights are protected and social fundamental rights are established. *Democracy*: every mature individual must be able to take part in deciding about public matters that affect everyone. The *constitutional state*: to protect individuals against decisions of the majority (which one has to revert to, should complete consensus be absent) as well

as of governmental institutions (to which members of society necessarily have to delegate a part of their say). According to the ideal of the constitutional state, all exercises of state power are based on laws, state powers are divided, while the classical fundamental rights protect individual freedom. Social fundamental rights must guarantee that everyone has an equal chance to make use of this freedom.

In this liberal, 'narrow' view of morality, and especially of law, modern ethics fundamentally diverges from the perfectionist 'broad' ethics of the preceding period. Unlike Aristotle's doctrine of virtue, it is not determined in advance how man should develop his personality. And even if the ideal of human perfection were so determined, it would still be each individual's personal responsibility to arrange his or her life in the appropriate manner. Law, therefore, does not have the task of prescribing a virtuous way of life to citizens as with Aristotle. It must simply create the political and social conditions for the equal liberties of everyone.

These modern Enlightenment ideals lay claim to universal validity. In so far as other cultures are not as yet 'enlightened', and have not acquired the scientific way of thinking, they are regarded as 'primitive'. Because of their irrational worldview they find themselves on a lower level of human civilization, comparable with the period of childhood of the individual person. They should in their own interests be 'modernised'.

On closer inspection, however, these parallels between scientific and moral progress become very problematic. This is because in the scientific worldview, knowledge and morality cover two fundamentally different fields, so that the true and the good go their separate ways. The world of science is value-neutral. Science only registers aimless causal processes that explain how things come into being and then perish. To be sure, knowledge of causal relations can be used for means-ends reasoning; but in contrast to the Aristotelian knowledge of final causes, it cannot indicate which ends are proper. Nature thus does not provide any norm, or stated differently, from facts no norms can be derived. In short, the scientific world consists merely of facts; the *evaluation* of these facts is regarded as a subjective matter. If the world itself is without values, are human values then not simply illusions? What kind of independent test can be used to determine their correctness? What happens when different persons advocate opposing moral views? Knowledge is power, but power for what purpose? These kinds of questions can easily lead to moral nihilism.

The Marquis de Sade (1740–1814), for example, objected to the views of the Enlightenment philosophers, arguing that nature, besides constructive tendencies, shows destructive tendencies as well, so that a morality of aggression and *sadism* is as 'natural' as love for one's neighbour (Section 5.4). Another anti-Enlightenment philosopher, Nietzsche (1844–1900), contended that God is dead, so that only an indifferent nature remains from which no values can be derived. 'Will to power' is all there is. Nietzsche rejects the ideal of equality as levelling down the few excellent individuals who can elevate humanity to a higher plane. Egalitarianism is merely based on the resentment of the weak, who use this ideal to empower themselves at the expense of the brilliant elite. The only personal ideal 'beyond good and evil' that remains (exclusive to the Great Individuals) is to live heroically, if necessary

at the cost of others. Good is what increases someone's power (see Section 7.5). In our time, Nietzsche's anti-Enlightenment thinking is continued by French *post-modernists* (Section 9.1.4). On closer inspection, then, the scientific way of thinking does not coincide with the emancipation ideal. Because of its value-free character, science cannot provide a foundation for the values of the Enlightenment.

To this can be added that science and human autonomy appear to be mutually exclusive. Science attempts to account for all natural phenomena as the result of causal processes. Everything that happens is, therefore, determined by preceding causes. Should one know all causes, one would in principle be able to predict all events in reality. However, if this applies to human consciousness as well, all human choices are determined in advance by causes, such as biological needs, education or social expectations. They are, thus, in principle predictable. With this determinism, human freedom comes to an end. Taken to its radical conclusion, this view would degrade man from an autonomous 'subject' to a mere 'object', which like all natural processes must be causally determined. On the horizon thus loom spectres of an Orwellian, fully programmed society. Liberal freedom seems to have completely dissolved.

Modern thinking threatens Enlightenment morality in another way as well. It puts all emphasis on the individual, rather than on Aristotelian communal morality. As a consequence, critics contend, all principles of social morality may lose their bearings. Why would an individual not make choices exclusively in his own interest, and disregard all social rules whenever it is to his advantage to do so? Why would he comply with the law when it conflicts with his individual desires? Does modern individualism not in other words undermine social order as such? Representatives of this anti-individualistic counter-current are Rousseau (Section 5.5), Hegel and Marx (Sections 7.3 and 7.4), as well as contemporary communitarians (Section 9.1.2).

In addition, critics of the Enlightenment point to the danger that individuals may misuse the freedom that advocates of liberalism grant them. They argue that the patterns of one-dimensional consumption of most people in modern society do not bear witness to autonomous self-development. For this reason, government should guide citizens to a better mode of life which honours human dignity.

These are the problems for which philosophers of the Modern Age seek answers. Some of those who do not take the modern ideal of autonomy for granted, may still look for the answer in a 'narrow' conception of law and morality, but for different reasons than the advocates of autonomy. They argue that every individual has a strong interest in the general obedience of legal rules, since social order is to the benefit of all. Without organised, peaceful cooperation, life would be miserable and economic and scientific progress would be impossible. This reasoning results in a narrow, but not per se liberal, view of law, because the state should only promote social order and economic interchange, and has no further emancipatory role. This view one finds with Hobbes (Section 4.1), the normative legal positivist Radbruch (Section 1.3) and Weber (Section 9.3.4).

