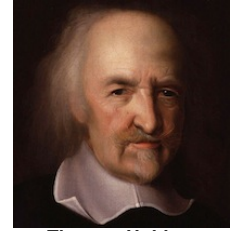


# The Individual in Law and Government

## Mechanical World, Atomistic Self, Artificial State

**Thomas Hobbes** (1588-1679), a contemporary of René Descartes and one of the fathers of modern philosophy in England, viewed the universe as a huge mechanical system made up of bits of matter called atoms; and human beings were machines within this mechanical system, and viewed collectively were themselves like isolated atoms; and the civil state was an artificial machine, constructed of these individual human beings:



**Thomas Hobbes**  
(1588-1679)  
c.1669-70, oil on canvas  
[National Portrait Gallery,  
London]

Nature (the Art whereby God hath made and governs the World) is by the *art* of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life is but a motion of limbs, the beginning whereof is in some principal part within; why may we not say that all *automata* (engines that move themselves by springs and wheels as does a watch) have an artificial life? For what is the *heart*, but a *spring*; and the *nerves*, but so many *strings*; and the *joints*, but so many *wheels*, giving motion to the whole Body, such as was intended by the Artificer? *Art* goes further, imitating that rational and most excellent work of nature, *man*. For by art is created that great LEVIATHAN, called a COMMONWEALTH or STATE (in Latin CIVITAS) which is but an Artificial Man; though of greater stature and strength than the Natural, for whose protection and defense it was intended. [Leviathan, Introduction]

A human society, for Hobbes, is a set of individuals who come and stay together purely out of self-interest, agreeing to limit certain of their freedoms in order to increase their security, and thus their overall well-being. In Hobbes's mechanistic world, we possess no natural sympathies for one another. We are, by our very nature, radically selfish, concerned only with our own preservation; and thus our natural state is one of constant war, each against all, until we agree to leave that rough state and construct out of ourselves an artificial machine — the Civil State — built from a set of contractual agreements through which we forfeit certain of our liberties.

In this Hobbesian world, individuals are primary, and society exists only insofar as the individuals decide to form themselves into such. The human being existing outside of society — an oxymoron for the Greeks — became paradigmatic for these moderns.

Hobbes describes the transition from the State of Nature to the Civil State:

Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man. For WAR consists not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of *time* is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lies not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consists not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is PEACE.

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short. [Part One, Ch. 13, §§8-9]

Leaving this wretched *state of nature* required transferring most of our powers to a central authority, a sovereign king or parliament denoted by Hobbes as “Leviathan”:

The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort as that by their own industry and by the fruits of the earth they may nourish themselves and live contentedly, is to confer all their power and strength upon one

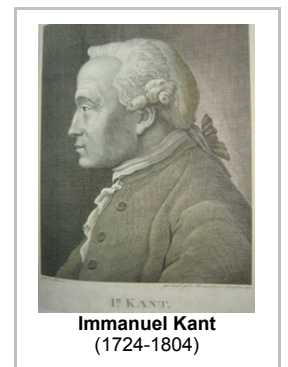


Frontispiece to Hobbes' *Leviathan* (1651)

man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so bears their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement. This is more than consent, or concord; it is a real unity of them all in one and the same person, made by covenant of every man with every man, in such manner as if every man should say to every man: I authorise and give up my right of governing myself to this man, or to this assembly of men, on this condition; that thou give up, thy right to him, and authorise all his actions in like manner. This done, the multitude so united in one person is called a **COMMONWEALTH**; in Latin, **CIVITAS**. This is the generation of that great **LEVIATHAN**, or rather, to speak more reverently, of that mortal god to which we owe, under the immortal God, our peace and defence. For by this authority, given him by every particular man in the Commonwealth, he hath the use of so much power and strength conferred on him that, by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad. And in him consists the essence of the Commonwealth....

### Kant on Enlightenment

*Enlightenment is man's emergence from his self-imposed immaturity.* Immaturity is the inability to use one's understanding without guidance from another. This immaturity is *self-imposed* when its cause lies not in lack of understanding, but in lack of resolve and courage to use it without guidance from another. *Sapere Aude!* [dare to know] "Have courage to use your own understanding!" — that is the motto of the enlightenment.



Laziness and cowardice are the reasons why so great a proportion of men, long after nature has released them from the guidance of others (*naturaliter maiorennis*), nonetheless gladly remain in lifelong immaturity, and why it is so easy for others to establish themselves as their guardians. It is so easy to be immature. If I have a book to serve as my understanding, a pastor to serve as my conscience, a physician to determine my diet for me, and so on, I need not exert myself at all. I need not think, if only I can pay: others will readily undertake the irksome work for me. The guardians who have so benevolently taken over the supervision of men have carefully seen to it that the far greatest part of them (including the entire fair sex) regard taking the step to maturity as very dangerous, not to mention difficult. Having first made their domestic livestock dumb, and having carefully made sure that these docile creatures will not take a single step without the walker to which they are harnessed, these guardians then show them the danger that threatens them, should they attempt to walk alone. Now this danger is not actually so great, for after falling a few times they would in the end certainly learn to walk; but an example of this kind makes men timid and usually frightens them out of all further attempts.

Thus, it is difficult for any individual man to work himself out of the immaturity that has all but become his nature. He has even become fond of this state and for the time being is actually incapable of using his own understanding, for no one has ever allowed him to attempt it. Rules and formulas, those mechanical aids to the rational use, or rather misuse, of his natural gifts, are the shackles of a permanent immaturity. Whoever threw them off would still make only an uncertain leap over the smallest ditch, since he is unaccustomed to this kind of free movement. Consequently, only a few have succeeded, by cultivating their own minds, in freeing themselves from immaturity and pursuing a secure course.



But that the public should enlighten itself is more likely; indeed, if it is only allowed freedom, enlightenment is almost inevitable. For even among the entrenched guardians of the great masses a few will always think for themselves, a few who, after having themselves thrown off the yoke of immaturity, will spread the spirit of a rational appreciation for both their own worth and for each person's calling to think for himself. But it should be particularly noted that if a public that was first placed in this yoke by the guardians is suitably aroused by some of those who are altogether incapable of enlightenment, it may force the guardians

themselves to remain under the yoke — so pernicious is it to instill prejudices, for they finally take revenge upon their originators, or on their descendants. Thus a public can only attain enlightenment slowly. Perhaps a revolution can overthrow autocratic despotism and profiteering or power-grabbing oppression, but it can never truly reform a manner of thinking; instead, new prejudices, just like the old ones they replace, will serve as a leash for the great unthinking mass.

Nothing is required for this enlightenment, however, except *freedom*; and the freedom in question is the least harmful of all, namely, the freedom to use reason publicly in all matters. [...]

— From the essay: Immanuel Kant, "What is Enlightenment?" [Original publication: "Beantwortung der Frage: Was ist Aufklärung?," in *Berlinische Monatsschrift* (December, 1784), pp. 481-94]

### Declaration of the Rights of Man and of the Citizen (1789)

The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all. Therefore the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:



Attributed to Jean-Jacques-François Le Barbier (the elder)  
[Musée Carnavalet, Paris]

#### Articles:

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.
5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.
6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.
7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.
8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one

shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.

10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be intrusted.

13. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection and the duration of the taxes.

15. Society has the right to require of every public agent an account of his administration.

16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

17. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.

— Approved by the National Assembly of France, August 26,  
1789