

Schopenhauer on the State and Morality

Abstract

This chapter argues that Schopenhauer's political philosophy, on the one hand, is conservative in character, while his moral philosophy, on the other, has progressive applications to social and political life. While this is not inconsistent in itself, it does confound Schopenhauer's expectation that the norms of political justice converge on the same set of outwards behaviors as the norms of moral justice.

Introduction

On 18 September, 1848, as revolutionary violence raged on the streets of Frankfurt-am-Main, Schopenhauer (with some eagerness) allowed a troop of Austrian soldiers to use his second floor apartment as a convenient higher ground for picking off the troublesome rebels below. When the troop moved to a neighboring house for a better vantage point, Schopenhauer sent after them his opera glasses. This, Schopenhauer's single intervention in the wave of uprisings and attempted revolutions that swept across Germany and the rest of Europe in 1848 and 1849, was echoed in his decision to bequeath most of his estate to a charitable fund set up for "the support of the Prussian soldiers who fought for the maintenance and restoration of legal order in Germany" and the dependents of the soldiers killed.¹ It also neatly illustrates the general outlook of his political philosophy: on the side of preserving the established political order, on the grounds of keeping the peace, from a fear-tinged position of relative security.

Schopenhauer's contribution to political philosophy is surely the least studied of all his contributions to the major strands of Western philosophy.² However, it would not be unfair to

suggest that this is a problem of Schopenhauer's own making. For a start, the significance to which politics and political philosophy could possibly aspire within Schopenhauer's system is severely limited by the depth of Schopenhauer's ahistoricism. For Schopenhauer, nothing really changes; there is more to learn from the poetry of war, for instance, which represents to us the eternal volatility of human nature, than there is from the history of war, which merely records the order and details of human nature's various fleeting manifestations (WWR I, 269-275; WWR II, 439-446). If nothing really changes, then, *a fortiori*, politics changes nothing. It is no surprise, then, that Schopenhauer allocates just two sections (§§61-62) of the first volume of *The World as Will and Representation* to his political philosophy.³ Relatedly, the content of Schopenhauer's political philosophy does not appear to aspire to make any major advances in the field. In spite of some subtle and important differences, and some potential theoretical gains, on the whole, Schopenhauer fits fairly neatly into the lineage of Hobbes and Locke, as a natural law theorist and common-sense advocate of the social contract.

There is, however, an important exception to the relative quiet and unconcern about Schopenhauer's political philosophy – or, more precisely, Schopenhauer's political character. Around the middle of the 20th century, following the rise of Nazism, many German-speaking intellectuals began to interpret and re-interpret the newly politicized history of German letters. György Lukács' book *The Destruction of Reason* – a history and Marxist critique of irrationalist philosophy “from Schelling to Hitler,” in Lukács' words – is a prime example in which Schopenhauer plays no small part.⁴ Schopenhauer was, in Lukács' view, “the first irrationalist standing on a purely bourgeois foundation.” Thus, anecdotes such as the one at the beginning of this chapter were grist to Lukács' mill.⁵ In particular, Lukács was suspicious of how Schopenhauer's ahistoricism relegates the possibility of substantial political change, as mentioned above, as well as the ideological pathway that is suggested by a metaphysics in which the world is eternally tyrannized by a groundless, arational will.

By contrast, the second volume of Karl Popper's *The Open Society and Its Enemies*, in which it is Hegel, among other post-Kantians, who paves the way ideologically for future totalitarian regimes, casts Schopenhauer as an outside voice uniquely able and willing to speak truth to power. Popper does not undertake an analysis of Schopenhauer's politics, much less Schopenhauer's actual political philosophy, but he does repeatedly (and aptly) quote Schopenhauer's multiple pronouncements on the malign influence that the Prussian state, under the reign of King Frederick William III, deliberately exerted upon intellectual honesty, rigor and freedom.⁶

In this chapter, I shall be arguing that there is an element of truth to both Lukács' and Popper's conclusions about whether the political character of Schopenhauer's philosophy is conservative or critical. It all begins with Schopenhauer's strict separation of the incentive behind the institution of "temporal justice," or in other words the state, from the incentive behind "voluntary justice."⁷ The former incentive is egoism, which according to Schopenhauer has no moral significance, whereas the latter incentive is compassion, the basis of morality.

On the one hand, I shall argue, due to its assertion that the fear of being wronged by another person is the sole motivation for the social contract upon which the state is founded, Schopenhauer's political philosophy is seriously exposed to a well-known objection to contractarianism: that the contractarian's sphere of concern extends only as far as groups who are already powerful and potentially threatening, and so to the exclusion of groups who are historically relatively powerless and vulnerable. Insofar as his political philosophy itself is concerned, then, Schopenhauer does indeed advocate an unsightly form of conservatism.

On the other hand, however, I shall argue that Schopenhauer's moral philosophy, which is not developed along contractarian lines, but is grounded in compassion with sufferers, concerns itself (not exclusively) with the same relatively powerless and vulnerable groups that his political philosophy overlooks, as evidenced by some of the examples that Schopenhauer

himself adduces as confirmation of his moral philosophy, such as the abolition of slavery and the animal welfare movement. Insofar as his broader ethics are concerned, then, Schopenhauer's philosophy has progressive applications to political and social life.

In other words, while the state may be merely a legal institution, according to Schopenhauer, and in several senses not a moral one, this very separation of the grounds of law from the grounds of morality allows that the state is not above external moral criticism. Toward the end of this chapter, I shall discuss the extent to which this heals the problem of exclusion in Schopenhauer's political philosophy.

Voluntary justice

I shall start by outlining two of the different species of justice distinguished by Schopenhauer: first "voluntary justice," or justice as a moral virtue, and then "temporal justice," or justice as political and legal practice, which I shall examine in greater detail.⁸

Voluntary justice begins, naturally, with the difference between wrong and right. Wrong is defined by Schopenhauer as: "The violation of the boundaries of someone else's affirmation of will" (WWR, I 360-361; see also OBM, 207-209; PP II, 217-218). In other words, to act wrongly is to pursue one's own ends to such an extent that one encroaches upon the ends of another. From this general definition of wrong Schopenhauer derives a sample set of concrete wrongs, ranked according to the degree to which they cross the boundaries of someone else's affirmation of will:

[Wrong] expresses itself most perfectly ... in cannibalism ... After this comes murder ... Intentionally mutilating or even injuring someone else's body ... can be seen as essentially the same as murder, differing only in degree. Wrongdoing manifests itself

further in the subjugation of other individuals, in forcing them into slavery, and finally in the assault on someone else's property (WWR I, 361-362).⁹