Others argue that a liberal version of narrow morality is the best solution for the modern dilemma of how to live together in spite of deep disagreements in world-views and moral beliefs. In this view, the only way out lies in a procedural ethics of

the second order which is aimed at placating substantive moral conflicts of the first order: state and law should allow each person as much freedom as possible to live in accordance with his own norms. The contention is that the state may not impose its own norms of the good life, as these are as contested as all others. Liberal ethics, thus, is designed to enable people to live together peacefully in modern pluralistic societies where moral unanimity is absent. In this manner the Enlightenment values are confirmed via a detour. This political version of liberalism was formulated by John Rawls (Sections 10.5 and 10.6). Critics, however, object that individualistic liberalism provides an insufficient foundation for a communal morality, and will lead to social disintegration. They yearn for the Aristotelian or Thomist ethics of virtue and perfectionist legal morality.

Other adherents of Enlightenment morality want to preserve the ideal of emancipation by disassociating themselves from the pretences of value-free science. They contend that science cannot live up to its pretension of being value-free, because all human knowledge is inevitably based on interpretation which is tainted with human interests. By acknowledging that science is a value-oriented practice, the acquisition of knowledge could still serve the human interest in emancipation. Thus the Enlightenment project could yet be brought to a satisfactory end (Critical Theory, Section 9.3).

3.2   From God's Sovereignty to the People's Sovereignty: Calvinism

In the 16th century, the Christian unity of Europe had collapsed; Roman Catholics, Lutherans and Calvinists came into conflict with each other, sometimes in the same country. The result was a long period of religious wars.

Although the religious convictions of these groups greatly diverged, their views about the proper organisation of society remained similar. In all three groups the authority of Aristotle remained practically unchallenged, although some in addition relied on Plato and Augustine. Because the similarities were so much greater than the differences, we will restrict ourselves here to the political and legal doctrines of only one group. We choose the Calvinists because they exercised the greatest influence on the development of modern ideas – incidentally also on the development of modern capitalism – and because they, moreover, integrated the new ideas of the other two groups.

In one important respect the Protestants – both Lutherans and Calvinists – reverted to an early Christian doctrine which preceded the later thinkers of the Middle Ages: 'pure' natural law, as God intended it for his creation, and as it is taught in the New Testament (the Sermon on the Mount), became unattainable for humans after the fall of man. In its place, owing to an act of divine grace which extends to all people, comes a modified natural law, which is summarised in the Ten Commandments. The latter no longer serve to bring human nature to complete perfection, but only to stem the tide of sin, and hence make man's 'fleeting life'

temporarily possible. In Paradise no state existed, no oath, no slavery, no patriarchy, no social inequality, and perhaps no work or private property either. These are all institutions which protect sinful people against each other. This doctrine of *relative natural law* is a predecessor of the conception of a 'narrow morality', specifically in the (Hobbesian) variant of order theory. ('Order' is one of Calvin's favourite terms.)

What distinguishes Calvinism from Lutheranism is the central idea of the absolute sovereignty of God. The believer perceives himself primarily as an instrument to execute the will of God. God's will does not only relate to the acceptance of the Christian message of salvation, but extends to all walks of life. For this reason the believer is active in accomplishing God's will, not only in church, but everywhere outside of it, too. The true believer recognises himself as such by means of this constant participation in God's work. Lutheran humility is not his most important virtue, but the realisation of a divine mission in the world which gives a personal value to him as individual.

The consequence is a characteristic dualistic stance in relation to 'this world': it has no value in itself in comparison with eternal life, but is the domain where the believer must show his true worth as an instrument of divine will. For this reason the believer may not accord value to 'earthly matters' in themselves, but only use them as means. 'In the world, but not of the world' the saying goes. 'Relaxation', a typical Calvinist term, is, for example, allowed only because it makes working more efficient.[2]

That God's will extends to the whole world also has consequences for the relation between church and state. They each have their own task, and are in the exercise of it not dependent on each other. The church strives for the internal acceptance of faith, and uses in this respect only spiritual means. The state strives for the external realisation of God's will, and does this with force. The state, in addition, also enforces the participation of every individual in the administering of the Word and the Sacraments. The church, on the other hand, bears the responsibility for morally correct conduct; it uses in this respect clerical discipline (public admonition, exclusion from the Holy Communion, etc). Hence, church and state work together in Christianising society. The state cannot prescribe laws to the church, but is, on the other hand, not subject to priestly power, only to the will of God as revealed in the Bible.

The state, therefore, serves two purposes: in the first place, maintenance of the true religion; secondly, maintenance of the common good (*salus publica*): order and prosperity. The state, too, is simply an instrument. It must thus strive towards organising itself as efficiently as possible, for which purpose a constitution laid down in writing can be helpful. Governments are bound by natural law; positive law is simply an application thereof, conditioned by historical circumstances.

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[2]The important German sociologist Max Weber contended that it is this institution which explains why capitalism developed in Calvinist countries such as the Netherlands, Scotland, and New England. Not only because of a sober, businesslike, planning attitude; but also because continuous, efficient labour is required, whereas the enjoyment of the fruits thereof is suspect: hence comes the hoarding of capital which must repeatedly be invested again.

