Fathers and Sovereigns: The Uses of Paternal Authority in Early Modern Thought

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Fathers and Sovereigns: The Uses of Paternal Authority in Early Modern Thought

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Father and Sovereigns: The Uses of Paternal Authority in Early Modern Thought

Abstract

Contemporary liberal and democratic theorists argue that hierarchical institutions like the family and the school should be democratized to reflect the egalitarianism of the state and to allow children to rehearse their civic duties from as early as possible, but I show that this impulse towards “congruence” between the structures of authority in the family and the state is not historically liberal in origin, but rather arises out of the absolutist arguments of early modern sovereignty theorists like Jean Bodin and Thomas Hobbes. While absolutists tried to substantiate the possibility of absolute sovereign authority by modeling it on a strengthened ideal of paternal authority, early liberals like John Locke and Jean-Jacques Rousseau turned to the private authority of the family to counteract the threat posed by sovereignty’s consolidation and centralization of political authority.

My dissertation begins by showing how the modern demand for congruence between family and state is linked to the development of sovereignty theory. Bodin substantiated the possibility of sovereign power by modeling it on paternal power. However, by elevating the power of fathers alongside that of sovereigns, he brought naturalistic, personal, and patriarchal conceptions of authority into conflict with the impulse to build a rational, impersonal state. In subsequent chapters, I explore how a series of seventeenth- and eighteenth-century thinkers worked out this tension. Hobbes went the farthest in defense of absolute sovereignty, subordinating all institutions whose authority competed with that of the sovereign, including the family. He denied all forms of “natural” authority in favor of authority grounded in consent and represented by the sovereign, and even extended sovereign power to the definition of moral ideas to pre-empt ideological dissent.
Locke doubted that any political power could control “fashion and reputation,” a more powerful determinant of human conduct than any positive or even divine law. To counteract the power of opinion, Locke enlisted parental authority to insulate children from fashion and strengthen their wills against it. He thus reversed the logic of congruence: a state grounded in equality and individual liberty requires a hierarchical, authoritarian family to sustain itself.

Rousseau accepted a democratic version of sovereignty theory, but denied that the sovereign governed *moeurs*. Instead, personal authorities like the legislator and the censors regulate *moeurs* alongside a formal and impersonal government that promulgates positive law. However, in modern, commercial societies, where public authority has degenerated into “fashion,” the private authority of parents and especially mothers still has the potential to fortify children against the social and intellectual corruption – the “tyranny of the majority,” as Tocqueville would call it – which modern political arrangements had exacerbated.
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ABBREVIATIONS

The major works discussed in this dissertation are abbreviated as follows and cited by chapter, section, and line number where available, or page number where not:

Hobbes:

Locke:

Rousseau:
FD and SD: *Discourse on the Arts and Sciences* and *Discourse Concerning the Origins of Inequality*, in *The Discourses and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge UP, 1997).
“I suppose that a democratic city...praises and honors – both in private and in public – the rulers who are like the ruled and the ruled who are like the rulers. Isn’t it necessary in such a city that freedom spread to everything? ... That a father habituates himself to be like his child and fear his sons, and a son habituates himself to be like his father and to have no shame before or fear of his parents... As the teacher in such a situation is frightened of the pupils and fawns on them, so the students make light of their teachers, as well as of their attendants. And generally, the young copy the elders and compete with them in speeches and deeds while the old come down to the level of the young; imitating the young, they are overflowing with facility and charm, and that’s so that they won’t seem to be unpleasant or despotic.”

--Plato, Republic (562e-563b)

“Dionysius, the tyrant, when expelled from Syracuse, kept school at Corinth. He could not dispense with that continued opportunity of commanding.”

--Cicero, Tusculan Disputations, III.12

I. Modern anti-authoritarianism

You are not the boss of me. This is a fact which American children have been helpfully informing their parents and any other adult who ventures to direct their behavior for over a century. Further efforts to impose restrictions can often elicit from even the youngest among them a fairly sophisticated political philosophy: This is a free country and I can do what I want. Once the child in question has been duly pacified, it might occur to some adults to wonder how persons incapable of telling right from left, and small enough to be thrown across a room came to harbor such expansive ideas about their liberty. This is an academic study of the validity and historical basis of this proposition, whether in a free country, it is in fact the case that no one can be the boss of children.

However objectionable parents may find this proposition when it is advanced against them, their children have correctly intuited the liberal tradition’s prevailing suspicion of

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1 The earliest use of this phrase in Google’s book archive appears in 1883, in the children’s portion of an English periodical. It begins appearing the following decade in American publications.
authority, and especially personal authority. The rise of liberalism went hand-in-hand with the
decline of what Max Weber called “traditional” authorities – the clerics, feudal nobility, and
scholastics of pre-Reformation Europe – and the ascent of political theories of individual right,
natural equality, contract, and constitutionalism, which elevated impersonal and neutral states
and put what was left of the clergy and the nobility on the defensive. Nonetheless, liberal
suspicion of authority didn’t translate immediately into wholesale rejection. Even into the
twentieth century, Weber was able to speak of the highly personal “charismatic” authority in
neutral and even positive terms; it described the appeal of great men in addition to demagogues.²

After World War II, however, charismatic authority rapidly shed its positive connotations
and the theoretical anti-authoritarianism of liberalism received its fullest practical articulation.
The apogee of this effort was the 1950 book, *The Authoritarian Personality*, a nearly 1000-page
behemoth of a study authored by Theodor Adorno and several less famous researchers, which
purported to locate the roots of fascism in an “authoritarian” style of parenting:

A basically hierarchical, authoritarian, exploitive parent-child relationship is apt to carry
over into a power-oriented, exploitively dependent attitude toward one's sex partner and
one's God and may well culminate in a political philosophy and social outlook which has
no room for anything but a desperate clinging to what appears to be strong...On the other
hand, there is a pattern characterized chiefly by affectionate, basically equalitarian, and
permissive interpersonal relationships. This pattern encompasses attitudes within the
family and toward the opposite sex, as well as an internalization of religious and social
values. Greater flexibility and the potentiality for more genuine satisfactions appear as
results of this basic attitude.³

Adorno drew an explicit connection between political and paternal authority. Weber had also
alluded to the link between these realms in his account of “traditional” authority, which he

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claimed often had its origins in a paternal relation that was magnified into a patriarchal one among tribal nations. But neither of his modern forms of authority were modeled on this primitive notion of paternity, and were in fact quite divorced from the relations of private life. It was Freud who exhumed the connection between paternal and political authority, though his account was by no means as simplistic as that of *The Authoritarian Personality,* where childhood experience is simply mirrored in adulthood so that a child who is dominated by adults becomes a dominator of other adults, while a child who is treated as an equal grows up to be an egalitarian.

However overwrought such conclusions may now seem, the book reflected an association between authority and despotism that was pervasive in American political thought, and it located the source of such despotism in the exercise of authority over children.

Even John Rawls’s more temperate 1971 *Theory of Justice* demonstrates this tendency. Rawls admits that some experience of personal authority is necessary for adequate moral development, but laments that so irrational a foundation as the “morality of authority” is required for so rational a project as a well-ordered society. Accordingly, Rawls tries to diminish and constrain it, limiting its use to “primitive” childhood. The morality of authority arises out of a child’s desire to maintain his parents’ esteem and affection, and “consists in his being disposed

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5 A similar effort to limit and constrain legitimate authority out of existence appeared in Richard Flathman’s *The Practice of Political Authority* (Chicago: University of Chicago Press, 1980). Flathman set out to defend authority against the anarchist challenge that all authority is in principle illegitimate because it contravenes autonomy. By distilling authority’s legitimating conditions, he was able to salvage it, but only by constraining legitimate authority to what we consent to in advance (either explicitly or through “shared values”), so that we are never required to surrender our own judgment. This is, on most accounts, no longer authority at all, since at no point do we actually defer to it; we only obey ourselves insofar as our judgments coincide with it, and dissent when this coincidence ends. Moreover, as Jean Elshtain pointed out in her review, “One vital area [Flathman] omits from detailed discussion is authority and the family.” This is not entirely fair since Flathman limits himself to political authority, but the complete incompatibility of Flathman’s conditions for legitimacy with something so basic as parental authority does point to a potentially serious shortcoming of this account of authority. Jean Elshtain, Review of *The Practice of Political Authority,* *Journal of Politics* 43 (1981), 1269-1270.
without the prospect of reward or punishment to follow certain precepts that not only may appear to him largely arbitrary but which in no way appeal to his original inclinations.”\(^6\) But Rawls quickly attempts to circumscribe this dangerously broad grant of parental influence. He warns that “moral development fails to take place…if parental injunctions are not only harsh and unjustified, but enforced by punitive and even physical sanctions.”\(^7\)

Like Adorno, Rawls tries to keep authoritarian personalities out of his well-ordered society, but his claim that such parents will fail because they make “unjustified” demands contradicts his earlier assertion that “the child lacks the concept of justification altogether, this being acquired much later. Therefore he cannot with reason doubt the propriety of parental injunctions.”\(^8\) Faced with the unpleasant possibility that few parents will abide by “the principles of justice” in their childrearing practices, Rawls retreats into ideal theory and instructs us to imagine ourselves into a society where parental “precepts are on the whole justified.”\(^9\) Although he has shown that the morality of authority is the most universal and fundamental stage of moral development, that (unlike his more advanced moralities, which are not universally attainable) everyone experiences it in childhood and most people experience it again in adulthood when they become parents, Rawls concludes his account by painting personal authority as a rare and exceptional phenomenon. It “can be justified only when the unusual demands of the practice in question make it essential to give certain individuals the prerogatives of leadership and command.”\(^10\)


\(^7\) Rawls, *Theory of Justice*, 466.