The last wrongdoing mentioned, assault on someone else's property, counts as wrong in Schopenhauer's book due to his labor-mixing theory of property. Property, according to Schopenhauer, "can only be what someone has worked on personally and put his energy into" (WWR I, 362) and is therefore an extension of a person's will.¹⁰ Thus, pushing the point somewhat, Schopenhauer claims that assault on someone else's property "is essentially the same as slavery" (WWR I 362), the difference between the two being merely a matter of degrees. Importantly, this makes the wrong of assault on someone else's property as naturally wrong as an assault on their person, and not just wrong as a social or legal convention.¹¹

There are two different species of wrong, according to Schopenhauer: violence and cunning (WWR I, 363; OBM, 212-215). To act violently is to act wrongly by sheer brute force, whereas to act cunningly is to act wrongly "by supplying the other person's will with *illusory* motives," or in other words, to lie (WWR I, 363-364). They are, according to Schopenhauer, morally equivalent: what matters morally is the extent to which the boundaries of another individual's affirmation of will are violated, not the means by which this is done, so neither violence nor cunning is morally worse in and of itself. Nevertheless, for extra-moral reasons, cunning is correctly perceived as being more "ignominious," according to Schopenhauer, since violence merely debases material power, whereas cunning debases something far more valuable: trust. Thus: "Disloyalty and treachery tear apart this last external bond and give boundless scope to the consequences of egoism" (WWR I, 365).¹²

Two further aspects of Schopenhauer's definition of wrong will turn out to be highly important for his political philosophy. First, failure to fulfill an agreed contract fits the criteria of cunning: the will of one party to the contract is steered under pretenses of mutual benefit

that turn out to be, perhaps always were, false. Indeed, a broken contract is “the most perfect lie” (WWR I, 364), according to Schopenhauer. Whereas a regular lie merely misguides action,¹³ a broken contract actively extorts a pledge from the victim; the terms according to which her will is to be manipulated are drafted into it (OBM, 211). Second, any victim of wrong retains “a *right of compulsion*,” in other words, a right to use violence or cunning out of self-defense (WWR I, 366-367).¹⁴ Schopenhauer derives this right from the very logic of his definition of wrong: when a person “encroaches on the sphere of the affirmation of will essential to *my* person as such, and in doing so negates it, my resisting this encroachment is just the negation of that negation, and to this extent nothing more on my part than the affirmation of the will” (WWR I, 366). A happy consequence of this derivation is that exercise of the right of compulsion is morally constrained in proportion to the extent of the wrongdoing to be resisted, since one is permitted to negate the original negation and no more. Putting these two together: the victim of a broken contract has a moral right to compel the perpetrator to fulfill it.

A person exhibits voluntary justice, according to Schopenhauer, when she chooses to refrain from doing wrong for no other reason than that it is her inner inclination (WWR I, 397; OBM, 204-207). Since voluntary justice is concerned only with the wrongs from which one refrains, it is explicitly characterized by Schopenhauer as a *negative* virtue (OBM, 204). The concept of right itself is also essentially negative, according to Schopenhauer: it “contains only the negation of wrong, and it includes ... any action that is not the negation of the other’s will through the stronger affirmation of my own” (WWR I, 365). The positive counterpart to justice, the virtue of loving kindness (*Menschenliebe*), describes the inclination actively to do good for another person, typically to assist her in overcoming her suffering,¹⁵ rather than merely to refrain from being its cause, and so is morally a step forward. Together, the virtues of justice and loving kindness correspond to the two parts of the “the highest principle of ethics”

according to Schopenhauer: *Neminem laede; imo omnes, quantum potes, iuva* (Harm no one; rather help everyone to the extent that you can). The principle as a whole, Schopenhauer thinks, describes the behavior of those who are guided by a sense of compassion, “the sole genuine moral incentive” (OBM, 197-203; see WWR I, 397-401).¹⁶

However, the inclination to act justly is not relatively the strongest inclination in a typical person’s moral psychology, according to Schopenhauer. The strongest and primary inclination is to act egoistically, that is, in such a way as to pursue one’s own ends and existence above all else (see WWR I, 357-359; OBM, 190-192). Egoism is the “natural perspective” (WWR I, 358), according to Schopenhauer, not just because every sentient creature, human beings included, has the will-to-life coursing through its veins.¹⁷ It is also because each of these creatures manifests the will-to-life in the form of a discrete subject. “In consequence of the subjectivity essential to each consciousness, each is for himself the whole world” (OBM, 190): thus, the annihilation of the ego is subjectively indistinguishable from the objective annihilation of the entire world, and hence, each “is ready to sacrifice all others for himself, ready to negate the world just to preserve his own self, this drop in the sea, for a little while longer” (WWR I 358). Where voluntary justice is inclined to refrain from transgressing the boundaries of another’s will, egoism is inclined to transgress any and every boundary, if doing so appears to be to its own advantage.

Temporal justice: the political contract as the foundation of the state

At this point, then, we turn from voluntary justice to “temporal justice,” which is the term that Schopenhauer uses – occasionally, idiosyncratically, but prominently – to encompass his political philosophy as a whole.¹⁸

The overwhelming ubiquity of egoism makes it inevitable that one will find oneself on the receiving end of some wrongdoing at some point, and thus makes desirable the protection afforded only by the political organized state. The state, therefore, arises “out of mutual fear of mutual force” (OBM, 192). Revealing some of his stripes as a political philosopher, Schopenhauer explicitly concurs with Hobbes that, in the absence of the state, human society would be a treacherous “war of all against all” (WWR I, 359; OBM, 192).

Schopenhauer emphasizes how this marks the essential and important difference between morals and politics. “The pure *doctrine of right*” (*Rechtslehre*), according to which wrong is distinguished from right as above, is “a chapter in morals” insofar as it “relates directly and exclusively to what people *do*, not to what they *suffer*” (WWR I, 368). It is concerned with the inner significance of actions: whether they are performed out of compassion (*Mitleid*), egoism (*Egoismus*), or the third possible incentive, malice (*Bosheit*).¹⁹ By contrast, “political science [*Staatslehre*] ... is exclusively concerned with *suffering* from wrong” (WWR I, 370). “It cares only about the deed,” according to Schopenhauer, “the only thing that the state takes to be real: the disposition, the intention is investigated only to the extent that it can shed light on the meaning of the deed” (WWR I 370-371). The political “theorist of rights” (*Rechtslehrer*) studies and devises the necessary measures to be taken in order to prevent and protect people from wrongful deeds, and is thus an “inverted moralist” (WWR I, 371; see also OBM, 209).

The state is endowed with the legitimate right to prevent and protect the people from wrongful deeds by means of a contract founded upon the very egoism that would make the state of nature so volatile in the first place. Human beings, equipped with reason, are able to judge that it is in everybody’s interest, not least their own personal interests, “to spare everyone the pain of being wronged by having everyone also renounce the pleasure of doing it” (WWR I, 369). From this rational egoism arises “the *political contract*” (*Staatsvertrag*), an agreement not to commit wrong on the condition that one is spared from being wronged by others. The

state is not properly founded, according to Schopenhauer, until such a contract is agreed to by popular consent, which rules out despotism, in spite of its being a kind of social order which, in principle, may afford a kind of social peace, as much as it rules out the anarchy “of a collection of independent savages,” that is, the state of nature itself (WWR I, 370).