In a few Swiss city states, Calvinism quickly attained political power. In all other countries to which it spread, it was blocked by a catholic state which attempted to suppress it by means of violence. Because of this, the theory of political duty became of central importance in political thinking. The problem lay in the political point of departure of the protestant doctrine, that is, Romans 13:1: 'Every person must subject himself to the governing authorities, for there is no authority except that which God has established.' This passage does not seem to permit active resistance, only the refusal to obey an order which conflicts with divine law ('passive obedience'). The Lutheran kings in Germany were already confronted with this problem when the German emperor attempted to suppress Lutheranism by military means. The Lutheran jurists formulated the following solution: all governments are instituted by God, therefore not only the Emperor, but also the 'lower magistrates', for example, regional rulers or the councils of free cities. What God categorically prohibited was that a private individual would revolt against a magistrate. However, when a higher authority neglects his duties to God and becomes a tyrant, then there is a duty on the lower authorities, whose task it is to protect the people, to resist the higher authority. The Calvinists extended this doctrine to a certain extent by stating that, owing to God's providence, a special office exists in most countries, to which no positive duties are attached besides preventing the government from exceeding its authority. Such 'ephors' (one who oversees) or 'peoples' tribunals' are in Western European countries the governments of the regions. We see here the hesitant beginnings of the doctrine of separation of powers and of constitutional testing.

This doctrine only granted a right of self-defence, an exception in exceptional circumstances to the normal rule of passive obedience. After 1572 (revolt in Holland and Zeeland, massacre on St Bartholomew's Day of the French Huguenots) in the Netherlands and France a period of permanent civil war started. A stronger justification for resistance against the king became an urgent necessity. For this purpose the Calvinists developed two controversial strategies that would have great influence in the future. The first was an invocation of history: the 'ancient constitution' which had existed since time immemorial. The Calvinist jurists contended that in France the power of the king had always been limited by that of the states (the regions); in the Netherlands it was eventually contended that real sovereignty had always belonged to the States. This argument emphasised the importance of the 'lower magistrates' or 'ephors'. (The higher members of nobility could also count as such: men such as Orange and Egmont.) The second controversial strategy – set out in a document titled *Defence of Freedom against Tyrants*, presumably by Philippe du Plessis Mornay, which appeared in 1579 under the pseudonym Stephanus Junius Brutus – was ironically derived from an important movement in Catholic thinking since the 14th century. This document did not take it for granted that God had subjected man to the government as a remedy for his sinful nature. State power, on the contrary, is granted by an originally free people, and, more specifically, on certain preconditions. If the government does not act in accordance with these conditions, the 'people' can take back the powers that were granted. This theory provides the origin of modern natural law with its characteristic belief in an original position

of freedom, the 'state of nature'. The most important difference from a later theory, such as that of John Locke, lies in the view of the concept of the 'people': not the sum total of individuals, but a historically grown community, in which the legal relations between social classes is of central importance. 'Freedom' does not mean that individuals may do whatever they want, but that (in line with Aristotelian thinking) the 'organically' conceived society can function without interruption; collective freedom and order are thus here joined together. The most important relations between people are viewed as having already been in existence in the state of nature. 'Tyranny', therefore, appears particularly in the infringement of historical rights ('privileges') of collective legal subjects, not from the violation of a philosophically constructed, rational, organisational design. At this point the argument of the second strategy leads back to the first.

At the conclusion of the actual state contract the king and the lower magistrates are, therefore, the participants. The magistrates 'represent' the people, not in the sense that they are empowered by individuals to act, but in the sense that they are the only ones who can act in the name of the people. The people are after all thought of with reference to their social segmentation and organisation; as the body can speak only by way of the mouth, the people can speak only by way of their magistrates. The state contract is a mutual oath, whereby the king promises to serve the general interest, and the people through their representatives promise to obey him. In the place of the terminology of the *bonum commune*, the terminology of 'individual rights' sometimes already appears: the task of the king is the protection of the life, liberty and property of his subjects.

In the scholastic tradition, from which the Huguenots derived their theory, two variants of the state contract appeared. Both assume that sovereignty originally belongs to the people. In one variant this sovereignty is irrevocably transferred; in the other, the people remain the owner and simply allow the king as caretaker-manager to exercise their powers. (We will see that the central difference between Hobbes and Locke lies in this distinction.) The Calvinists adopted the second variant. They concluded that the king did not stand above the law – and, therefore, could not be the highest legislature. When the king furthermore breaches natural law or the historical constitution in a systematic way, the contract no longer binds the people. Naturally it is then again the 'ephors' who may, or even *must*, act; private individuals could not claim any right of resistance.

This theory was gradually also accepted by the Dutch rebels revolting against Spanish rule. It can be recognised in William of Orange's *Apology* (1580) and in the *Act of Abjuration* (1581), both written under the influence of, and perhaps co-written by, Philippe de Mornay. According to the Act, 'God did not create the people slaves to their prince, to obey his commands, whether right or wrong, but rather the prince for the sake of the subjects (without which he could be no prince)'.

The endpoint of Calvinist political theorisation is to be found in the work of the Syndic of the city of Emden, Johannes Althusius (1557–1638). He, too, assumes an original position of freedom. All societal structures, families, voluntary associations, communities, and districts, are established by a usually tacitly concluded contract.

This contract regulates the sharing of benefits and burdens. With his contract doctrine, Althusius actually did not at all want to contest the Aristotelian doctrine that living together in communities is natural for people. His point, however, was that in such co-existence, nobody has duties if he does not also have rights: this finds expression in the concept of the contract. In larger communities the contract is not concluded by individuals, but by the constituent smaller communities. The state is the final point in the chain; it is established by means of the association of communities or districts. Its distinguishing characteristic is sovereignty (*majestas*). This sovereignty belongs irrevocably to the state community as collective body.