\(^8\) Rawls, *Theory of Justice*, 463.


Contemporary liberal and democratic theorists working in Rawls’s shadow continued to treat authority over children as a regrettable exception to the rule of equality and autonomy. Those concerned primarily with cultivating autonomy like Meira Levinson and Ian Shapiro recognize that children are not born autonomous, but claim the purpose of education in a liberal regime is to facilitate autonomy in children by having them rehearse it “in a protected space,” namely, the democratic school. Theorists who deny that autonomy ought to be the civic end of education, like Stephen Macedo and Amy Gutmann, insist that education should limit itself to forming children capable of reproducing the liberal or democratic society. But this outcome is constantly threatened by parents, who in the privacy of the family, have an opportunity to flout the principles of justice which Rawls’s theory requires them to respect, and to teach their children all kinds of anti-liberal and anti-democratic ideas. To counteract such authoritarian personalities, Macedo and Gutmann also turn to the democratic school.

The schools which these theorists have in mind are, with few exceptions, compulsory, state-run, and designed explicitly to, as Gutmann puts it, “convert children away” from the

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12 Shapiro, Democratic Justice, 71.

13 Gutmann, Democratic Education, 59-63; 42; Stephen Macedo, “Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?” Ethics 105 (1995), 475. Gutmann takes conscious social reproduction to be a kind of least common denominator in democracy—because we “collectively” form and consent to our present social conditions, we in this way affirm them. Needless to say, not all existing social conditions can be reproduced, since a society committed to or even tolerant of inegalitarian views violates the ground rules of deliberation. This formulation of Macedo’s theory preceded his book on the subject and was written in response to the particular dilemma posed by Mozert v. Hawkins and similar cases involving parental objections to public school curricula on religious liberty grounds.
undemocratic views of their parents.\textsuperscript{14} They will ensure that all children acquire the “sensibilities” that must be inculcated early so that children “first become the kind of people who are repelled by bigotry” so that later rational deliberation will allow them to “feel the force of the reasons for their repulsion.”\textsuperscript{15} Or, in Macedo’s account, they will pursue “the core liberal civic mission of inculcating toleration” through the “necessary means” of “exposure to diversity.”\textsuperscript{16} Levinson envisions schools that would “foster an atmosphere of reflection detached from the constitutive commitments of the other arenas of the child’s life” and free from the partiality of parental and community preferences.\textsuperscript{17} All these theorists insist that control of these schools must be placed into the hands of the disinterested and centralized state, since parental and community control will only reinforce parental and community prejudices within the school, undermining the entire liberal-democratic civic educational project.\textsuperscript{18} Gutmann and Macedo are willing to

\textsuperscript{14} Gutmann, \textit{Democratic Education}, 121. Gutmann admits that private schools have often proven superior, both academically and on measures of civic education, but insists that this is only because of our neglect of public education. \textit{Democratic Education}, 65-70, 115-123.

\textsuperscript{15} Gutmann, \textit{Democratic Education} 43.

\textsuperscript{16} Macedo, “Liberal Civic Education,” 485.

\textsuperscript{17} Levinson, \textit{Demands of Liberal Education}, 61.

\textsuperscript{18} Gutmann requires that all education be public but claims that schools will be “democratically governed,” with input from the community. However, school governance can’t be placed entirely into the hands of democratic majorities, because they will “try to control what is taught within the classroom.” To avert this outcome, Gutmann divides the “common culture” that is to be propagated by education into two parts: “shared beliefs and practices that are particular (like speaking English and celebrating Thanksgiving)” and “those that are essential to any democratic society (such as religious toleration and respect for the dignity of persons).” She then carves democratic control into three realms that would serve as checks on each other—federal regulation, state and local control, and the professional discretion of teachers. The federal and professional spheres would take care of teaching the essential beliefs and practices by passing Congressionally-mandated baseline curricular requirements (Gutmann suggests that these include, “American history, religious toleration, racial and sexual equality, the three R’s and the rights and obligations of citizenship”), and the teachers would execute these requirements, invoking their professional discretion when faced with opposition from local democratic majorities to do things like teach creationism. Local majorities could, in turn, mandate the teaching of particulars—state history, local traditions, and the celebration of Thanksgiving. Taken together, this democratic balance of powers is neither balanced nor particularly democratic. The federal regulations aren’t amenable to much alteration—egalitarianism and toleration are the guiding principles of the regime, and democratic majorities are not free to vote them down—and neither is the professional discretion of teachers subject to the authority of democratic majorities. Only local decisions, already limited to the least
admit occasional exceptions to compulsory state education, but Levinson points out that such exemptions are unnecessary, since any paternalistic control, including parental control, over children is a comparable form of coercion that regrettably constrains the child’s liberty. Seen in this light, any potential tyranny of the state over children in public schools is no worse than, and indeed counteracts the de facto tyranny of parents.\textsuperscript{19} Since, from the perspective of the child, “it is morally arbitrary who – the state or the parent – exerts coercive control” so long as the coercion is in the interest of the child, “the state is justified in helping children to develop autonomy.”\textsuperscript{20}

If we follow these arguments, we must admit that children are on to something when they insist that neither their parents nor anyone else in particular is the boss of them, at least not by any particular right. Liberal theory has not gone as far as pedagogical radicals like Paolo Freire and Ivan Illich in arguing that all educational hierarchies are illegitimate obstructions of liberty, nor has it admitted the claim of John Holt that childhood itself is nothing more than an arbitrary legal fiction, and that legal rights ought be distributed by demonstrated individual capacity to exercise them, not age.\textsuperscript{21} But the radical position in many respects simply follows from the logic of liberal theory. That is, if the personal authority of parents over children is merely “coercion,”

\textsuperscript{19} Levinson, \textit{Demands of Liberal Education}, 67. Gutmann is willing to exempt what she calls “intense minorities” from her schools, while Macedo is willing to countenance private schools so long as they are closely regulated by the state to ensure that they expose all children to the full panoply of liberal lifestyle options so that every child, even one raised by illiberal parents, is able to make “informed and independent decisions about how they want to lead their lives in our modern world.” Macedo, \textit{Diversity and Distrust}, 207

\textsuperscript{20} Levinson, \textit{Demands of Liberal Education}, 47-48.

interchangeable with rule by the state or anyone else, and serves no essential purpose of its own, and if education ought to consist in rehearsals of equality and autonomous choosing that do not require the authoritative guidance of anyone who could be said to know more than children, then the only important difference between adults and children is their relative size.

Liberal theorists are unwilling to go so far as to abolish childhood and the family in the name of equality, but like the authors of *The Authoritarian Personality*, they are concerned to limit parental authority as much as possible so that children can practice their liberty and equality as soon as possible. “Confronted with the rigidity of the adult…one turns naturally to the question of whether the prospects for healthy personality structure would not be greater if the proper influences were brought to bear earlier in the individual's life, and since the earlier the influence the more profound it will be, attention becomes focused upon child training.”

The basic claim that all these postwar liberals make about the scope of authority over children is that there must be “congruence” or “mirroring” between the regime and its educational institutions.

If the regime turns on equality or individual liberty, then children are best prepared for citizenship in it by experiencing egalitarian relations and rehearsing the exercise of rights in the pre-political spheres they inhabit. There is an appealing and logical simplicity to this assumption, and as a result, it is typically deviations from it that require justification rather than the assumption itself. The alternative would require us to demand a form of personal authority within one sphere of the regime – the family and the school – that liberalism is otherwise designed to undermine in all others. But if children do not understand concepts like

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representation and impersonal government that are used to replace authority in public life, then their obedience can only be induced by direct and personal rule, or by force. They demand that parents and pedagogues behave toward them in a way that is not only impermissible in relation to fellow citizens, but that their education has prepared them to oppose.