Nevertheless, even legitimate governments are imperfect, according to Schopenhauer: “Republics tend towards anarchy, monarchies towards despotism, and the constitutional monarchy, which was then devised as a middle ground, tends towards factional control” (WWR I, 370). Schopenhauer proposes the margin by which a given state successfully avoids such degeneration as a measure of its perfection. The least imperfect and most sustainable form of government, according to Schopenhauer, is a hereditary monarchy. Like any form of monarchy, hereditary monarchy tends toward despotism. What differentiates it from despotism, however, apart from popular consent, is that the monarch always acts in the public’s best interest. Schopenhauer mentions two ways in which this is achieved – which, it ought to be said, are neither convincing separately, nor fully coherent together. The first is that “having *one* family whose well-being is inseparable from that of the country” entails that “they cannot promote the one without the other” (WWR I, 370). This is another way of making egoism serve the public good. The second is that a monarch who is placed so high above the common people in terms of wealth, power, security and esteem, such that “the egoism that dwells in him, as in everyone, is annihilated, as it were, by neutralization” (WWR II, 595), will only concern himself with justice, for its own sake. In this case, monarchy is supposed to transcend egoism.²⁰

The state’s sole moral and legal remit, then, validated by the political contract of its citizens, is to protect its citizens from being wronged by one another. To do this, the state must prevent wrongful actions from occurring in the first place – not because it is legitimately interested in wrongful actions themselves, which go beyond its remit, but because of the necessary connection between someone’s doing wrong, on the one hand, and someone else’s

being wronged, on the other (WWR I, 370). The state achieves this, according to Schopenhauer, by means of the punishment of wrongdoing.

Temporal justice: punishment

Schopenhauer's theory of punishment is a relatively well-developed branch of his political philosophy and a conduit for its principles. Punishment, for Schopenhauer, is yet another way of utilizing rational egoism for the public good. Since the virtue of voluntary justice cannot be counted on, rather than appealing to an appreciation of the inherent wrongfulness of certain actions, the law must instead appeal to citizens' egoistic aversion to being wronged themselves. Accordingly, it is the job of state legislation "to counter every possible motive for wrongdoing with a stronger motive for failing to do wrong, in the form of inevitable punishment" (WWR I, 371). The substance of legislation should still be contoured by the pure doctrine of right, according to Schopenhauer, which delineates the important moral boundaries between right and wrong – only, "these boundaries are barricaded on the passive side" (WWR I, 371) by threatening the would-be wrongdoer with adverse material consequences. Citizens must accept the threat of punishment as part of the political contract, or else they only have each other's word to go on – which, as we know from above, is not worth much.

In other words, Schopenhauer advocates a deterrence theory of punishment.²¹ Indeed, he can advocate little else, given some of his other commitments. Retributivism, the theory that wrongful actions simply deserve punishment, is ruled out on the grounds that the state has no legitimate business in addressing the wrongfulness of citizens' actions directly, but only their harmful consequences to other citizens. Rightful punishment, Schopenhauer says, "has a purpose for the future" (WWR I, 375); that is, it aims to prevent future wrongs – or rather the suffering from wrongs – from occurring, rather than correct the balance after a wrong has

occurred. There is, therefore, also a tone of moral queasiness about Schopenhauer's views on retributivism. Because it falls outside of the rightful scope of law as he sees it, Schopenhauer closely identifies retribution with the sheer desire for revenge: "When you retaliate for a wrong by inflicting pain without any future purpose, this is revenge ... Repaying evil with evil ... is neither moral nor otherwise justifiable through any rational ground, and the right of retaliation ... is senseless" (WWR I, 374-375; see also OFW, 112).

The option of rehabilitation, on the other hand, where the justifying aim of punishment is to reform the criminal and restore her back to society, is complicated by certain elements of Schopenhauer's broader moral philosophy. Schopenhauer is very pessimistic about our ability to effect a genuine moral reformation in another person: to alter someone's moral character "is much more surely impossible than our being able to transform lead into gold" (OBM, 240).²² According to Schopenhauer, this is because the unique relative proportions of a given person's separate inclinations to serve her own will (egoism), to serve the will of another as her own (compassion), and deliberately to frustrate the will of another as an end in itself (malice), are "inborn and ineradicable," and unchanging throughout her lifetime (see OBM, 235-244).²³ This theory of moral character is developed in answer to the question of why moral conduct differs from person to person with the added difficulty that, according to Schopenhauer, a person's empirical character is merely the revelation of her intelligible character; her own personal essence which lies outside of the principle of sufficient reason.²⁴

Admittedly, further inspired by the Kantian theory of moral character which to a large extent informs the theory above, Schopenhauer asserts the existence of "*true moral freedom*, which is of a higher kind" (OFW, 105). According to Schopenhauer, such true moral freedom is grasped in the unshakeable responsibility one feels for one's own moral character itself, lying as it does outside of the principle of sufficient reason, as opposed to the actions which flow from that character, which are within the domain of deterministic necessity (OFW, 105-109).

Exercise of this transcendental freedom is arguably exemplified in Schopenhauer's theory of the sublime and his ascetic moral philosophy, both of which involve the subject in a conscious inner struggle against the will.²⁵ However, the very fact that exercise of such freedom is ultimately precipitated by these instances of frankly extraordinary internal struggle, may allow us to reconcile Schopenhauer's admission of transcendental freedom with his general pessimism about moral reformation: the problem of rehabilitation might be seen more as the impossibility of *inducing others* to take such morally active responsibility for themselves.

The only form of rehabilitation for which Schopenhauer holds out any positive hope is intellectual rehabilitation. It is possible, he thinks, not to change character, but to supply character with better knowledge, and thus better motives, so that it might manifest itself in less destructive ways. For this reason, Schopenhauer praises the American penitentiary system, which, so he believes, "does not intend to improve the *heart* of the criminal, but merely set his *head* to rights" (OBM, 240; see also WWR I, 597).²⁶

The state's moral and legal right to distribute punishments, as opposed to merely threatening punishment as a deterrent, is an instance of the right of compulsion upon a broken contract, mentioned above. By means of committing the wrong of injuring another citizen, the criminal has committed the additional wrong of breaking her contract with political society. By breaking her contract, she forfeits the protection that it affords, and thus opens herself up to punishment. Even so, the state's exercise of the right of compulsion is conditional.