The powers of the state are actually performed on the basis of a second kind of contract, in which such performance is outsourced to specific persons. The powers themselves are thus not transferred. The reason for this outsourcing lies in achieving as efficiently as possible the purpose of constituting a state – the implementation of natural law as described in the Ten Commandments. When the rulers do not properly fulfil the task entrusted to them, the people, acting by means of its ephors, revoke the assignment and grant it to another.

3.3 Realism and Relativism: The Renaissance

In the Italian city-states of the 15th century, orthodox Christianity had lost all intellectual influence; of importance for the thinking of the Renaissance were the classical authors, especially Plato and the Stoics. Hence the term 'Renaissance': a rebirth of classical antiquity. The cities recruited their high officials from those who were educated in accordance with the ideal of *humanism*, could fluently read and write in Latin, were at home in ancient history and philosophy, could make speeches, and could write theses consistent with the classical model. Political writings from this circle, moreover, indicate a fixed pattern: they glorify the virtues of the ideal ruler and of the ideal citizen.

In reality the power in one city republic after another was usurped by a military dictatorship; the cities wore themselves out through internal party conflict and civil war, and at the start of the 16th century ultimately fell prey to the imperialism of the new absolute rulers of France and Spain. The need arose for the recognition of the realities of political life – corruption, bribery, treason, military blackmail, and political assassination.

The most important figure in this turn towards political realism was Niccolò Machiavelli (1469–1527). Schooled in humanism, and for 15 years a prominent Florentine diplomat, he concerned himself already during his active career with the observation and analysis of the positive and negative qualities of the most important political leaders of his time. On the basis of his notes, after having fallen into disfavour, he wrote *Il Principe* (The Prince, 1513). At first sight this work does not distinguish itself from the prevailing treatises; like these, it wants to investigate which qualities are necessary for political leadership. The aims of political leadership are, first of all: to retain power, but, above all: to attain personal honour. Success

in the realisation of these aims depends partly on good fortune, but a great deal of it depends on personal qualities too. More important even: those who have the proper qualities, can in this way influence Fortune in their favour. After all, Fortuna is a woman, and thus not insensitive to genuinely manly qualities. She even likes it to be dealt with firmly.

Machiavelli refers to the qualities needed for success, in line with tradition, as *virtù*. He, however, breaks radically with tradition in the determination of its characteristics. Tradition had firmly established that durable power and honour could never be acquired by way of immoral action. The Good Prince was consequently characterised by the virtues that apply to everyone else: he is wise, just, brave and disciplined; and, additionally, by specific princely virtues: he keeps his word, is magnanimous and generous. Based on his experience of the facts, Machiavelli strongly rejects this moralistic approach. The prince constantly has to deal with opponents who take no notice at all of morality; should he do this himself, he would simply make himself an easy prey for the others. The real *virtù* of the prince is to do resolutely what circumstances require: the good if possible, the bad if it is necessary. And the world unfortunately functions in such a way that it is regularly necessary to act in opposition to truth, love, humaneness and religion. The person who, as commander of the forces, does not want to be 'cruel', relaxes discipline, and by doing this, causes considerably more suffering than one who is prepared to set an example. The prince must, moreover, think of his reputation; not simply because hate and resentment on the part of his subjects threaten his position, but also because honour is ultimately the highest aim. Although he, therefore, cannot always be morally good, he must particularly make sure that he *appears* to be morally good.

In a later work Machiavelli extended his formulation of the problem, and asked the following question: what explains the success and eventual dissolution of states? Athens and especially Rome are in this investigation the big positive examples, the Italian city-states and especially Florence, the negative examples. The primary condition for success appears to be self-government. (Machiavelli calls it 'freedom'. This is likewise the meaning of the term in the title *Defence of Freedom against Tyrants*, and the slogan of the Dutch rebels, *pro religione et libertate*, for religion and liberty. The modern concept of *individual* freedom, however, only appears in modern natural law, for example, with Hobbes and Locke.) To protect their freedom, the citizens of a free state – as is the case with the prince – must have both luck and *virtù*, and the latter again entails the following: they must be prepared to do anything which is necessary, 'good' and 'bad', for the preservation of the state and of freedom. Freedom is lost when citizens withdraw themselves into their private lives, or when they use the power they have obtained in public life, for private purposes. (Note that Machiavelli's 'immorality' certainly does not entail egoism.) In the latter event, corruption, patronage, party conflict, and ultimately tyranny occur. The only way in which to prevent this from happening is through the design of suitable institutions; a successful state is the product of a great legislator. The institutions must not exclude all dissension, specifically that between rich and poor, but must use it precisely in such a way that each group guards over the patriotism of the other, and hence both groups are prevented from obtaining dominance. (This

is a theme that returns in the *checks and balances* of the American Constitution.) The institutions must oppose the formation of interest groups, and, therefore, equally the hoarding of private wealth. The ideal is: a rich treasure chest, poor citizens.

In this way Machiavelli gives a new form to the Aristotelian theme that 'the good life' is incomplete without active involvement in the public promotion of the general interest. This *republican* ideal, in contrast with royal absolutism as well as with 'the freedom of the individual', would until the American Revolution remain an important source of inspiration. It, for example, determined the self-esteem of the ruling class in the Dutch Republic, and the idea of 'the true freedom' which prevailed there (that is, the ability to govern without the supervision of a viceroy).