II. Liberal authoritarians

Liberalism’s postwar effort to purge itself of vestigial reliance on authority was not without critics. Some heterodox thinkers like Bertrand de Jouvenel and Hannah Arendt questioned the presumption of a straightforward opposition between authority and liberty, arguing that totalitarianism was not the metastasis of authority at the expense of liberty, but rather the triumph of a new and dangerous conception of power over classical understandings of both authority and liberty. Arendt argued that it was a characteristic failing of liberal thinkers in the nineteenth and twentieth centuries to assume that liberty grows where authority declines, so that overthrowing authority wherever possible would always conduce to progress.24 Liberals had conflated authority with power and “coercion,” as Levinson quite straightforwardly described every form of rule over children, and while most theorists in the twentieth century admitted some necessity of coercion, their efforts to limit and constrain its scope was understandable. What Arendt and Jouvenel argued, however, was that they had mistaken and mid-defined their target, that “we are confronted with the simultaneous recession of both freedom and authority in the modern world.”25


25 Arendt, “What is Authority,” 100.
Authority as Jouvenel defined it is the “faculty of gaining another man’s assent” without violence and arises spontaneously out of man’s sociable nature.26 “If authority is to be defined at all,” Arendt agreed that “it must be in contradistinction to both coercion by force and persuasion through arguments.”27 They both emphasize the distinction between power, which induces submission by force, and authority, which elicits it voluntarily. “Authority implies an obedience in which men retain their freedom” and “the most conspicuous characteristic of those in authority is that they do not have power.”28 And

“power is something very different from authority…This line of thought makes clear what a mistake it is to oppose authority to liberty…To follow an authority is a voluntary act. Authority ends where voluntary assent ends. There is in every state a margin of obedience which is won only by the use of force or the threat of force: it is this margin which breaches liberty and demonstrates the failure of authority.”29

One reason for this conflation of authority with power is that authorities appear to benefit from their position. They have merely to speak their will and others line up to execute it. But Arendt and Jouvenel insist that this is already a description of power, whereas true authority “takes nothing and has no function but to give.”30 On Arendt’s account, the consummate instance of authority is the moral influence exerted by the ancestors in Rome, and no one stands to benefit less from their authority than the dead.31

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26 Bertrand de Jouvenel, Sovereignty: An Inquiry into the Political Good (Cambridge: Cambridge UP, 2012), 29. Both Arendt’s and Jouvenel’s books precede Rawls, but as the popular success of The Authoritarian Personality suggests, the anti-authoritarian impulse of liberalism was hardly original to Rawls (and indeed, Rawls advanced a fairly moderate version given much of what had preceded him from the New Left). Sovereignty was first published in 1955, three years before Arendt’s lectures which became the essays in Between Past and Future. Arendt owned a copy of it, though it is unclear whether Jouvenel in turn read Arendt. There is little reason to see them as engaged in a joint project since they diverged substantially on other questions, and I suggest only that their view of authority was coincident.

27 Arendt, “What is Authority,” 93.


29 Jouvenel, Sovereignty, 33.

30 Jouvenel, Sovereignty, 37.
By conflating authority with power, force, and outright violence, we diminish compliance with it to a character flaw – cowardice or a weak will or an incapacity to think and judge for oneself. Indeed, the last bastion of authority which even liberal skepticism does not dispute is technical expertise, which is the submission of the ignorant to the knowledgeable, or supposedly knowledgeable. But while technical ignorance is unavoidable for most people, there is nothing commendable about being an ignoramus and requiring the guidance of experts. Autonomy is the ideal, as Levinson points out, since even those liberals like Gutmann and Macedo who reject it as a political end do so only because they fear it can’t be universally achieved.\textsuperscript{32} But in the light of autonomy, every heteronymous relation is at best an unfortunate capitulation and at worst an illegitimate instance of domination, including even that of the child to his parents.

This perspective has led us to diminish phenomena that are essential to social life and intimately connected to authority: influence, admiration, love, emulation. Any instance when we judge someone to be more than our equal, or when his example moves us to act or think in some way we could not imagine before becomes incomprehensible or illegitimate. But in fact this happens all the time in every society, liberal or not, insofar as man remains social:

“The auctor is the man whose advice is followed, to whom the actions of others must in reality be traced back; he instigates, he promotes. He inspires others with the breath of his own purpose, which now becomes that of those others as well – the very principle of the actions which they freely do. In this way the notion of father and creator is illumined and amplified: he is the father of actions freely undertaken whose source is in him though their seat is in others.”\textsuperscript{33}

These phenomena are the substance of education as character formation, which always requires models and exemplars. As such, they’re constitutive of social life rather than regrettable

\textsuperscript{31} Arendt, “What is Authority,” 120-124.

\textsuperscript{32} Levinson, \textit{Demands of Liberal Education}, 19-21.

\textsuperscript{33} Jouvenel, \textit{Sovereignty}, 30.
capitulations to necessity or deviations from the ideal. Authority can be dangerous, demagogic, and deforming, but we also want and need it. “Men are said to hate authority, but experience belies it. It is true that intimidatory imperatives arouse resentment in them, but it is true no less that they are ever seeking imperatives to guide them.”

This is a fact for which every theory that treats it as a phenomenon to be suppressed as far as possible or converted into Weber’s legal-rational authority, the impersonal authority of laws and administrators, fails to account.

Jouvenel directly emphasizes the personal character of such authority, while Arendt is more interested in its distance from those it influences and capacity for surviving the passage of time through embodiment in “tradition.” But for both of them, authority in its primary sense is not impersonal Weberian legal-rational authority, but personal example. Jouvenel’s personal authority runs from the mundane to the royal, while in Arendt’s Roman case, it was the “superhuman and hence always legendary effort to lay the foundations” and the religion of ancestor-worship that grew out of the founding myth and drew subsequent citizens back to its founders. Personal authority may be rationalized over time by being turned into impersonal law, but this necessarily attenuates its influence. “The more distant that an authority is the more it needs a halo, or, if no halo is available, the more policemen it will need.”

This kind of authority – personal, hierarchical, not rationalizable or even fully rational, the exemplary individual who makes us want to be like him and liked by him – may be rare and potentially ominous in politics, but it is mundane in the education of children. One need not be a Romulus or a Numa, a Brutus or a Scipio to impress a child; almost any adult can be an awesome

34 Jouvenel, Sovereignty, 75.
35 Arendt, “What is Authority,” 121.
36 Jouvenel, Sovereignty, 77.
figure in his eyes. That modern liberalism denies even this pedagogical authority which is required to form and direct children is, for Arendt, “The most significant symptom of the crisis [of authority], indicating its depth and seriousness…It has spread to such prepolitical areas as child-rearing and education, where authority in the widest sense has always been accepted as a natural necessity.” 37 Just as in politics, the result of this renunciation of authority in education has not been increased freedom for children, but rather increased tyranny.

An education which removes or as much as possible suppresses adult authority for the sake of facilitating self-government in children and a “protected space” in which to rehearse equality among themselves in fact leaves children at the mercy of his peer group.

“The child in the group…is of course rather worse off than before. For the authority of a group, even a child group, is always considerably stronger and more tyrannical than the severest authority of an individual person can be…By being emancipated from the authority of adults the child has not been freed but has been subjected to a much more terrifying and truly tyrannical authority, the tyranny of the majority.” 38

What begins as a project to facilitate the full development of children’s autonomy dissolves into a more powerful engine of conformism than the most extreme caricature of corporally-punishing, Latin-reciting scholastic education. The logic of congruence which turns the family and school into a miniature liberal democracy to better cultivate liberal democrats turns out to produce citizens fit only for a tyranny.

Arendt and Jouvenel suggest that liberty has always required authority, and not simply the impersonal authority of the law or political representatives viewed as extensions of one’s


38 Arendt, “The Crisis in Education,” 181. A literary portrayal of this scenario may be found in William Golding’s Lord of the Flies. Jouvenel also notes this trade-off: “When a young man rejects paternal authority, it is, sometimes, in order that he may himself take effective command of his own actions; but in how many cases is not rather that he may follow in the footsteps of some companion whose company he seeks and by whom he loves to let himself be led?” Sovereignty, 75.
own will, but the intensely personal authority of individuals whose guidance and instruction
shapes individuals in childhood. Their answer to the pugnacious philosophizing child is that,
precisely because this is a free country, your parents must be the boss of you. If this is true, then
we might ask when and how liberalism or modern political thought went astray and
misunderstood the symbiotic relationship between liberty and authority. Arendt offers an
intellectual genealogy of the Western conception of authority that begins in Greece and ends in
early modernity, while Jouvenel emphasizes political history and blames early modern ideas
about sovereignty for distorting authority.

