

The Problem of Publius' Paternity

Locke, Hobbes and the Federalist Papers: An Essay on the Genesis of the American Political Heritage, by George Mace. Carbondale and Edwardsville: Southern Illinois University Press, 1979. 176 pp. \$12.50.

THE thesis of this book is interesting and probably controversial. Its main argument is that the political heritage of the United States, in particular its constitutional foundation, derives not from John Locke, as most, if not all, of us tend to believe, but from Thomas Hobbes. Whether that argument is valid or not depends on how the social and political philosophies of Locke and Hobbes are interpreted. And the interpretations in this book, with important qualifications, are intended to show that Locke is not so democratic and Hobbes not so totalitarian.

Professor Mace maintains that the American political heritage is based on a theory of natural rights, the statement of which can be found in The Declaration of Independence. This heritage then rests on the principle of the equality of all men and their inalienable rights to life, liberty and the pursuit of happiness. These are rights that as natural can neither be given up or taken away. All possess these rights freely which it is the aim of government to secure at the same time that they limit the power of government. The truths of the Declaration of Independence are "self-evident" and furnish the foundation upon which the legitimacy of government depends. But this

heritage derives from Hobbes rather than from Locke.

A number of ideas in Locke's theory, according to Professor Mace, show that he does not support the principles of the Declaration of Independence. Locke held that some men are superior and more qualified to rule. The basis for their superiority is property or what Locke calls "estate." Locke also connects happiness with material possessions and argues that for this reason there can only be happiness for some but not all. Although he does argue that government exists to secure the rights of all men, his restrictive doctrine on who possesses these rights limits the aim of government to "safety" but not equality and happiness for all. Moreover, Locke's notion of equality is linked to the power of the majority and this view undermines his claim that there is a right to revolution if and when the government fails to secure the same rights for all men. These and other ideas in Locke's theory lead to inconsistencies and contradictions that make it, according to Mace, more oligarchic than democratic in the sense of American democracy with its basis in the U.S. Constitution.

Hobbes, on the other hand, although he did not favor democracy as either the most

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desirable or correct form of government, did hold that all men are equal in rights and ability. They have inalienable natural rights which limit the ends of government to the assurance of not only the safety but the equality and happiness of all. When these rights are not secured, whether the rule be that of the majority, the few or one person, there is the right to rebel. Sovereignty is only unlimited, for Hobbes, Mace argues, within the sphere of the continual assurance of these rights for all.

The nature of all men is, according to Hobbes, passionate and egotistic. Reason enters in secondarily and as a check against human desires. In this way Hobbes sees all men living in obedience to the laws of nature which means that they seek the satisfaction of their own desires and interests. And all are and should be, within the limits of their ability and to varying degrees, free to do so. However, they agree through the social contract to limit their freedom to the extent that the same limits are placed upon all men. The nature of the sovereign which is distinct from his power does not differ in these ways from other men. Hence, the power that is given to one person to rule is purely political and conventional, a matter of covenant. It is absolute, but not totalitarian, because it is limited by the inalienable natural rights of all. Subjects, or citizens, whether they are ruled by consent or acquisition, retain these rights under all forms of government. The sovereign then will find it in his own interest and conducive to the satisfaction of his desires to act, like other men, according to the laws of nature which form the basis of the rights of all men. In fact, of course, Mace points out that the sovereign will find it preferable to favor those with wealth and power, but that is the sort of difficulty that Publius in *The Federalist Papers* is able to overcome.

Mace's arguments are much more detailed and specific than the above general outline indicates. They are supported further by close textual analysis and critical comparison and confrontation with other interpretations of Locke and Hobbes. He also points out

crucial distinctions in Hobbes theory that are either too often overlooked or their true significance misunderstood. For example, Hobbes' distinction between fact and value which is mediated by shared values, or his notion of authority and obligation which is bridged by a further idea of consent, and, in particular, his theory of sovereignty according to which subjects always retain their natural rights that place limits upon the power of the sovereign. In many instances he concedes the "speciousness" of Hobbes' arguments but then shows how and why the speciousness in question is part of Hobbes' justification of certain ideas. For example, the Hobbesian denial of free will but not of free choice and his idea of "external impediments." Freedom as ability and as accomplishment, or guarantee of success, Mace shows, are not the same for Hobbes.

The final goal of Mace's interpretation, however, is to show that Publius in *The Federalist Papers* ingeniously uses Hobbes' ideas about the passionate nature of man and his self-interest to provide a reliable foundation for a democratic society which can be found in the U.S. Constitution. For Publius, according to Mace, man's nature is passionate and these passions, as with Hobbes, must be reflected in government. This nature leads to conflicting interests and factions among all individuals and groups in any society. The only effective and just way to deal with these conflicting interests and factions is through representative (impure) as opposed to participatory (pure) democracy. Representative democracy can and should reflect and encourage all interests and factions because in doing so it checks the danger of Locke's majority and Hobbes' tyrant. The more interests that each individual and group pursues, especially commercial interests, the better, for then no one individual or group can ever gain control of the government. In this way private interest and factions can be made to serve the public good. Different opinions and competing interests then preserve the causes of instability but by means of law and government their effects may be controlled.

This view of self-interest and factions is to be effectively regulated through the separation of powers in the U.S. Constitution. The Constitution structures government so that no one branch may dominate and control the other. Government then reflects, as it must, human nature. In *The Federalist Papers* Publius provides not just a theoretical but a practical solution to the passions of human nature and the conflicts and divisions these passions cause in society. This solution which is found in the institutions of courts, legislatures, the preservation and encouragement of freedom as checks on and against the passionate and factional nature of human existence in society is closer, given Publius' modifications, to Hobbes than to Locke. The teachings of Publius show us how "to secure the rights of man while providing stability." They enable us to overcome the "unchecked majority rule" of Locke and make happiness *the* end of government, within the limits of law, as Hobbes argued, in the American political heritage. On the basis of this interpretation Professor Mace goes on to establish a number of conclusions about the genesis of

the American political heritage that are truly, to use two overly used words, provocative and stimulating.

Professor Mace's thesis is convincingly and cogently presented and developed. It proposes a different, perhaps radically different, way of looking at Hobbes, Locke and Publius in *The Federalist Papers*. It also forces the reader, or did this reader, to reconsider his uncritical assumptions about the history and interpretation of social and political philosophies. And there is something refreshing, though perhaps disturbingly so, about seeing Hobbes' egotistic theory of human nature and society as a foundation for the pursuit of happiness in the American political heritage. Yet one may continue to wonder about that argument. Did Publius perhaps take too much of his theory from Hobbes and overlook other features of human nature, more benevolent and co-operative and reasonable ones? Or did Publius in the end simply replace Hobbes' notion of the war of all against all and each against each with the war of the rights of all against all and each against each. This is a book that is well worth reading.