European history of the 16th century – the religious wars, the development of royal absolutism – gave as much impetus to realism as the Italian history of the 15th century. Among the small intellectual elite of humanists, this development increasingly led to the invocation of the classical philosophers of the sceptical school. The new sceptics established, in the first place, that in military and political matters – between the two domains a clear boundary hardly exists – moral considerations in fact do not play any role: in a situation where the profit of the one amounts to the loss of another, and cooperation thus makes no sense, no one is prepared to place unilateral restrictions on himself. Especially where morality would be required most of all, it thus does not exert any influence. The question this poses is whether the validity of moral norms is not simply illusory. The sceptics established, in the second place, that the misery of the religious wars is the consequence of the fact that the different parties adhere without reserve to their mutually contradictory beliefs. In this regard the question arose as to the actual grounds of these convictions, and whether these grounds are sufficient to profess the specific convictions with such force. On closer inspection it appears that the human capacity for knowledge is extremely limited; even our direct observation is often not trustworthy (think here of optical illusions); concerning the physical and moral worlds we can actually know nothing with certainty. People seldom base their opinions, however fanatically they adhere to them, on good grounds. They often simply derive them from their social environment. However, as Michel de Montaigne (1533–1592) remarked in a famous passage in his *Essais*, what kind of truth is it that counts up to the mountain over there, and behind it, is a lie? To be sure, most of these sceptical philosophical thinkers were of the view that some or other form of religious belief is necessary to keep a society together. (Even Machiavelli contended that without religion the undermining influence of self-interest would not be possible to resist.) However, some sceptics even dared to put this into question. A community of atheists was, in their view, conceivable, and at least better than one of fundamentalists.

The sceptics even turned away in disappointment from the republican ideal. The wise man attempts to cut himself loose from all ties and responsibilities, and thinks solely of his self-preservation in a world that is not ruled by wisdom, but by Fortune.

3.4 The Break with Tradition: The Scientific Revolution

At the start of the 17th century a new confidence arose in the human ability to obtain knowledge, based on the success of the emerging natural sciences (the mechanical and astronomical discoveries of Galileo Galilei (1563–1643); the discovery of blood circulation by Harvey (1578–1657)).

This scientific revolution created a new philosophical climate. Especially in France a circle of philosophers originated who, on the one hand, wanted to take seriously the sceptical criticism regarding Aristotelian thinking, and, on the other hand, believed that the emerging physics proved that the sceptical doubt concerning the ability of obtaining reliable knowledge was misplaced.

The first step was to radicalise sceptical doubt. The sceptics established that our senses sometimes cannot be trusted: the stick in the water is straight, but it looks like it is bent. In this instance we can rectify the mistaken observation, but perhaps other observations are mistaken in a way that cannot be rectified. The more fundamental question Galileo raised did not concern the number of mistakes in human observation, but the question to what extent observation can at all tell us something about the world. Our senses are activated by the outside world, and bring about certain impressions in our consciousness, for example, the impression of green grass. It is not only, as the sceptics said, not provable that the grass is green and not red. There is no reason to assume that the grass indeed has a colour; colours, sounds, smells do not exist in the objective world, but only in our subjective experience. In the external world only light vibrations of variable intensity are present, which appear to us as different colours only as a result of processing by our eyes. (The precise explanation is, of course, much more recent than Galileo.) The objective characteristics of reality are only size, form, number, and speed of movement. Each of these characteristics can be measured accurately; the resulting quantitative data lend themselves to mathematical treatment. 'The book of nature', according to Galileo, 'is written in mathematical letters'.

Physics is not, however, concerned with the registration of such measurements; what it comes down to is working out a *theory*, from which the results of observation can be deductively derived: the second and determinate step. Aristotle had formulated a number of laws of movement (for example, that the speed of a falling object is proportional to its weight), and learned people were used to treating these laws as axioms from which they deductively drew a number of conclusions (for example, that movement in a vacuum is impossible). Galileo established by experimentation that these conclusions were incorrect; subsequently he attempted to formulate other laws that could indeed explain the observable facts. Observation is thus essential for science, but not enough. Every separate observation can be misleading; but science can explain theoretically why the observation misleads us (for example, why the stick in the water looks bent), and so clear up the deception. Precisely because of this we draw a distinction between objective and subjective qualities, that is, on the one hand, the characteristics of reality itself, and, on the other, 'characteristics' which only exist in our experience: starting from the objective qualities (light vibrations), we explain the subjective (colours).

With this Galileo rejected as source of scientific knowledge all appeals to authority, of Aristotle as well as of the Bible. (This brought him into violent conflict with the Inquisition.)

The resulting image of the physical world was totally different from that of Aristotle. Aristotle explained natural movement and change as determined by a preceding final aim, analogous to the growth of an acorn into an oak tree or of an embryo into an adult man. This is perhaps still somewhat believable, but less so is his explanation of movement in inanimate nature in accordance with this biological model. Thus, a stone, for example, falls down (and not up) according to Aristotle because it is in search of its natural element, that is, the earth. For the same reason steam rises. According to the Aristotelian view, nature consists of four elements (earth, fire, water and air), which are mixed together. For as long as everything has not yet found its proper place, there will be movement. In short, all natural changes are caused by internal 'final causes', by means of which something realises its essential design. These purposes each have their own value, and, moreover, stand in a value hierarchy in relation to each other. Following from this, everything has the same highest, reasonable and ultimate goal.