Both of these histories paint with a broad brush and neither is clearly wrong as far as it
goes, but neither explains what Arendt diagnoses as the limit of anti-authoritarianism, the case of
children. Early modern political theories, for all their skepticism about medieval and ancient
political authorities, never proposed to liberate children from their parents. Indeed, it is a notable
feature of some of the most radically anti-authoritarian political thought of this period – John
Locke’s, for example, and Jean-Jacques Rousseau’s – that it devoted specific attention to the
case of children and urged adults, and parents in particular, to exercise extensive authority over
them. One way of accounting for this is to attribute it to some sort of lag between theory and
practice, or in this case, theory and theory: the development of the anti-authoritarian political
type that Arendt describes was perfected in the French Revolution, but took an extra century or
so to trickle down into popular pedagogy and the family and achieve full consistency. But this
requires us to assume that Locke and Rousseau and even thinkers who came along as late in the
process as John Stuart Mill were unaware of the inconsistency in advancing political anti-
authoritarianism alongside familial authoritarianism. Yet if that is the case, then it’s hard to
conceive what they were aware of and whether they wrote anything consciously.
I propose a different approach to the question, which is to begin from the limiting case of childhood and trace the source of contemporary liberalism’s error about the relationship between childhood and authority. The end result of this error is the resort to the logic of congruence, which imposes a uniform conception of authority on every institution and association in the state. By tracing the modern development of the relationship in political thought between the family and the state – in particular, the idea that the family ought to mirror the authority structure of the state – we might see more clearly by contrast why early liberals like Locke and Rousseau opposed this congruence and what kind of authority in the family and state they thought would conduce to liberty. What I hope to show is what I think Locke and, more ambivalently, Rousseau saw originally in dealing with this difficulty but has since been largely forgotten or misinterpreted – that in a liberal democracy, the practices of childrearing and education must run counter to those of civic life. In other words, the family (and, later, the school) cannot simply be a mirror of the regime, as many thinkers before and after Locke insisted, and in fact must be its inverse: the liberty of the adult citizen depends on the subordination of the pre-political child.

III. Plan of the dissertation

This study begins from Arendt’s insight that education is an inherently authoritarian undertaking and liberalism has gone astray in denying this. Following Arendt, I attempt to answer the question, “What was authority?” But my concern is primarily with modern or liberal authority, authority as it was conceived alongside the modern state. Consequently, I begin in roughly the same place as Jouvenel – the sixteenth century, with the rise of sovereignty theory in the thought of Jean Bodin, and his followers to varying degrees: Robert Filmer, Hugo Grotius, and Thomas Hobbes. Sovereignty theory is the modern origin of the logic of congruence. Its
congruence tends in the opposite direction from democratic congruence – that is, fatherhood is to be made absolute in order to mirror the absolute power of the monarch. Nonetheless, it is animated by precisely the same impulse, that the family ought to be a miniature version of the state, so that children may practice the conduct expected from them as adults. Sovereignty theory is a major turning point in the career of authority because it conflates power and authority in one, increasingly impersonal office, and its proponents turn to the family and in particular to fathers to substantiate this new kind of absolute, indivisible, and final power they have imagined. The absolute patriarchal family is not the prototypical premodern familial arrangement from time immemorial but rather the outgrowth of the relatively recent conception of political power embodied in sovereignty.

Sovereignty was advanced as a means of rationalizing and consolidating the multiple and often contradictory authorities that feudal arrangements had created. A single, centralized, absolute, and final seat of power was intended to put an end to the endless contests for power between the monarchy, nobility, and clergy in early modern France, and it was adopted by the English to perform the same function when religious civil war threatened to cross the Channel. But Hobbes soon realized that when all formal power was centralized in one office, the authority of public opinion still posed a deep, albeit informal, threat to stability. Sovereignty would have to encompass not only an absolute legislative power in the traditional sense, but also the possibility of centralized control of opinion.

It is in the opposition to sovereignty as a conception of political authority that we also find the first aggressive objections to the logic of congruence, and an effort to reconcile an authoritarian family to a liberal state. In particular, in Locke, we find a profoundly anti-authoritarian state and epistemological theory coupled with an authoritarian pedagogy. He denies
any natural basis for parental authority, places strict limits on its reach and duration, but
nonetheless tells parents to behave as their children’s “absolute” rulers. In Rousseau, who
accepts a democratic version of sovereignty theory, we find an even more expansive embrace of
personal authority which extends into politics along with personal authority in education.
Personal authority in both public and private life in Rousseau’s work stands alongside
impersonal government and the unrelenting assertion that the best and most natural life for man
is one of radical independence from others. The reason that Locke and Rousseau defend parental
authority despite their general antipathy to authority is their fear of precisely the power of public
opinion which Hobbes had hoped to tame with his sovereign. The authority of parents over
children turns out to be an antidote or counterweight to the influence of fashion and popular
opinion which is strengthened and elevated by the centralizing, rationalizing, and
depersonalizing impulse of sovereignty.

The first chapter begins with a brief survey of pre-sovereignty understandings of
authority and the family-state relation in sixteenth-century France and England in order to show
what was novel about Bodin’s sovereignty theory. I then flesh out Bodin’s purpose in advancing
sovereignty theory, his construction of power and authority, and the reasons he tried to re-
conceive the family in the image of absolute power. Bodin’s theory was taken up by a startlingly
diverse set of followers for very different ends. Most of these writers shared Bodin’s desire to
strengthen, regularize, and usually centralize state power, but their understanding of private
authority and the family’s place in the regime pointed to the differences behind their apparently
similar purpose. Nearly every configuration of public and private power was advanced at some
point during this period, and I examine two particular efforts to work out its contradictions: the
natural-law constitutionalism of Hugo Grotius and the patriarchal absolutism of Robert Filmer.
Filmer demanded increased familial power as means of expanding by analogy the power of the sovereign, while Grotius defended mixed and moderated regimes and so settled extensive powers in the hands of fathers in order to offset the power available to sovereigns.

The second chapter takes up Hobbes’s conception of authority, both in the state and in the family. Hobbes followed Bodin’s absolute sovereignty most of the way, including in his presumption that paternal power is absolute, but he saw that positing a second source of absolute power in the state endangered the sovereign and that, moreover, naturalistic forms of authority like paternity are highly unstable relative to conventional sources like compact. So, to fortify sovereign authority against any challenge from above or below, he subordinated fathers to sovereigns in the commonwealth. But he also encouraged the sovereign to maintain the patriarchal family in order to educate subjects by experience to prefer a distant, impersonal office of the sovereign representative to rule by a powerful, near-at-hand, and personal father. Hobbes’s sovereign is designed to resolve the contradictions of the sovereignty theory he inherited from Bodin, Grotius, and Filmer, and it does so by structuring political authority in such a way that even the right to define ideas is concentrated in the sovereign.

In the third and fourth chapters, I examine Locke’s accounts of political and paternal authority. I show that Locke was an anti-sovereignty thinker, and that he developed his political theory as a result of a gradually increasing skepticism that Hobbes’s solution to the problem of seditious opinions was practicable. If even an absolute sovereign could not direct or control public opinion, and “fashion” and “reputation” rather than positive law were the most powerful determinants of human conduct, then these forces posed an even greater threat to individual liberty than the absolutist tyrant. The contemporary liberals discussed above all identify Locke as one of, if not the foundational thinker for the positions they develop, but their account of Locke
remains at best incomplete. They are right to see in the Second Treatise an effort to reduce political authority to impersonal offices and laws, but they overestimate the extent to which that effort bleeds into private life or is intended to be a guiding principle for education and childrearing. Locke’s education follows from his concern with protecting epistemic liberty against the power of fashion in the Essay, and he enlists the paternal (or parental) authority in this effort to defend against something like the tyranny of the majority that Arendt feared from submitting children to one another’s government. Locke thus reverses the logic of congruence: a state grounded in equality and individual liberty requires a hierarchical, authoritarian family to sustain itself.

In the final two chapters, I conclude with a consideration of Rousseau’s writings on public and private authority. Rousseau is of interest to us because he responds directly to practically every major thinker who preceded him in the early modern sovereignty and natural-law tradition. He also offers the most elaborate account of the relation between personal authority and both legal sovereignty (in the Social Contract) and the sovereign power of opinion (in the Letter to D’Alembert). Unlike Locke, Rousseau does believe that public opinion can be directed, but not as Hobbes claims, by the sovereign, but rather by outstanding individuals who compel admiration and emulation through their virtue – that is, by personal authority. These individuals – the legislator and the censors in public life, and women and tutors in the private sphere – form a kind of shadow government, regulating moeurs alongside a formal government that promulgates positive law. These chapters examine how these personal authorities are intended to work in public life in a well-ordered society, and how they serve as private preservatives against the corruptions of the poorly-ordered modern commercial societies depicted in Emile. Like Locke, Rousseau set out to fortify the modern family to serve as a fence
for children against the social and intellectual corruption – the “tyranny of the majority” from which Arendt was also concerned to protect children – which modern political arrangements had exacerbated.

IV. Scholarly contribution

What I hope to demonstrate by re-examining early modern ideas about public and private authority is that that postwar liberalism, by identifying authority with fascism and trying to rationalize and de-personalize authority indiscriminately, has advanced an essentially absolutist and Hobbesian conception of politics, ignoring the substantial criticisms of this conception to be found in the writings of more plausible liberals like Locke and Rousseau. The influence of this anti-authoritarian liberalism on contemporary education and childrearing has been particularly destructive because the demand for congruence between the state and the families and schools within it imperils precisely the realm that Locke and Rousseau identified as most capable of averting a tyranny of public opinion.

This project may be taken as a contribution to the defenses of liberal pluralism that have been advanced in the past 20 years against contemporary liberal rationalism, one made from within rationalism. However, I’m less concerned with the legal and conceptual problems posed by free association in general as with the particular association that is least amenable to regularization or bureaucratization, where personal authority is most central, and most clearly in conflict with liberty: the family. Scholars of pluralism have so far had less to say about the

family than about Rotary clubs, although nearly everyone is a member of a family, whereas Rotarian membership is fast-approaching the size of the unicorn population. The case of childhood is similarly absent from the major studies of authority undertaken by contemporary liberal theorists. Where it does appear, it is not easily assimilated into the other kinds of intermediate institutions like churches, corporations, voluntary groups, and so on with which they’re primarily concerned.