When a citizen breaks the political contract, it does not directly follow that the state has the right or obligation to punish that citizen: as far as it goes, the state's right of compulsion may not be exercised to its full extent, on precisely the same grounds that any right to self-defense may not be. Furthermore, the range of possible moral and legal justifications that the state can give for exercising its right of compulsion in the form of distributing punishment is far more limited than, say, a normal citizen's possible justifications for exercising her right of

compulsion in a private matter. Even after discounting revenge and retribution out of hand, some possible interests that a private citizen might have in exercising her right of compulsion privately, such as the protection of her own life or the restoration of her property, supply her with good (albeit defeasible) possible reasons to do so. By contrast, where the decision to punish is concerned, the state, at least according to Schopenhauer, has only one morally and legally validated interest: deterring wrongdoing in order to protect its citizens from being wronged. It follows that the state has the right and obligation to distribute punishments on the grounds of the right of compulsion, not absolutely, but only where the distribution of punishment would add to the general deterrent – or conversely, where the failure to do so would detract from it.

It is on the latter grounds that Schopenhauer in fact justifies the state's right and obligation to distribute punishments: "If [punishment] fails to have [a deterrent] effect in an individual case, it must be implemented, because otherwise it would fail to have it in all future cases" (OFW, 112; see also WWR I, 374). The state's right and obligation to punish follows from the separate and primary obligation of the state to protect the people, combined, importantly, with the fact that the protective-deterrent function of punishments depends upon their being reliably handed down. Thus, the distribution of punishments, too, is future-oriented: as a ground for the right to distribute punishments, the state's moral right to honor a contract that was made in the past, while a necessary condition, is still morally and legally incomplete without the state's further obligation to carry the purpose of that contract into the future.

Here, then, we must reconsider Neil Jordan's interpretation of Schopenhauer's grounding of the right to distribute punishments, or at least one reading of his interpretation. Jordan seems to imply that the state is armed with the right to punish, and burdened with the duty to do so, solely on the grounds of "the *fulfilment of the law as a contract*" (WWR I, 374). To this extent, Jordan argues that Schopenhauer's theory of punishment is an anticipation of

H. L. A. Hart's hybridized two-stage theory of punishment, where the "general justifying aim" of punishment is utilitarian in its concern for harm-reduction, whereas the distribution of punishment – that is, who actually deserves to be punished and in what amount – is decided on retributivist grounds.²⁷ However, the comparison is not quite fitting.

Firstly, as Schopenhauer repeatedly stresses in his disdain for retributivism, it is not within the state's moral and legal remit to punish wrongfulness as such. There is no reason to think that this changes after punishment has failed as a deterrent in the particular case. Thus, the state is not obliged to punish the criminal just because she broke her contract with the state. Rather, as above, the state is morally and legally bound only to protect its citizens from being wronged, and forcible fulfillment of the law as contract, including punishment, is the socially and legally agreed means by which this is done.

Secondly, there are not two separate stages to Schopenhauer's theory of punishment, one forward-looking (and utilitarian), the other backward-looking (and quasi-retributivist). Schopenhauer is just as plain about the exclusive forward orientation of truly moral and legal punishment as he is about its (related) non-retributivism: "The law *and its implementation* [emphasis added], i.e. punishment, are essentially directed to the *future*, not the *past*" (WWR I, 374). Accordingly, Schopenhauer's theory of punishment is forward-looking from beginning to end. Before the commission of her crime, punishment relates to the criminal as it does to any other citizen, as a threat aimed at deterring her future crime. After her crime, it continues to have the same relationship toward her and the rest of society, only now, through her punishment, she has additionally become the necessary and rightful means of sustaining this general relationship in a way that law-abiding citizens have not.²⁸ It is, of course, an important necessary condition of her rightful punishment that the criminal has broken her contract (more on which shortly). However, breaking her contract is not ultimately the reason *why* her punishment is morally and legally correct.

Rather than anticipating Hart's two-stage theory of punishment, then, at least in one respect, Schopenhauer provides a theoretically superior alternative to it. One objection to theories of punishment such as Hart's is their ad hoc opportunism, borrowing from one theory of punishment in order to shore up one intuition about punishment, and from another theory to shore up a different intuition – with unsatisfyingly little concern for their mutual coherence.²⁹ By contrast, Schopenhauer manages to evade this problem, while accounting for both the general purpose of punishment and its rightful implementation in particular cases, by repurposing his general theory of punishment rather than subdividing it.

Nevertheless, there is a different objection, the avoidance of which is usually seen as the key advantage of Hart's hybridization of deterrentism with retributivism. A common objection to deterrence theories of punishment in particular is their liability to grant the state permission to inflict undeserved punishments upon its citizens in order to obtain the absolute maximum deterrent.³⁰ Strikingly, however, Schopenhauer's staunchly deterrentist theory gets around even this objection – and once again it is on the grounds that the state's right to punish does not float freely of the terms and purpose of the political contract that engenders that right.

First, as explained above, even though it does not justify punishment, breaking the political contract is a necessary condition of punishment. This ensures that punishment of the innocent is impermissible. Second, as with all instances of the right of compulsion, the right to distribute punishment, when exercised, is morally constrained in proportion to the extent of the criminal's wrongdoing: it permits no more than reaffirmation of the will – expressed, in this case, by the terms of the political contract – that was violated by the original legal wrong. This *formally* ensures that over-punishment of the guilty is impermissible. Third and finally, according to Schopenhauer the "pledge" made by each citizen upon entering into the political contract "must be appropriate to the value of that for which it answers" (WWR II, 597-598). In other words, no one may be asked to lay down in return for the protection of any particular

right, security, or freedom, anything more than that particular protection is worth. Therefore: “everyone is justified in demanding as a pledge the life of another, as a guarantee for the security of his own, but not for the security of his property, for which the freedom and so forth of another is a sufficient pledge” (WWR II, 598). This *substantively* ensures that over-punishment of the guilty is impermissible. Thus, the state’s right to punish is limited.

These considerations, like so many above, are as prudent as they are moral and legal. On the one hand, morally and legally speaking, if the proper purpose of punishment is limited to deterrence, then merely extracting “a sufficient pledge” in each case of wrong, as opposed to the maximum pledge in every case, is all that is necessary; and to punish more than is strictly necessary to deter would be to punish more than is morally and legally right. Schopenhauer follows this logic through consistently – and fairly – by claiming that, “where possible, the apparent suffering of the punishment should exceed the actual” (WWR II, 597), since it is ultimately the apparent severity of the punishment that deters the public.