Modern natural science states that the movement of inanimate things is caused by accidental, aimless forces which affect them from the outside; in other words, by 'efficient causes' instead of 'final causes'. A stone falling to the earth is thus not the result of an internal aspiration towards an end-goal, but – as Newton (1642–1727) would demonstrate – because of the influence of gravity, which can be formulated in sheer quantitative terms (that is, of the mutual distance between the two bodies and their weight, in this case of the stone and the earth). In the place of Aristotle's qualitative explanation of movement as a result of a specific internal principle of form or essential idea which is different for every kind, Newton developed uniform laws of movement which explain the movement of all kinds of bodies: both the fall of an apple from a tree, and the movement of the heavenly bodies. Newton stated that each body stays in the same state of movement (or in the same state of rest), unless an external force influences it (in contrast with Aristotle, who assumed that a movement ends as soon as something reaches its final goal); and that changes in movement are proportionate to the impact of such a force, as well as to the direction in which the force works. Differing from Aristotle's contentions, there is thus no unique internal cause of movement, and no predetermined direction or ultimate goal of such movement. The direction in which a thing moves is, according to Newton, dependent on the accidental presence of bodies which have an impact on it. In other circumstances the movement could proceed in a totally different direction.

Since natural science rejected final causes or internal essences (or ideas) as explanatory factors, only aimless matter remained of the Aristotelian dichotomy in nature between 'idea' (or 'form') and 'matter' (or 'substance'). Coming into existence, becoming, and perishing are simply rearrangements of matter.

Natural science, by its laws, found that *if* certain causes present themselves, *then* certain consequences would also set in. A person who knows this can make use of it to realise consequences which are desired. However, apart from human intervention, there is nothing which guarantees that everything would move in the right direction.

That a tile falls from the roof and hits the skull of the postman is a convergence of causal processes; no 'sense' or 'meaning' lies behind it. Natural science explains the occurrence of big natural catastrophes, such as floods (for example, with reference to the position of the heavenly bodies), just as competently as the operation of modern machinery, such as steam engines. Nature consists only of blind, normless and aimless processes. Knowledge thereof makes possible technical control of nature for arbitrary aims, good as well as evil.

Hence the hierarchical unity of the world, which Aristotle and Aquinas both presupposed, dissolves. In the place of an 'organic' worldview (analogous to an organic unity) came one that was 'mechanistic' (analogous to a mechanism, such as a clock): things and occurrences do not have a meaningful function in a necessarily coherent, co-ordinated whole, but are just like the cogs and arms of a clock, a combination of separate, measurable parts.

The fundamental insight into the difference between subjective and objective qualities – characteristics which exist only in experience, and characteristics which really belong to things – was acquired, as is often the case with great intellectual innovations, more or less at the same time by different persons independently of each other. Galileo was one of these, the French philosopher René Descartes (1596–1650) another. Descartes, however, went one step further. In our consciousness the things themselves do not appear, but only the impressions which are caused by the impact of the external world on our senses. All of us are thus actually sitting locked up in our own home cinemas, watching the movies of our impressions. When we see green grass, we can, therefore, doubt whether the grass is really green, or whether it indeed has a colour. But who actually guarantees that there is grass? How do we know that a world exists outside of our consciousness, with 'objective characteristics', and not only the movie that we are watching?

Descartes describes his philosophical method in *Discours de la Méthode* (Discourse on Method, 1637). When he discovered that nothing of what is regarded as true knowledge can actually, on good grounds, be accepted (here he thought particularly of the Aristotelian tradition), he decided to investigate whether any of the opinions he holds are completely free of doubt. How does one proceed with such an investigation? Descartes makes a list of all the things which he has until then regarded as true. This list consists of formulations of the following type:

'I think that X' (that grass is green, that grass exists, etc).

He subsequently establishes that everything with which he replaces X can be placed in doubt. It is, for example, possible that an evil spirit exists which deludes him with visions of a non-existing world full of green grass (and seemingly conscious co-creatures, too). Nonetheless, according to Descartes, one thing always remains which can absolutely not be placed in doubt, that is, the fact that *I think* that X. What I thus know with absolute certainty is that I myself exist as a thinking being. I can think by myself: perhaps the grass is not green, perhaps it does not exist, etc, but

as soon as I think: perhaps I myself do not exist, I realise that this is impossible. I contradict the statement by considering it. *Cogito ergo sum*: I think, therefore I am.

In this reasoning Descartes uses doubt as *method*. In other words, he does not really doubt whether a God exists, or a world as it is described by physics, but for as long as he cannot rigorously prove these opinions, he leaves them temporarily out of account, in search of his unquestionable foundation. As soon as he has found it in 'I think, therefore I am', he proceeds, with the assistance of the acquired insight, to first prove the existence of God (I can represent to myself, in thinking, a wholly perfect being, but the inferior cannot bring forth the superior, therefore I could not have created this idea myself, but must have been given it by this being himself), and subsequently the existence of a world outside of his own consciousness (a perfect being would not systematically mislead me with the delusion of a non-existing external world).

The Cogito is *clair et distinct*: as soon as one considers it, one knows for sure that it is true. This clarity and certainty must, therefore, likewise be the characteristic of all other true knowledge. Disconnected sensory knowledge lacks this characteristic; it is, however, certainly to be found in the mathematically formulated theoretical knowledge of natural science. Differing from Galileo, Descartes is of the view that observation is not essential for scientific knowledge. He regards the central ideas of God, spirit and matter as innate; from the insight into their existence it would, furthermore, be possible to deduce all theoretical knowledge. Characteristic of the philosophy of Descartes and his followers are the onerous demands which they place on scientific proof. Scientific reasoning must by way of fitting inferences (deduction) from unquestionable premises lead to indisputable conclusions. The best example is the way in which Euclid developed his geometry. (Spinoza would for this reason call his main work: *Ethica ordine geometrico demonstrata* (Ethics, proved in a geometrical way).) Descartes' arguments in support of the existence of God and the external world incidentally made much less of an impression than those for the *Cogito*.