As an intermediate institution, the family is *sui generis*. It is the only one of these groups that has a plausible claim to be natural and to antecede both the state and civil society in time and in form. The family is, in addition, the only sub-political group whose membership is a near-universal experience, something which has always been the case and is likely to be so substantially into the future. Its universality and permanence give it a different and more primary status than other sub-political associations – every political thinker must confront it and find some place for it in his political theory, or else find some other way for society to perpetuate itself.

The family’s claim to naturalness poses a special challenge for any conception of state or sovereign authority because, as a human institution, it appears to pre-date and possibly supersede the authority of any particular government. The way that different thinkers have dealt with this claim to naturalness and primacy then influences what scope they can give to political authority. Bodin, for example, admits the family’s naturalness and primacy over the state, and attempts to strengthen the sovereign’s power by establishing a parallel between familial and political authority. Filmer, following a variation on Bodin’s logic, simply extrapolates political authority from paternal authority. Hobbes, for whom the family poses a serious threat to the supremacy of his sovereign representative, and the thinkers who follow after him are, by contrast, concerned to
deny the naturalness of the family and to re-establish it on a foundation of consent or contingent historical developments precisely so that it no can longer compete effectively with the state for loyalty.

Consequently, a study of authority in the family opens certain questions about nature and the limits of politics that Rotary clubs and even churches do not precisely address. However, because it claims to be the pre-political, primordial form of human society, the family’s authority does pose a particularly potent threat to the state and cannot simply be celebrated as the great counterweight to rationalist tyranny. To the same extent that the family is the first and most natural society, it is also the first and most natural tyranny. Locke and Rousseau saw this as clearly as Hobbes and Bodin, and were for that reason hardly willing to concede that any exercise of power over children constituted effective authority. What Hobbes showed was that men naturally resist being ruled. What Rousseau and especially Locke offered was a kind of authority that could channel and overcome that resistance in the short run order to preserve liberty in the long run. Recovering a picture of that kind of authority is the aim of this study.
To understand the origins of the modern aversion to authority and especially to personal authority, we must begin with the sixteenth century development of sovereignty as an account of the nature of political power. To do so may seem counterintuitive, since sovereignty was conceived as – and has at bottom always been – a justification for absolutism, first for the absolutism of a monarch, and then, dressed as parliamentary and popular sovereignty, for the absolute power of the assembly or the people. In its first guise as an encouragement to the absolute monarchies of France and England, sovereignty hardly seems to be at odds with rule by personal authority. Monarchical absolutism requires a monarch, an office whose character is highly personal and whose personality seems only to be expanded by absolutism’s severing of the monarch’s accountability to the nobility or the people. Moreover, many early sovereignty theories, like those of Bodin, Filmer, and Hobbes analogized the political authority of monarchs to the paternal authority of fathers, an analogy that seems to support the monarch’s personal authority. On its face, sovereignty appears to be an extreme justification of unlimited and arbitrary personal power rather than an effort to rationalize politics. Indeed, in the popular imagination, absolutism is simply synonymous with absolute despotism. It seems, in short, to license the chaos of the unconstrained will of a personal monarch rather than to establish an impersonal, legalistic political order.

Yet establishing personal authority was not the aim of Bodin or any other sovereignty theorist. On the contrary, they saw themselves as imposing order and a clear locus of authority on the chaos of medieval law, with its multitude of independent jurisdictions, its secular and canon traditions, and its competing claims of corporate and personal rights that often spanned
national borders. In particular, as Daniel Lee has argued, Bodinian sovereignty was concerned with establishing a firm legal distinction between the king’s public power over the kingdom and the arbitrary power of a feudal lord over his demesne. In addition to a jumbled feudal legal inheritance, the more recent rise in the sixteenth century of Machiavellianism and the doctrine of *raison d’etat*, emphasizing security over legality, threatened to pry political rule apart from law entirely. Sovereignty as articulated in Bodin’s writings was an attempt to domesticate the Machiavellian conception of power by writing it into law, and to reconcile this law with the conflicting bodies of medieval law to produce a coherent political-legal basis for the French monarchy, on a model that every state could potentially follow.

Although Bodin intended sovereignty theory to strengthen and rationalize the monarchy rather than loose an unbounded despotism of the king’s arbitrary will on France, the logic of sovereignty remained one of absolute power, and Bodin never denied it. On the contrary, because the idea of an absolute public power did not exist in feudal law, Bodin made an extensive effort to substantiate its existence, turning away from the legal history of France and towards a more abstract account of the nature of political power to do so. His effort to find a

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40 Harold Berman, *Law and Revolution* (Cambridge, MA: Harvard UP, 1985), particularly Part II on secular legal systems. Berman emphasizes that the overlapping legal systems of the late medieval period were actually quite well-ordered and functional in practice despite their complexity, a view also taken by Bodin’s opponent Francois Hotman, whose contemporaneous *Francogallia* was a competing account of French legal history arguing that France was founded on the power of the people for the good purpose of limiting the monarch.

41 Daniel Lee, “‘Office is a Thing Borrowed’: Jean Bodin on Offices and Seigneurial Government” *Political Theory* 41 (2013), 409-440. Not every jurist who attempted to distinguish public and private property this way relied on sovereignty to do it, but as we shall see, every such effort did require a depersonalization of the state, since the *royaume* ceased to have a particular owner in the way a feudal demesne did.


43 Bodin rejects Machiavelli in the preface of his *Six Books*, but there is good reason to see him as a systemizer and domesticator rather than an outright opponent of Machiavelli. See also Harvey Mansfield, *Taming the Prince* (New York: Free Press, 1989), 153-157.
source or model of absolute power that would supersede the feudal privileges still embedded in the French constitution resulted in his elevation of the family as a model for absolute power, on the ground that fathers originally had such powers, both from God and in ancient kingdoms. The evidence of such power could be seen in the *jus vitae necisque* over children of Roman fathers. Elevating a primordial familial model of political power over the prevailing natural-law account of the family as natural and prior to the state but not analogous to it was a strategy adopted by sovereignty’s advocates to overcome the arguments of mixed monarchy proponents like Francois Hotman in France and Richard Hooker in England, who grounded their arguments in the legal histories of their countries.

Bodin’s enlistment and substantial reformulation of the family and paternal power for this project was taken up by English absolutists, particularly Robert Filmer, who extended Bodin’s patriarchal logic into absurdity, and Thomas Hobbes, who attempted to fill the gaps in Bodin’s theory with a more consistent and systematic account of political origins to support absolute sovereignty. Unlike Filmer, who wholeheartedly adopted Bodin’s suggestions about the patriarchal origins of political power, Hobbes, who will be discussed in the next chapter, suspected that such origins were in reality less stable than another account of political origins which Bodin advanced in his earlier work – consent, or covenant. Hobbes’s sovereignty theory and its relation to patriarchalism was, as a result, much more complex than the sorts of direct analogies that early sovereignty theorists made between sovereign and paternal power.

Although sovereignty theory found many supporters in France and later England, particularly during their respective periods of civil war in the sixteenth and seventeenth centuries, it was never without opponents. In France, Hotman’s constitutionalism offered direct opposition to Bodin’s abstract centralizing efforts, and in England, accounts of the mixed
constitution advanced by Elizabethan theorists like Richard Hooker and Thomas Smith continued to be cited by political writers after Bodin’s works had made their way across the Channel. But Hooker and Smith offered what we might call traditional Aristotelian natural law accounts of the origins of both paternal and political power, and had written in ignorance of Bodin, so they could offer no defense against his attack on the mixed regime. By the late seventeenth century, a second set of opponents of absolutism like John Locke, James Tyrrell, and Algernon Sidney began to advance competing conceptions of paternal power to show that it could not support absolute sovereignty. These opponents had an important precedent in the natural law thought of Hugo Grotius, who had in 1625 published an anti-Bodinian theory of sovereignty, which severed sovereignty from any possible grounding in paternal power, and which resulted in the possibility of divided and partial sovereignties that Bodin had denied. Grotius thus stands as an intermediary between the full-throated accounts of sovereignty as an absolute, indivisible, and final power in the state advanced by Bodin, Filmer, and Hobbes, and the Whiggish rejections of absolute power under all but the narrowest and rarest circumstances, and especially in the family.