On the other hand, however, making merely a sufficient pledge is the most that could be expected of a prudent rational egoist entering the political contract. Why pledge more? Jordan emphasizes, and is impressed by, the moral character of Schopenhauer’s theory of punishment – and, moreover, the moral character of the state according to Schopenhauer – on the grounds just given above: that for Schopenhauer the state’s right to threaten and distribute punishment is not only licensed but is also limited, at the correct points, by the morally binding political contract upon which it is founded.³¹ However, to grant the state a truly moral character on these grounds is to overplay them. No doubt, the truly good state observes the pure doctrine of right – what it requires, allows, and disallows – as do truly good citizens, for that matter. Nevertheless, as is evident throughout the above, as far as Schopenhauer’s political philosophy is concerned, no motivation is given for observing the pure doctrine of right which cannot be reduced to non-moral, prudential, egoistic reasons. Moreover, there is no good reason to think

that the state itself is any more capable than its citizens of observing justice for its own sake. If anything, the state should be expected to be just as incapable; it is, after all, ultimately composed out of its citizens. Hence, foreseeing this problem, in order to protect the people from the excesses of the state, Schopenhauer advocates a “dividing and separating ... of the protective power, the legislature, the judicature, and the executive” (WWR II, 595) – a morally important measure, perhaps, but a prudentially motivated one surely.³²

Schopenhauer’s minimal state

With Schopenhauer’s political philosophy now in view, it is worth taking a step back to appreciate briefly, first, just how astonishingly minimal is its conception of the state; and second, just how far we can supposedly be taken on the strength of rational egoism alone.

On the first count, let us recollect the ways, all mentioned above, in which the state according to Schopenhauer is not a morally significant phenomenon. The state: (1) is not morally motivated in its foundation or in its operations; (2) is not necessarily, and in many cases not typically, obeyed on moral grounds; (3) does not, and cannot, legitimately concern itself directly with the inner moral significance of any of its citizen’s behaviors, even when they do wrong;³³ and (4) does not, and cannot, genuinely morally educate, improve, or reform its citizens. We may add to this two further claims, which Schopenhauer appears to derive from some or all of the first four, that: (5) “Still more mistaken is the theory that the state is the condition for freedom in a moral sense, and thus a condition for morality” (WWR I, 371); and (6) “From this standpoint one clearly sees the narrow-mindedness and shallowness of the philosophasters who in pompous phrases depict the state as the highest purpose and the blossom of human existence” (PP II, 219) – two obvious swipes at Hegelianism.³⁴

And yet, if all goes to plan, the state performs a crucially important function. In spite of the above, temporal justice, through its delicate balancing of egoistic forces and prudential measures, achieves nothing more or less than the welcome *semblance* of voluntary justice:

When the state fully achieves its goal, it will present the same appearance that would be expected if perfect justice governed everybody's disposition ... In the latter case ... the situation would be that nobody wanted to *do* wrong; but in the former case it would be that nobody wanted to *be* wronged, with the means to this fully in effect. So the same line can be drawn from opposite directions, and a predator with a muzzle is just as harmless as a grass eating animal (WWR I, 372).

Schopenhauer reuses this apt final image of muzzled predators (OBM, 189; PP II, 192-193). Elsewhere, however, he uses different imagery that is equally powerful: "It is conceivable that all crime could be prevented by a perfect state ... Politically, much would be gained – morally, nothing at all, just that life would be less of a mirror to the will" (WWR I, 396).³⁵

Hence, although the function of the state is to rein in the harmful consequences of egoism, Schopenhauer's political philosophy is far from anti-egoistic. Just the opposite:

The state is so far from being directed against egoism in general and as such, that the reverse is in fact true: the state emerges out of a cumulative, collective egoism that is fully aware of itself as such, and proceeds methodically from a one-sided standpoint to that of the universal (WWR I, 372).

We might object, however, that Schopenhauer ought to be much warier of the state that is founded on egoism – or more precisely: the state that is founded squarely on the fear of being

wronged, and constructed solely out of principles of external protection, as a surrogate for internal principles of just forbearance. As I shall now argue, contrary to Schopenhauer's expectations, a state such as this is unlikely to achieve even the semblance of moral justice.

Contracts, impartiality, and power

Contractarian normative theory, understood as a form of social contract theory that emphasizes and utilizes egoistic concerns such as mutual interest and mutual threat, and which historically derives from Hobbes, is subject to a major criticism which Nicholas Southwood calls "the impartiality objection."³⁶ The structure and claims of Schopenhauer's political philosophy, which is clearly a form of contractarianism, make it exceptionally vulnerable to this objection.

The impartiality objection to contractarianism is essentially that the rational egoist lacks the motivation to form certain contracts with individuals or groups who are significantly less powerful than herself, because in forming such contracts she stands to lose more in restrictions to her personal rights and liberties than she gains in additional protection, security or benefits.³⁷ Historically, such relatively powerless groups, with whom more powerful rational egoists have no motivation to form contracts, have included: the poor in relation to the rich, women in relation to men, the mentally and physically disabled in relation to the able-minded and able-bodied, certain ethnic groups in relation to certain other ethnic groups, certain religious groups in relation to certain other religious groups, and non-human animals in relation to humans.³⁸ Few would argue that exclusion of some or all these groups is tolerable, and so contractarianism fails "to get morality's extensional character right," as Southwood puts it.³⁹

Facing this objection, matters are made worse for Schopenhauer by the fact that, following Hobbes, the contractarianism of his political philosophy is exclusively motivated by the "mutual fear of mutual force," ignoring the mutual benefits of mutual cooperation that other

contractarians have cared to emphasize.⁴⁰ However, in fact, the specific and fatal relevance of the impartiality objection to Schopenhauer's political philosophy lies in the challenge that it poses to Schopenhauer's own expectation, mentioned above, that the perfect implementation of temporal justice would be more or less co-extensive with the perfect collective realization of voluntary justice. On closer inspection, we find that where the compassionate virtue of voluntary justice would pull behavior in one direction, the egoistic contractarianism of temporal justice pulls it back in the other.

Behavior toward animals is a case in point. Schopenhauer's moral philosophy is celebrated for its progressive stance toward animals. Indeed, Schopenhauer uses "the fact that it also takes *animals* into its protection," when prevailing moral codes did not, as evidence for his basic thesis that compassion is the only genuinely moral incentive for action (OBM, 226). "Compassion for animals," Schopenhauer says, "goes together with goodness of character so precisely that we can confidently assert that anyone who is cruel to animals cannot be a good human being" (OBM, 229). For this reason, he expresses his admiration for societies for the protection of animals, which were beginning to be founded in his day – in particular, the Society for the Prevention of Cruelty to Animals, in Great Britain, which later became the RSPCA (OBM, 230-231).

However, the contractarianism spelled out in Schopenhauer's political philosophy does not seem fit to protect animals from the wrongs that he himself claims compassion would spare them. This is in spite of Schopenhauer's no doubt true assertion that the general protection of animals "can only be effective with the help of law and police" (OBM, 229), and his own personal admiration for the then growing tendency of British courts to punish animal cruelty with fines (OBM, 230). The fact is that even if the very notion of contractual agreement does not immediately exclude animals from the sphere of legal protection, and one were to employ a more imaginative and inclusive conception of what contracts require and between whom they

can be formed, still the human rational egoist stands to lose far more than she would gain in forming contracts with animals. In fact, in terms of Schopenhauer's primary political good of legal protection from being wronged herself, the rational egoist stands to gain nothing at all. Thus, with regard to animals, even the perfect implementation of temporal justice is *not* coextensive with the perfect collective realization of voluntary justice. Instead, a political society that cares about animals must act out of compassion.