The outcome of Descartes' reasoning was that the world is to be regarded as consisting of two totally different things or 'substances'. On the one hand, there is the *res cogitans*, consciousness or thinking, which exists only in time, but not in space. On the other hand, there is *res extensa*, matter, of which the primary characteristic is spatial extension. The ontology of Descartes is, therefore, dualistic, like that of Plato; the only difference is that Descartes does not assume any independently existing rational order external to consciousness. Man himself similarly consists of spirit and body, thought and matter. In the material world movement takes place in accordance with the aimless mechanical laws which science has discovered, including the movement which by means of our senses summons in us the idea of green grass. (Whereas the grass is thus in itself not green at all, but simply a quantity of moving matter of a certain form and size.) The problem is, of course, that this idea belongs to the sphere of thinking: how is it possible that material objects have a causal impact, not only on each other, but also on immaterial consciousness? The different philosophical systems of the 17th and 18th centuries are all, in the first place, attempts to find a more satisfactory answer to this question. According to some (Hobbes), only

matter actually exists, according to others (Berkeley), only spirit; and according to Spinoza, spirit and matter are simply manifestations of one underlying reality which he calls 'God'.

3.5 Modern Natural Law: Hugo Grotius

In political philosophy a similar development took place in the first half of the 17th century: the sceptical rejection of the authority of Aristotle was accepted, but scepticism itself was superseded by the finding of new foundations. (Preparatory work had already been done by the scholastic and Calvinist theories of the sovereignty of the people and the state contract.) Classical natural law with its perfectionist ethics, in which political life contributes to the complete realisation of human nature, is abandoned. Instead, the state acquires a much more limited goal. What for the sceptics was a disappointing conclusion: the only thing that remains for man is to secure his self-preservation, became the foundation of a new type of natural law; a political theory built on a narrow ethics.

The pioneering work in this respect was done by Hugo de Groot (1583–1645), known outside of the Netherlands as Grotius. His personal history shows a striking correspondence with that of Machiavelli: a humanistic education (already as a child renowned in Europe for his literary achievements), an important official position (Grand Pensionary of Rotterdam), because of political upheaval he falls into political disfavour and is imprisoned with his patron (Oldenbarnevelt). After having escaped from the castle of *Loevestein* in a book crate, he dedicates himself primarily to his literary and scientific work, with a pension paid by the French king. His main work is *De Iure Belli ac Pacis* (Concerning the law of war and peace, 1625). In *Mare Liberum* (The Free Sea, 1609), Grotius argued that the sea, like the air, belongs to all and is thus free, thereby clearing the way for Dutch colonial trade against the Spanish and Portuguese claims to monopoly. He added to this that since on the open sea jurisdiction is absent, one may start a war to enforce one's rights.

The fundamental legal-philosophical problem that Grotius attempts to solve is that of the binding force of law. Most law is positive law: it is a declaration of the will of an institution – the 'sovereign' – which within a specific territory disposes of the power to enforce its will, if necessary. It is not, however, from this power that law derives its binding force; then law would be nothing but a coercive system. It is rather its binding force which justifies the eventual use of coercion. The question arises, how it is possible for positive law to place us under an obligation.

What Grotius specifically wants to emphasise is that this is a reasonable question. It is not at all self-evident that the declaration of the will of another places us under an obligation. Grotius expresses this proposition as follows: 'by nature' the obligation does not exist. When we describe man in accordance with his essence: gifted with reason, dependent on community, then there is nothing in our description which compels the conclusion that one person should be subjected to the authority of another. We recognise in this the doctrine of the original condition of freedom

of Mornay and Althusius: 'by nature' people are free, and, certainly: everyone is equally free, thus also equal, equal in their freedom. Every person is, to start off with, his own sovereign.

If this is the case, there is only one way in which authoritative relations can arise: by way of voluntary subjection. The free man loses his freedom by voluntarily placing himself under the authority of another. Positive law thus ultimately binds us on the basis of an agreement. The subjects of a sovereign promised, or – this addition will become very significant – *must be regarded as having promised*, to obey his commands. However, this simply temporarily displaces the problem: what exactly is an agreement, and why does it bind? (A question which Althusius did not pose.) An agreement, Grotius answers, is a free act of will by means of which we give ourselves reasons to act in a certain way in the future. The binding force of an agreement is thus based on the reasonable insight that compliance with agreements is to be preferred to their violation. Why is this so?

It is such on the basis of natural law. Natural law consists of the rules which apply to us, not because of the will and authority of another, but because we are the way we are, in terms of human nature. This is because man is 'by nature' a communal being. This is, in turn, the case in a double sense: man has an *appetitus societatis*, a natural inclination to live in community. However, even in the event that community does not have this intrinsic meaning for man, then it still has an instrumental meaning: for the fulfilment of his elementary needs man is dependent on the help of others, and at least on their respect.

If community between people is then to be possible, they must be capable of attuning themselves to each other's actions. Unlike ants and bees, this does not happen automatically; man as free and reasonable being must do this consciously, and in accordance with general principles. These principles constitute natural law. One of the essential methods is the following: you declare what you want to do, and subsequently others can thus count on it that you will in fact do it. For this reason agreements are binding. Agreement is the mother of positive law, natural law the grandmother.