In this chapter and the next, I will lay out the basic permutations of the logic of sovereignty and its relationship with paternal power advanced between the sixteenth and the mid-seventeenth centuries. It is not an exhaustive survey of early modern theories of sovereignty, but a study of works which made paternal authority central to their understandings of political power, and those who denied this analogy. These accounts of political and paternal power form the vista against which Locke’s and Rousseau’s accounts of authority were set and which prompted their detailed considerations of the limits of paternal or parental authority over children and their unusually extensive attention to the education required for their regimes.
I. The pre-history of sovereignty in France and England

Bodin’s formulation of sovereignty in the *Six Books of the Republic* in 1576 was a turning point in modern political thought, from Aristotelianism to power but the bare concepts of sovereignty and absolute power were in circulation in European political writing long before Bodin reformulated them to describe the authority structure of the modern state. Claude de Seyssel’s 1515 *Monarchy of France*, written as a handbook and constitutional sketch for Francis I, exemplifies the basic pre-Bodinian understanding in France that the king is sovereign, but that this entails no unlimited or unlimitable rights. Sovereignty meant that the king’s claim was the highest in the realm in certain domains, but not in all of them. The king’s power was “neither totally absolute nor too much restrained” (*non pas totalement absolue, ni aussi restraine par trop*), but constrained by three “bridles” (*freins*) – religion, justice, and *police*.44 The effect of these bridles was to “reduce” the king’s “disordered will” to “legality.”45 The king was bound to observe his own civil laws, including importantly a prohibition on alienating the realm, and was held accountable to “the sovereign courts of parliament and certain of the offices of accounts” (*les cours souveraines des parlements et celle des comptes*) in judicial proceedings and expenditures.46 At the same time, at the level of social privileges rather than law, the three estates checked one another.47 Seyssel had no doubt that France was a monarchy and not a mixed

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46 Seyssel, *Monarchy of France*, 1.11. There is no evidence that Seyssel read Machiavelli, whose *Prince* had been published only two years earlier.

47 Seyssel, *Monarchy of France*, 1.19. Seyssel peculiarly did not take the clergy to constitute a separate estate, but rather held it to be “common to all three,” since anyone could enter it. His estates instead consisted of the nobility, “le peuple moyen,” and “le peuple menu.”
aristocracy like Rome and Venice – admirable but ultimately unstable examples on his account – but it was nonetheless one which had multiple sites of sovereignty, depending on what sort of right was in question.

Seyssel’s English counterpart in this respect was the diplomat (to France), Thomas Smith, whose *De Republica Anglorum* advanced a theory of “absolute power” in the English constitution similarly admitted multiple sovereignties. On Smith’s account, there are five “points of distinction,” or essential functions, in commonwealths: war and peace, legislation, revenue, the appointment of magistrates, and the administration of justice. The English monarch wields “absolute” power over war and appointments, while Parliament, “the most high and absolute power of the realm,” determines legislation and revenue. The administration of justice is largely out of the control of either of these powers. This division of duties renders the English monarch “more absolute” than the executive magistracies of Sparta and Venice, but less so than the French monarchy, which, according to Smith, had degenerated from a “lawful and regulate reign” to an “absolute and tyrannical government” under Louis XI. Smith’s idea of absolute power was drawn from the context of war, where an army must be ruled by the “will” of its general rather than the “consent” of the governed. However, for this very reason, truly absolute power must be limited to war, since “the frailtie of mans nature…cannot abide or beare long that absolute and uncontrowled authoritie” except under


49 Smith, *De Republica Anglorum*, 2.1-4.

50 Smith, *De Republica Anglorum*, 1.8, 2.3.

51 Smith, *De Republica Anglorum*, 1.8.
conditions of strict necessity.\textsuperscript{52} The first kings also “ruled absolutely” over their own families, but not because they were fathers. Rather, the claim of these monarchs was that they were men “whom God had endewed with singular wisedome both to invent thinges necessary for the nourishing and defence of the multitude, and to administer justice did so farre excell other, that all the rest were but beastes in comparison of him, and for that excellencie willingly had this authoritie given him of the multitude.”\textsuperscript{53}

Smith also rejects the later patriarchalism claim that early absolutism is a model for contemporary commonwealths. The family with all its servants and goods “cannot be called Aristocratia, but Metaphorice, for it is but an house, and a little sparke as it were like to that government.”\textsuperscript{54} Like his denial that a family is a model state, which follows Book I of Aristotle’s \textit{Politics}, Smith’s description of primitive patriarchal absolutism follows the classification of monarchies in Book III of the \textit{Politics}, and in particular the monarchs Aristotle calls “αἰσιμνήτας” (elective princes) who ruled “ἐν τοῖς ἀρχαίοις Ἑλλησιν” (among the ancient Greeks).\textsuperscript{55} Such rulers allow for the possibility and justice of an absolute monarch whose virtue is so outstanding that “all the rest were but beastes in comparison of him,” but, like Aristotle, Smith relegates the practical use of such rule to the distant and even mythical past. \textit{De Republica Anglorum} argues only that the family is an imperfect “metaphor” for political power, and neither its model nor its source, and that absolutism’s origins lie in the exigencies of war rather than civil rule.

Another sixteenth-century mode of constitutional analysis that began to move closer to sovereignty theory was the effort to recover the “ancient constitutions” of France and England.

\textsuperscript{52} Smith, \textit{De Republica Anglorum}, 1.8.

\textsuperscript{53} Smith, \textit{De Republica Anglorum}, 1.8.

\textsuperscript{54} Smith, \textit{De Republica Anglorum}, 1.11.

\textsuperscript{55} Aristotle, \textit{Politics}, 1285a30.
Francois Hotman, a French opponent and contemporary of Bodin and a Protestant monarchomach, developed this analysis to strengthen popular power against the monarch.\(^5^6\) France’s feudal constitution, Hotman contended in *Francogallia*, was a mixed monarchy in which the people had “total power” (*toute puissance*) to elect and depose their kings.\(^5^7\) This power was vested in an annual “assembly of the whole nation” (*assemblee de toute la nation*), which evolved into the Estates-General, a body which formed the “sovereign and principle administration of the domain of the Franco-Gauls” (*souveraine et principale administration du Royaume des Francs-gaulois*).\(^5^8\) Whereas Seyssel and Smith had described government as limited by the operation of its parts – each potentially absolute in its own sphere – Hotman’s constitutionalism edges towards modern sovereignty theory by distinguishing a source of final, sub-political power – the people, represented by the Estates – which decisively limits the monarch. In one respect, the success of the Estates depends on the statesmanship and independence of mind of the particular nobles who attend it, but for the most part, Hotman views the Estates as an impersonal institution representing not the feudal system of personal benefits

\(^{56}\) JGA Pocock described Hotman as a predecessor to English appeals to their own feudal law to justify modern parliamentary or royal privileges in the following century in *The Ancient Constitution and the Feudal Law* (Cambridge: Cambridge UP, 1987), 12-16. For a discussion of Hotman’s place among the French monarchomachs, see Lloyd, *The State, France*, 153-156.

\(^{57}\) Francois Hotman, *Francogallia* (printed in French as *La Gaule francoise* [Cologne, 1574]), 95.

\(^{58}\) Hotman, *Francogallia*, 95-96. In the subsequent chapter, Hotman attributes several “marks of sovereignty” to the Estates, including the power of war and peace, making and deposing kings, and the power of legislation and official appointments, a claim which he must strain his extensive historical sources to substantiate. Hotman emphasized the supremacy of the Estates rather than the *parlements*, which earlier French writers had taken to be the primary institutional limit on royal power. He objected to the parlementaires’ lowly origins (“qu'ils soient issus de petit lieu”) and social-climbing aspirations, which rendered them dependent on the royal will and so expanded monarchical power. The Capetian kings were the first to seize on the potential of such men, “qu'ils ont estimez ne devoir etre contraires à leurs desseins,” to serve as more reliable agents of the king than the independent-minded nobles, and to “substitute” the privileges of the *parlements* for those of the Estates. Interestingly, Hotman follows Seyssel in omitting the clergy from the Estates, asserting that their inclusion is a recent innovation. He instead describes the traditional Estates on the model of the British Parliament, consisting of king, nobles, and people. This exemplifies the Aristotelian “harmony” he seeks more perfectly, but perhaps more to Hotman’s Protestant purpose, it excludes the Church from power. Hotman, *Francogallia*, 198-201.
and obligations out of which it developed, but rather the abstract state of France. Although his aim is to preserve the feudal privileges of the hereditary nobility against the growing class of office-seekers who have expanded royal power at the expense of the nobility, Hotman nonetheless sees feudal privileges as a preservative for a centralized administrative state rather than the decentralized political system of personal power in which they have their origin.

The constitutional analyses of lawyers and diplomats tended to proceed from national particulars, but there was another, broadly Thomist mode of constitutional analysis in the sixteenth century that abstracted from national constitutions to derive political right from natural law. This mode foreshadowed concerns that would dominate the political thought of the following century but avoided many of the conclusions in favor of sovereignty which this approach would later draw. In England, the most comprehensive effort at this kind of analysis was Richard Hooker’s 1594 *Of the Laws of Ecclesiastical Polity*, written after the publication of Bodin’s *Six Books* but apparently in ignorance of them. Although the *Laws* is often mistaken for a “traditional” or “conservative” rendition of Aquinas, Hooker is in fact more innovative than these readings allow, advancing a natural-law constitutionalism that in several important respects anticipates the modern natural law and social contract theories of the subsequent century.