Similarly, Schopenhauer is laudably critical of the unjust domination and oppression of human beings that was happening in his mid-nineteenth-century world – in particular, the African slave trade and the widespread immiseration of the proletariat.⁴¹ The “remote cause” of both of these evils, Schopenhauer avers, is the dominant classes’ desire for luxury: “as long as luxury exists on the one hand, then necessarily on the other excessive work and a bad life must exist, be it under the name of poverty, slavery, of proletarians, or of slaves,” since “in order for a few people to have what is dispensable, superfluous and refined ... a great portion of existing human powers must be expended upon them and withdrawn from what is necessary” (PP II, 221-222).⁴² Schopenhauer’s censure of these kinds of luxury industries and their moral costs is perfectly in keeping with his pure doctrine of right: the very definition of wrong is to pursue one’s own interests to the detriment of someone else’s interests. It will also be recalled that slavery in particular is listed by Schopenhauer as a prime example of moral wrongdoing.

And yet, again, on these matters it is difficult to see how, if placed in the relevant position of power, the behavior of the rational egoist of Schopenhauer’s political philosophy would be consistent with her behavior were she acting from voluntary justice. For, as history seems to show,⁴³ certain contracts that the rational egoist finds prudent to form with parties who are equal to her in independent material wealth and power, she does not find prudent to form with parties who are not materially her equal, who thereby pose a relatively limited threat, and from whose maltreatment she stands to profit far more than if she refrains.

In the following poignant passage, which again relates to slavery and exploited workers, Schopenhauer even makes a slip in the direction of the above conclusion, by observing a pattern that seems to reveal a truth much deeper than he intends:

In general, ... the conduct of men towards one another is characterized as a rule by injustice, extreme unfairness, hardness, and even cruelty ... The necessity of the State and for legislation rests on this fact ... *But in all cases not lying within the reach of the law, we see at once a lack of consideration for his like which is peculiar to man, and springs from his boundless egoism, and sometimes even from malice. How man deals with man is seen, for example, in Negro slavery, the ultimate object of which is sugar and coffee. However, we need not go so far; to enter at the age of five a cotton-spinning or other factory, and from then on to sit there every day first ten, then twelve, and finally fourteen hours, and perform the same mechanical work, is to purchase dearly the pleasure of drawing breath. But this is the fate of millions, and many more have an analogous fate* (WWR II, 578, translation modified, emphasis added).

The significance of Schopenhauer's observation about these cases of exploitation "not lying within the reach of the law" is open to different interpretations. All that Schopenhauer means to imply is that exploitative behavior reliably occurs when it happens to be permitted by contemporary legal practice – a testament to the predatory opportunism of human nature. But the regular coincidence of legal oversight with open exploitation which Schopenhauer astutely notices here may be evidence, not just of egoistic motivation, but of a systemic connection. Indeed, what Schopenhauer may be observing is the manifestation of a descriptive behavioral principle which derives from the rationality of his own political philosophy: that certain

exploitative behaviors are left lying outside the reach of law *as a result of* “a lack of consideration for his like which is peculiar to man.”

A final example of how, given certain historically real power inequalities, the rational egoism of temporal justice is unlikely to map onto the compassionate virtue of temporal justice, is an issue that finds Schopenhauer far on the wrong side of the tracks: the position of women. In contrast to his righteous (if politically undermined) critiques above, Schopenhauer’s stance on women is woefully reactionary. At one point in his misogynistic essay “On women” (PP II, 550-561), while discussing the relatively improved position of women in his contemporary European society, this manifests itself in a perfect example of the likely attitude of the rational egoist in the seat of power:

It would be highly desirable if Europe ... assigned this No. 2 of the human race her natural position once again, and put a stop to this lady-nonsense about which not only all of Asia is laughing, but Greece and Rome would have laughed in the same way; the results in the social, civil and political context would be incalculably beneficial (PP II, 557).

Beneficial *to whom?*⁴⁴

Conclusion

If the contractarian structure of temporal justice is designed to act as an external safeguard against transgressions of the pure doctrine of right, then it does so very imperfectly. Let us not forget, however, that the pure doctrine of right as such naturally lends itself to the moral criticism of exploitative behaviors, as demonstrated by Schopenhauer’s own progressive

applications of it to contemporary social and political issues. Indeed, given the political reality towards which the rational egoism of temporal justice is inclined to lead us, it is just as well that according to Schopenhauer the normative content of the concepts of wrong and right comes from outside of politics altogether. For, this allows that although the state is not morally motivated, is not morally obeyed, and indeed is not legitimately directly concerned with morality at all, its exploits, or the exploits that it permits, can still be held to external moral standards.

But how far does this really get us? The cruel irony to which the impartiality objection points is that relatively powerless and vulnerable groups, by nature, have little to nothing to offer materially in return for their own much needed protection. If this is what truly matters politically, then what use is a compelling moral argument? Surely it will fall on deaf ears.

Here, however, we might console ourselves that Schopenhauer's way of distinguishing between politics and morality at least has explanatory value. To a certain extent, the isolated moral argument for political change falling on deaf ears is descriptively accurate. Which is why, historically, we rarely find progressive political movements making the moral case alone. Instead, we also find public demonstration, civil disobedience, strikes, springs, uprisings, and even violence – the kinds of organized action that Schopenhauer discovered on his doorstep on 18 September, 1848. These methods of political protest do not merely draw attention to the importance of the moral case which may (or may not) validate them, if indeed they do at all. Rather, they aim to demonstrate, or force, political society's material reliance on making more equitable contracts with a given group of its members – a message that the rational egoist hears and can understand, albeit is not guaranteed to appreciate. Interpreting political normativity and moral normativity as having related but ultimately separate sources, along the lines suggested by Schopenhauer, helps us to explain this historically repeated strategical dynamic.

¹ Quoted in David E. Cartwright, *Schopenhauer: A Biography* (Cambridge: Cambridge University Press, 2013), 517. Biographical details from Cartwright, *Schopenhauer: A Biography*, 513-517.

² One way to measure this void, at least in the Anglophone tradition of Schopenhauer scholarship, is the absence of chapters on political philosophy in the collections *The Cambridge Companion to Schopenhauer*, ed. Christopher Janaway (Cambridge: Cambridge University Press, 1999), and *A Companion to Schopenhauer*, ed. Bart Vandenabeele (Chichester: Wiley-Blackwell, 2012). A welcome exception to the rule is Neil Jordan, “Schopenhauer’s Politics: Ethics, Jurisprudence and the State,” in *Better Consciousness: Schopenhauer’s Philosophy of Value*, ed. Alex Neill and Christopher Janaway (Chichester: Wiley-Blackwell, 2009), 171-188.