A later major representative of modern natural law, Samuel von Pufendorf (1632–1694), summarises this idea, fully in the spirit of Grotius, in the following formulation: duty is to do everything that is necessary for the maintenance of a peaceful community with others. (Hume (Section 6.2) will, for good reason, ask the question why the intermediate step of voluntary subjection via the social contract was necessary. If it is necessary for the maintenance of a peaceful community that political authority exists, does natural law then not directly prescribe that we have to be obedient to it? However, if this is not necessary, why would we agree to obey it? And on what basis would Grotius be allowed to assume that we have done so?) Common sense tells us that the citizen who contravenes positive law for the sake of an immediate benefit, destroys that on which his own abiding benefit depends. Someone who is ready to lay down law and reason will not easily find an ally. (This also applies to the relation between nations.) The social nature of man, moreover, reveals itself in such a way that, in the case of injustice, he can find no peace with

himself. Law and (personal) benefit are not in conflict with each other, but ultimately the one cannot be reduced to the other.

A peaceful community with others, according to Grotius, is only possible when people do not cause injury to each other. Everyone thus has, again 'by nature', certain rights: the rights to life, bodily integrity, freedom and honour. Everyone is, precisely for this reason, equally free, because everyone has the same natural rights; and natural law prescribes that these rights must be respected. The emphasis on subjective rights – likewise an invention of the scholasticism of the late Middle Ages – is one of the characteristics of modern natural law, distinguished from the classical conception thereof. The general interest dissolves into that of individuals.

The real foundation of the new ethics is ultimately self-preservation: human life is only possible in community, and life in community is possible only if people respect each other's rights. It is for this reason, according to Grotius, that no society exists in which violence is not prohibited, except as a form of self-defence. This is the minimal objective core of morality. (In contrast with the Aristotelians, the emphasis is on 'minimal'; and in contrast with the sceptics, on 'objective'.)

However, if the natural condition is one of equal rights, how can unequal rights ever be justified? Answer: when it is the result of voluntary agreements by means of which people give shape in more detailed form to their social relations. To promise something entails the renunciation of a right. And this right can then in terms of natural law not again be claimed.

How far can this go? Grotius hesitates in answering this question, but finally sees no bottom line. People can, when it is necessary for their self-preservation and it does not prejudice others, renounce their personal freedom, and make themselves the slaves of another, to whom they then owe absolute obedience. They can, similarly, subject themselves to the unrestricted authority of a king. This is of course not to say that they always do this, but they can. Natural law only requires that rights which have not been renounced, be respected; which rights have been renounced, and which not, is a factual, historical question. In light of the original situation of equal rights, the onus of proof lies on those who claim this authority. Grotius here introduces a maxim which one could refer to as the principle of compassionate interpretation: you may not assume that people have completely renounced their freedom unless it unambiguously appears to be the case. Therefore, Grotius can at the same time acknowledge that in some countries (France, his country of exile) the king rules with absolute authority, *and* insist that his Dutch ancestors had the right of resistance. His theory nevertheless tends towards absolutism. 'Originally' everyone has equal rights, but everyone must also stand up for their rights: defend themselves, punish the infringement of rights, enforce compensation. And it is precisely these powers which individuals at the establishment of a state transfer to their rulers. However, if one no longer has a right of self-defence against the sovereign, then one actually has no right against him at all. (How should one stand one's ground?) Indeed, abuse of power by rulers is a real danger, but a greater danger is civil war, and this is unavoidable if everyone defends his own rights.

The conclusion that no right of resistance exists against the state, was the radical conclusion drawn by Hobbes, the most discerning representative of modern natural

law, to which he gave a very unique twist (Section 4.1). We thus see that, probably contrary to what one would have expected, the introduction of the notion of 'natural rights' in political philosophy in the first place leads to the justification of unlimited monarchical power.

The absolute monarchy was, nonetheless, not happy with this, and it never became part of its official ideology. The reason was, that in accordance with this theory the rights of the monarchy were derived from the natural rights of their subjects. In the moral order the individual is most important, and political authority only of secondary importance. Even though authority is absolute, it is nevertheless acquired from individuals, and is aimed at the protection of their rights. The monarch remains a functionary. He, of course, preferred to acquire absolute power directly from God, and to owe only God the duty to serve the general interest. Everyone acknowledges that kings have to act in accordance with natural law. What should, however, be done if they do not comply with their obligations? Hobbes and another proponent of unlimited monarchical power, Robert Filmer (1589–1653), both denied that subjects then have a right of resistance. Hobbes, however, said this because a civil war was for him the greater evil. According to Filmer, God imposes on human beings bad rulers, as well as sickness and accidents, as a kind of trial. The first argument invites critical examination.

Like Hobbes, the third representative of modern natural law whom we will discuss, John Locke, uses all the conceptual instruments of Grotius: the social nature of man; a natural state of equal freedom, in other words, equal rights; the validity of natural law in the natural state which prescribes respect for rights; the voluntary renunciation of rights as the only possibility of arriving at unequal rights; the subjection to state authority as a form of renunciation of rights; the necessity of subjection because of the precariousness of the natural state; the derivation of all the powers of the state from the individual. The only difference is that Locke uses these devices in such a way that state authority is not made absolute, but, instead, bound by limits. With the contract by means of which a civil society is established, people do not give away all their rights. The entire purpose of the contract after all lies in the fact that natural rights are (to a large extent) protected. People should then be able to invoke their rights, also against the state. In this respect Locke returns to the older version of the story, as it was told by Mornay and Althusius.

Apart from Hobbes and Locke, we will in the next chapter pay attention to Spinoza. He, too, was an adherent of modern natural law. In his political philosophy he specifically wanted to show how piety, peace and freedom depend on each other. The contention that societal peace stands in the service of piety and individual freedom, brings him close to Locke. His entirely realistic appraisal of human passions, and his conviction that not so much an appeal to people's good intentions (including that of politicians), but a balance of power, provides the best prospect of decent behaviour, however, makes him resemble Hobbes.