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61 Skinner, for example, takes Hooker to be a conventional exponent of “Lutheranism,” which is only partly accurate given the ecclesiological implications of Hooker’s rejection of the principle of *sola scriptura*. Skinner also attributes Locke’s contractualism and state of nature theory to the influence of the “radical” Spanish Thomists, overlooking Hooker’s very similar arguments on these questions, which are a more plausible source for Locke. Skinner, *Foundations*, vol. 2, 107, 154-166. Leo Strauss and Thomas Pangle similarly dismiss Hooker as a traditionalist whose stodgy respectability Locke uses as cover for his discreditable innovations, ignoring the similarities between Locke and Hooker on the points where Locke appeals to him. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 165-166; Thomas Pangle, *The Spirit of Modern Republicanism* (Chicago: University of Chicago Press, 1990), 132-133.
Hooker’s political theory takes its starting point from the theoretical problem posed by natural law that would become so familiar in the writings of Grotius, Hobbes, Pufendorf, and Locke: if there is a natural law discernible to natural reason – that is, without the assistance of Scripture – what is its extent and how can it be known? This question compels us to examine the origins of the state, since government is not required “in nature considered by itself” but only “now” enjoined by natural law in the aftermath of the Fall. In order to discover the origins of “the first politic societies” then, we must consider the knowledge available to “mere natural men,” who not only lived without revelation but during “those times wherein there were no civil societies…no manner of public regiment established… not above eight persons righteous living upon the face of the earth.” The knowledge available to such “natural men,” is “not only sufficient so forth as serveth our vital preservation” but extends far enough to indulge our love of contemplation and guide us in the establishment of positive law.

Although the first truths to which natural reasoning leads are positive duties, Hooker expresses them negatively as proscriptions against harm deriving from natural equality:

“My desire therefore to be loved of my equals in nature as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection. From which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural Reason hath drawn for direction of life no man is

62 Hooker, Of the Laws of Ecclesiastical Polity, in The Works of that Learned and Judicious Divine Mr. Richard Hooker, vol. 1, ed. John Keble (Oxford: Clarendon Press, 1888) 2.5.2. For Hooker, defending an extensive sphere of natural reason is necessary to counter the Puritans’ claim that true knowledge is available exclusively through Scripture

63 Hooker, Laws, 1.10.5.

64 Hooker, Laws, 1.8.6, 1.10.4. Hooker exhorts readers who lament the “iniquity” of their own times to be grateful that at least they do not live in this harsh post-Edenic period. Unlike later theorists of the state of nature, Hooker’s language implies that this period might be assimilated to biblical time – likely the time of Lot.

65 Hooker, Laws, 1.8.5.
But this duty cannot be enforced outside civil society, so human laws and especially impartial judges are needed to secure us from harm. In addition to protection, men establish civil society to provide the “implements” required for life. Moreover, men are sociable and establish civil society in their pursuit of comforts: “joy, comfort, delight, and pleasure.” All this is strongly reminiscent not only of the preoccupation of seventeenth-century natural lawyers with constructing the origins of civil society from a few minimal principles of natural law, and in particular a law prohibiting harm, but of Locke’s formulation of political origins in particular.

Although Hooker refrains from surveying or ranking possible regimes, asserting that the choice is “arbitrary,” he admits that it is probable that “kings were the first kind of governors,” the result of an accretion of paternal power to the head of a large family. “Private” paternal power is by nature “a supreme power,” but it is not analogous or translatable to public rule. Precisely because supreme power is limited to paternal power in the family, an effort to establish it as a “public regimen” without the consent of the governed constitutes usurpation:
The first societies which permitted the fathers of families to metastasize into absolute kings with “all permitted unto their wisdom and discretion” found “this for all parts very inconvenient. So as the thing which they had devised for a remedy did indeed but increase the sore which it should have cured. They saw that to live by one man’s will became the cause of all men’s misery.”

For Hooker, the power to make law comes either from “express commission immediately and personally received from God,” a source not much in evidence after biblical time, “or else by authority derived at the first from their consent upon whose persons they impose laws.” He is quick to clarify that this does not mean, as it does for Hotman and the monarchomachs, that the people must be continually consulted to approve legislation either directly or through representatives, since they are bound to any regime they once consented to, including absolute monarchy. But popular consent remains the original source of political authority, regardless of where power is presently located.

There remains an important ambivalence in the *Laws* about whether absolute monarchy is a legitimate but undesirable regime or an outright tyranny, since it is possible both for God to appoint such a government and for men to consent to it. Locke did not share Hooker’s ambivalence on this question, but the view that while every natural-law commonwealth is grounded in popular consent, the people can consent to permanently alienate its authority to an absolute monarch is common to other natural law and sovereignty theorists in the seventeenth century. Nonetheless, the *Laws*, like *Francogallia*, offers arguments against absolute sovereignty

73 Hooker, *Laws of Ecclesiastical Polity*, 1.10.9. It seems from this passage that consent is not actually enacted but simply presumed of every existing regime, since it is present even when not “apparent.” However Hooker also suggests the possibility of resistance when he writes that original consent is permanent unless “revoked by the like universal agreement,” but does not elaborate what such a revocation would look like.
modeled on paternal authority which both illuminate how radical Bodin’s departure from the constitutionalist tradition was and offer resources for Bodin’s later opponents to draw on.

Although these thinkers do not exhaust the permutations of sixteenth-century French and English political thought, they do offer a picture of the breadth of constitutionalist thinking and its sources. Seyssel and Smith found limits on absolute royal power in the existing legal practices of their states and their analogy to Roman law, whereas Hotman sought them in a feudal history of France purified of Roman law, and Hooker in the universal law of nature. Despite the differences in the origins of their constitutionalism, all these writers take for granted that royal power, and any other merely civil power must be limitable by some other part of the constitution. They take for granted a distinction between private and public authority such that there is no question for any of them that the power of government is not paternal power, either in origin or by analogy. Fathers may be absolute within their families or not, but their powers are not the basis of any civil jurisdiction. It is this Aristotelian assumption that sovereignty theory rejected from the outset.

II. Bodin’s legalization of unlimited power

Bodin’s effort to escape the legal particularities of France’s constitutional legacy and move towards a universal jurisprudence is evident in his first major work, the Method for the Easy Comprehension of History of 1566, which elaborates an approach to the study of universal history that would make it a synoptic and reliable source of jurisprudence. Its sixth chapter is a précis of the developed theory of sovereignty that would appear in the Six Books in 1576. Sovereignty is introduced in the Method as the unifying principle of government, the structure or power underlying the whole variety of the world’s political arrangements. Sovereignty unifies
Bodin’s historical examples in the *Method*, but the principle is not deduced from historical example and longstanding custom, as it was by other historical jurists like Hotman. Such deductions from the usages of an ancient constitution also depersonalized the state, but produced an encumbered sovereignty, a king accountable to customary or civil law and whatever body in the constitution stood in defense of that law. But Bodin’s notion of sovereignty is a logical deduction, or perhaps more accurately, an assertion, that political power is embodied in command rather than in the Aristotelian combination of offices exercising deliberation and judgment.

Bodin nonetheless intended sovereignty to regulate the monarch, but in a new way. The difficulty with these earlier strategies – describing the state as a mixed regime or appealing to the ancient rights of competing offices – was that they failed to come up with any way to enforce the political order they constructed, particularly in the face of a conflict between the monarch and the legislative or judicial body supposedly capable of opposing him, not to say between a monarch and the natural law, violations of which only God could punish. The “politique” response was to defer to the prince in dubious cases for “reasons of state.” Bodin tried to regulate this kind of executive, not by denying the possibility of reason of state, but by incorporating it into the law and constitutionalizing it. Sovereignty constrains the monarch only in theory, by defining the scope of his power and thereby constitutionalizing something that is in essence extra-legal, bringing it within the purview of legal analysis without placing any specific limits on its use.\(^\text{74}\)

\(^{74}\) Although Lee claims that Bodin’s writing has usually been read as “crude political absolutism,” that’s an exaggeration. Julian Franklin seems to be the only such reader, whereas the legal formalism of Bodin’s sovereignty has been widely recognized by a variety of other commentators. See for example, Jean Elshtain, *Sovereignty: God, State, and Self* (New York: Basic Books, 2008), 42-43; Bertrand de Jouvenel, *Sovereignty*, 183-184; Lloyd, *The State, France*, 157-161. Mansfield, *Taming the Prince*, 155.
Indeed, Bodin’s definition of sovereignty is famously unlimited. It is “the most high, absolute, and perpetual power over the citizens and subjects in a commonweale.” As such, it is an indivisible power, characterized by five “marks,” or legislative functions, and its bearer is subject to no higher authority, save the ambiguous “laws of God, of nature, and of nations.” Sovereign power brings the state into being and remains identical with it. It is an abstraction applied to, but independent of, any particular monarch. Because such power precedes law and is necessary to make law in the first place, the sovereign ultimately can never be held to even the laws he makes, though Bodin strongly urges self-restraint for prudential reasons. His sovereignty consists in the power to act “despite the law,” the most visible and routine demonstration of which is his power to pardon.