³ In his useful short sketch, Bryan Magee notes the brevity, and almost incongruity, of the sections on political philosophy in *The World as Will and Representation*. See Bryan Magee, *The Philosophy of Schopenhauer* (Clarendon Press: Oxford, 1997), 202-205.

⁴ Georg Lukács, *The Destruction of Reason*, trans. Peter Palmer (London: Merlin Press, 1980), 12. For Lukács’ lengthy discussion of Schopenhauer, see *The Destruction of Reason*, 192-243.

⁵ See Lukács, *The Destruction of Reason*, 197-198, 200-201.

⁶ See Karl Popper, *The Open Society and Its Enemies, Vol. II: The High Tide of Prophecy: Hegel, Marx, and the Aftermath* (London: Routledge & Kegan Paul, 1966), 21, 32-35, 54, 63, 70, 77, 79-80, and 299. Apart from Lukács and Popper, Max Horkheimer is another German-speaking intellectual who in the post-war period became interested in the relevance of Schopenhauer to political and social thought, and had some enlightening things to say about it. See Max Horkheimer, “Schopenhauer Today,” in *Critique of Instrumental Reason*, trans. Matthew J. O’Connell and others (London: Verso, 2012), 63-83; and Max Horkheimer, “Schopenhauer und die Gesellschaft,” *Schopenhauer-Jahrbuch* 36 (1955): 49-57.

⁷ For temporal justice, see WWR I 357-377; for voluntary justice, see WWR I, 397-398 and OBM, 203-215.

⁸ For the sake of brevity, I shall not be examining a third species of justice: eternal justice. See WWR I, 377-386; WWR II, 591; PP II, 198. For commentary, see David Hamlyn, "Eternal Justice," *Schopenhauer-Jahrbuch* 69 (1988): 281-288; John E. Atwell, *Schopenhauer: The Human Character* (Philadelphia: Temple University Press, 1990), 192-201; and Susan Neiman, *Evil in Modern Thought* (Princeton: Princeton University Press, 2015), 196-202.

⁹ See also OBM, 205, where Schopenhauer emphasizes wrongs that go beyond harming and/or appropriating the body, such as psychological and moral injury. Under these categories of injury, he includes slander and verbal abuse, sexual assault, and the grooming of children.

¹⁰ See WWR I, 362-363, 373-374, 398; WWR II, 596, OBM, 183-185, 205. Strangely for Schopenhauer, he fails to credit the labor-mixing theory of property to its most prominent proponent in modern philosophy, John Locke. See John Locke, *Second Treatise of Government*, ed. C. B. Macpherson (Indianapolis: Hackett, 1980), 18-29. Schopenhauer's indebtedness is noted by Neil Jordan, "Schopenhauer's Politics," 173.

¹¹ Schopenhauer strongly criticizes Kant's political philosophy for having the consequence that there is no right to property outside of the state (WWR I, 559).

¹² See also OBM, 210, where Schopenhauer singles out the "double injustice" of wrongfully abusing a position of assumed responsibility.

¹³ Schopenhauer asserts, not implausibly, that all lies are intended not just to falsify cognition, but ultimately to misguide action: "My lies need a motive of their own, since they come from my will: but this motive can only be some other person's will, not his cognition in and of itself" (WWR I, 364).

¹⁴ See OBM, 212-215, where Schopenhauer emphasizes the right to lie in particular. Schopenhauer holds that, as well as to protect oneself and others, where indeed it may be one's duty to lie, one is permitted to lie in order to avoid embarrassment and evade sheer nosiness.

¹⁵ See OBM, 202: Schopenhauer observes that we feel a greater moral burden to help to relieve or prevent suffering in people's lives than we do to add happiness positively. He attempts to explain this phenomenon by reference to his own negative conception of happiness, according to which happiness itself is merely the absence of suffering anyway. On the negativity of happiness, see WWR I, 345-375, 354; WWR II, 575-576; OBM, 202-203; PP II, 262-263.

¹⁶ I shall not discuss its plausibility here, but John E. Atwell doubts that it is possible, necessary, or desirable to identify all cases of moral behavior with cases of compassion. See Atwell, *Schopenhauer: The Human Character*, 109-115.

¹⁷ Schopenhauer makes an explicit terminological decision in order to ensure that the specific type of inclination to put oneself first that he is discussing is not understood as a uniquely human phenomenon. He states that he has chosen the word egoism (*Egoismus*) over the word self-interest (*Eigennutz*) because the latter has unwanted connotations of pursuing one's ends *according to a rationally devised plan*, which would exclude animals (OBM, 190).

¹⁸ See WWR I, 357 and 377. The term "temporal justice" as Schopenhauer uses it has nothing to do with one of its usages in contemporary social and political theory: the just distribution of control over one's time (e.g. Robert E. Goodin, "Temporal Justice," *Journal of Social Policy* 39, no. 1 (2010): 1-16).

¹⁹ For malice, the anti-moral disposition "that wills someone else's woe", see OBM, 194, 201, 249; and WWR I, 390-392.

²⁰ For more on hereditary monarchy, see WWR I, 370; WWR II, 595; and PP II, 225-233.

²¹ See WWR I, 374-377; WWR II, 597-598; and OFW, 112.

²² By the same token, Schopenhauer would presumably also deny that the purpose of punishment is to morally educate or improve the public at large, rather than just the criminal. For outlines of some theories along these lines, see David Wood, “Punishment: Consequentialism,” *Philosophy Compass* 5, no. 6 (2010): 463-464; and David Wood, “Punishment: Nonconsequentialism,” *Philosophy Compass* 5, no. 6 (2010): 475-480.

²³ See also PP II, 214-216. On the grounds of his theory of moral character, Schopenhauer also rules out a particular function that, historically, political theorists have thought state of nature arguments can perform. As usual, Schopenhauer puts it best himself: “The question has been raised what would two people do who grew up in the wilderness, each entirely alone, when they met for the first time; Hobbes, Pufendorf and Rousseau gave contradictory answers. Pufendorf believed that they would approach one another lovingly, Hobbes on the other hand that they would do so with hostility, and Rousseau that they would pass by one another silently. All three are wrong; here precisely the *immeasurable difference of inborn moral disposition in individuals* would emerge in such bright light that here, as it were, we would have its measuring stick and measure” (PP II, 207-208). What Schopenhauer seems to be objecting to, in spite of being a kind of state of nature theorist himself in his political philosophy, is universalistic natural moral anthropology. It perhaps needs explaining, then, why out of the three philosophers that he mentions, in his own political philosophy Schopenhauer seems clearly to side with Hobbes. However, given that Schopenhauer’s point is that, in fact, every human being contains within herself each of the three types of savage above, if only in proportions unique to her character, a simple adaption of Gresham’s law – that “bad money drives out good” – will suffice. As it is put in Geoffrey Brennan and James Buchanan, *The Reason of Rules: Constitutional Political Economy*, in *The Collected Works of James M. Buchanan*, vol. 10 (Indianapolis: Liberty Fund, 2000), 68: “bad behavior drives out good and ... all persons will be led themselves by even the presence of a few self-seekers to adopt self-interested behavior.”

Indeed, consistently with Schopenhauer and Hobbes, even this could be rephrased so that merely the *fear* of bad behavior drives out good.

²⁴ See OBM, 172-176, 237-238; OFW, 107-109; WWR I, 180-181, 313-320, 327-331, 535-536; and WWR II, 173-174, 239, 319-321, 342-348, 597-599.

²⁵ See Sandra Shapshay, “Schopenhauer’s Early *Fourfold Root* and the Ghost of Kantian Freedom,” in *Schopenhauer’s Fourfold Root*, ed. Jonathan Head and Dennis Vanden Auweele (London: Routledge, 2017). My thanks to Sandra Shapshay for enlightening me on this point. See Bart Vandenabeele, *The Sublime in Schopenhauer’s Philosophy* (Basingstoke: Palgrave Macmillan, 2015), 83-127, for an account of Schopenhauer’s conception of the sublime which aims to reduce its indebtedness to Kant’s transcendental conception of the sublime.

²⁶ Another alternative form of rehabilitation, which Schopenhauer does not appear to consider, would be one based on Schopenhauer’s concept of the “acquired character” (*den erworbenen Charakter*). Acquired character, according to Schopenhauer, is achieved rather than given; and it is achieved by using self-knowledge to navigate the path of least resistance through life (WWR 329-334). My thanks to Sandra Shapshay for this suggestion.

²⁷ See Jordan, “Schopenhauer’s Politics,” 183; and H. L. A. Hart, “Prolegomenon to the Principles of Punishment,” *Proceedings of the Aristotelian Society* 60 (1959-1960): 1-26. John Rawls also advocates a two-stage theory in “Two Concepts of Rules,” *Philosophical Review* 64 (1955): 3-32. For a general survey of two-stage theories of punishment, complete with standard objections, see David Wood, “Punishment: Consequentialism,” 464-466.

²⁸ For Schopenhauer’s unabashed acquiescence in the moral and legal necessity and permissibility of treating criminals merely as a means to preserving the protective function of the political contract, explicitly contra Kant, see WWR I, 375-376.

²⁹ See D. J. Galligan, “The Return to Retribution in Penal Theory,” in *Crime, Proof and Punishment*, ed. Andrew Ashworth (London: Buttersworth, 1981), 150; and David Wood, “Punishment: Consequentialism,” 466.

³⁰ See David Boonin, *The Problem of Punishment* (Cambridge: Cambridge University Press, 2008), 31-52, 54-58.

³¹ See Jordan, “Schopenhauer’s Politics,” 184-187.

³² Schopenhauer’s alternative to a division of powers amongst the public is the version of hereditary monarchy according to which the monarch is supposed to overcome egoism by being placed so much higher than the common people, as mentioned earlier. See WWR II, 595.

³³ This in particular is a significance measure of Schopenhauer’s minimization of the state: as David Wood, “Punishment: Consequentialism,” 457, points out, even the libertarian Robert Nozick shows strong retributivist tendencies, which depend upon the state’s directly addressing moral wrongfulness for moral reasons. See Robert Nozick, *Philosophical Explanations* (Oxford: Oxford University Press, 1981), 363-397.

³⁴ See also OBM, 208.

³⁵ See also WWR I, 377, where Schopenhauer lists other problems that even perfect domestic political success cannot solve, from private quarrels to the threat of international warfare.

³⁶ See Nicholas Southwood, *Contractualism and the Foundations of Morality* (Oxford: Oxford University Press, 2010), 42-49.

³⁷ For a more detailed statement of the impartiality objection, see Southwood, *Contractualism and the Foundations of Morality*, 43-45.

³⁸ The impartiality objection is thus related to studies of contractarianism that aim to expose its function in justifying historical instances of domination and power imbalance. For example, Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988); Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997); and Lawrence C. Becker,

“Reciprocity, Justice, and Disability,” *Ethics* 116, no. 1 (2005): 9-39. For brief outlines of these studies of contractarianism, see §§5-6 of Ann Cudd, “Contractarianism,” *The Stanford Encyclopedia of Philosophy* (Winter 2013 Edition), ed. Edward N. Zalta, URL = <<http://plato.stanford.edu/archives/win2013/entries/contractarianism/>>.

³⁹ Southwood, *Contractualism and the Foundations of Morality*, 42. Southwood also puts forward what he calls “the normativity objection,” which criticizes contractarianism for its failure to get the intensional character of morality right. Our assumption about morality is that it is necessarily “other-regarding,” that truly moral people are to a significant degree concerned about others directly. Contractarianism, on the other hand, reduces all other-regarding behavior to self-serving behavior (Southwood, *Contractualism and the Foundations of Morality*, 34-42). Of course, in stark contrast to his compassionate moral philosophy, Schopenhauer’s strictly political contractarianism never professes to be genuinely other-regarding. Quite the opposite.

⁴⁰ For example, David Gauthier, *Morals By Agreement* (Oxford: Oxford University Press, 1986), 112-156. Gauthier’s moral contractarianism is the explicit and emblematic target of Southwood’s critique of Hobbesian contractarianism in general. See Southwood, *Contractualism and the Foundations of Morality*, 26.

⁴¹ See PP II, 220-224. Schopenhauer is acutely sensitive to the plight of black African slaves: in his later works, he regularly refers to the slave trade as the prime historical example of human depravity. See WWR II, 578; OBM, 218-219, 222; PP II, 193, 228, 231, 315, 320, 533.

⁴² Schopenhauer’s caveat to his critique of luxury, which concludes that “for the alleviation of human misery the most effective thing would be to diminish, indeed eliminate luxury,” is the necessity of a mutually-beneficial division of intellectual and physical labor (PP II, 222-223).

⁴³ See Mills, *The Racial Contract*, 31-40.

⁴⁴ For feminist studies of contractarianism and the logic of contractarianism, see Carole Pateman, *The Sexual Contract*; Annette Baier, “Trust and Antitrust,” *Ethics* 96, no. 2 (1986);

Jean Hampton, “Feminist Contractarianism” in *A Mind of One’s Own: Feminist Essays on Reason and Objectivity*, ed. Louise Antony and Charlotte Witt (Boulder: Westview: 1993), 227-255; and Ruth Sample, “Why Feminist Contractarianism?” *Journal of Social Philosophy* 33, no. 2 (2002), 257-281. Whereas the former two are critical of contracts as an appropriate model for moral theory, the latter two aim to argue that some forms of contractarianism are relevant and useful to feminism, particularly in interrogating exploitative relationships of care. Schopenhauer’s variety of contractarianism, however, is surely a lost cause to feminism.