Bodin’s account of political origins assumes a natural human sociability derived from classical and medieval thought, but he faults this tradition for providing no reliable mechanism to create order. On one hand, society begins when “man by his own volition (since his own nature is gregarious) or from some cogent necessity betakes himself to a meeting place with others, through whom he sees provided for him the necessary means of making life pleasanter and more comfortable.” But this does not result in a civitas, merely “an aggregation of citizens and magistrates” who have “come together in one place without laws or controls.” For Aristotle, the

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76 Bodin, *Six Books*, I.8. The five marks were close to Smith’s five functions of a state, except that revenue, which was not the responsibility of any independent body in France as in England, was replaced by the power of pardon. Jouvenel remarks of Bodin’s deferral to natural and divine law limitations that, “This restriction was worth as much as the piety of the king and the religious convictions of the people.” Jouvenel, *Sovereignty*, 184.


78 Bodin, *Method*, 211. In the *Six Books* (I.6), Bodin revises this account to say that heads of families rather than individuals associate together.

first political associations are formed when natural ruler and ruled recognize one another. But Bodin is not content with a hierarchy indicated by nature and insists on the need for some external force to set in motion an ordered relation between rulers and ruled. Sociability results in quarrels, leading “the weak and feeble” to seek the protection of strong or just men, and out of this relationship of command and obedience arises ordered states.

Sovereign power narrows the flexible Aristotelian idea of rule, divisible into kinds based on the nature of the ruler and ruled, into this single form of command, which does not change with the objects to which it is applied. For this reason, there can be no Aristotelian distinction between “virtue and viciousness” in a Bodin’s constitution, since there is no incorrect or deviant regime, only a choice between sovereignty and anarchy. What Bodin offers instead is a secondary distinction between tyrannical and legitimate ways of exercising office. Power precedes citizenship in the formation of a state because it is the force that orders the anarchic meetings of men into law-bound association by punishing them if they resist, so it is always true

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81 Bodin, *Method*, 214. In addition to the weak fleeing into the arms of the strong, Bodin offers a contractual understanding of the mechanism of foundation, claiming that at the beginnings of states, “the power of living as you wish, without laws or authority, has been handed over by the separate citizens to one.” This equivocation on the question of political origins earned him the ire of the otherwise extremely sympathetic Filmer.

82 The most significant of these distinctions is between mastery and political rule. The error of the tyrant is to imagine that there is no difference between a large household and a small city (“ὡς οὐδὲν διαφέροισαν μεγάλην οἰκίαν ἢ μικρὰν πόλιν”) (Aristotle, *Politics*, 1252a5). But for Bodin, these are merely two approaches to governing – the “seigniorial” and the “legal.” He encourages the latter but recognizes the legitimacy of the former.

83 Filmer will narrow this choice even further into one between absolute monarchy or anarchy. See below.

84 Bodin, *Method*, 153, 179, 187, 267-271. For a summary of this distinction, see McRae, “Appendix B,” in *Six Books*, A76. This is closely tied to what Richard Tuck has called the sovereignty/government distinction in *The Sleeping Sovereign*, but this distinction seems to separate power from authority, since what Tuck calls “legitimacy” resides in the sovereign, while “day-to-day” power is in the government. See Tuck, *The Sleeping Sovereign* (Cambridge: Cambridge UP, 2015), 26-27. A less radical distinction between sovereign power and its exercise is offered by Lee in “Office is a Thing Borrowed.”
that “everie Citizen is a subject.”

The activities which Aristotle put at the center of politics – deliberation and judgment – are insufficient on their own reliably to create order. Bodin does not exclude these activities from politics, but argues that they cannot be marks of sovereignty, since these tasks are relegated to lower officials like judges and counselors who answer to the sovereign. The highest magistracies are marked rather by their capacity to “command and execute.”

In part, this narrowing of the idea of rule was made possible by Bodin’s conflation of authority (imperium) with power (potestas). Although Roman jurists made an effort to distinguish these modes of rule in a way that suggested that not all political life is a matter of command and subjection, Bodin rejected such distinctions as mere “rules of grammarians.”

Right and influence are not power because power must be visible and have a direct effect on whomever it is exercised – its object must be, in Bodin’s examples, summoned to trial, appointed to office, executed by his prince. Although the nature of public and private property differs for Bodin, the nature of public and private power does not. The power of a father is no different in character than that of a prince: “This word Power, is common unto all such as have power to command over others, either publickly or privately.” Because power is only command for Bodin, it is essential to identify and make it visible to subjects, a situation most easily achieved when power is embodied in a single office. This is significant not simply because it permits

85 Bodin, Six Books, I.6. The converse, however, is not true.
86 Bodin, Method, 170; Six Books, I.1.
87 Bodin, Method, 170-171.
88 Bodin, Method, 170-171. This conflation also seems to deprive the Church of any means of influence.
administrative centralization, as many scholars of Bodin have observed, but because it creates a definitive locus of supremacy for subjects who are simultaneously subordinated to other feudal, familial, and ecclesiastical superiors.

Given these differences, it becomes clear why the idea of sovereignty, of a “final power,” is necessary for Bodin’s analysis of politics, but was “overlooked by Aristotle and by those who have written about government.” Aristotelian power has no single source and can be understood to be lodged in the various magistracies or parts of the regime, a view we have seen in the sixteenth-century French and English constitutional theories preceding Bodin’s. Such power is not destroyed by revolution, only re-arranged under a new authoritative element. But Bodin’s power constitutes the state, so its destruction spells the state’s end. This danger explains why there can be no resistance even when sovereigns clearly violate natural and divine law. It is permissible to depose a non-sovereign monarch, but if that same monarch “be an absolute Soveraigne,” then resistance is absolutely prohibited, “albeit that he had committed all the wickedness, impietie, and crueltie that could be spoken.” Julian Franklin takes this to be a contradiction symptomatic of Bodin’s shortsighted inability to conceive of a limited monarchy, when in fact it is perfectly logical, and may be easily grasped by substituting a sovereign people for the sovereign monarch in the prohibition. No matter how atrociously the sovereign people

90 Mansfield notes that, “Bodin frequently criticizes Aristotle for situating sovereignty in something so indeterminate as deliberation. The legislative power will never be precisely located if one has to look for men who deliberate; it is safer and surer to look for one who commands. Law is then command, and command is not merely a necessary feature of law...but sufficient to define it.” Mansfield, Taming the Prince, 155. Lee tempers this reading by pointing out that Bodin does attempt to put certain state offices beyond the reach of the sovereign’s command, but this will be discussed below.

91 Bodin, Method, 172.

92 Aristotle, Politics, 1276a40-1276b15.

93 Bodin, Six Books, II.5.
governs, it is logically inconceivable for such a sovereign to be deposed by its subjects, who are coterminous with itself. And if it is overthrown by foreign conquest or usurpation, the entire constitution of the state and its former power would be overthrown along with it. That is sovereignty’s “final power” – it constitutes the state, and it dies with it.

III. The role of the family in substantiating sovereignty

Despite the relative internal coherence of sovereignty, it was not sufficient for Bodin to assert that France was an absolute monarchy against opponents like Hotman who protested that never in its own legal history had it been conceived this way. He addressed this difficulty in part by offering a competing constitutional history of France that emphasized instances when the king had governed independently of the Estates and the parlements. But what was more striking than this historical counter-argument was Bodin’s introduction of an idealized image of the Roman-biblical family as a model for the possibility of absolute power. This required a turn to the pre-history of the state or to political anthropology, to develop the family into a model of the regime whose natural and pre-historical primacy necessarily pre-empts the authority of any subsequent customs derived from more recent constitutional history. The resulting political anthropology is somewhat muddled, at least relative to the more rigorous development of this line of argument into social contract theory by natural lawyers like Grotius and Hobbes in subsequent decades, but it is a distinct alternative source of constitutional authority intended to supersede both feudal and civil law.

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94 Julian Franklin, Jean Bodin and the Rise of Absolutist Theory (Cambridge: Cambridge UP, 1973), 52-53. Franklin overlooks the difference between resisting an executive magistrate and resisting a sovereign. The distinction here is easily made with reference to his own favorite example, the US Constitution: impeachments and assassinations of the President have never changed our constitution, whereas the attempt of one part of the people to secede from the other part nearly destroyed it.
Bodin first substantiates the possibility of such a unitary, absolute power by reference to God’s power, since “in the separate natures of things some one object excels,” and in world as it appears to men, it is “finally God alone the prince and author of the world.”95 The authorial and governing relationship of God to the world is mirrored in the relationship between the sovereign and his state: “the prince is the lively image of almighty God…the law of the prince should be framed unto the modell of the law of God.”96 Despite his reliance on divine power, however, Bodin is not a divine right theorist. The monarch is an image, twice-reflect as we shall see, of God, but God’s power is not the direct source or basis of any civil monarch’s power.97 Moreover, as we have seen in Bodin’s vague account of state origins, the state is neither the direct creation of God nor the spontaneous product of natural sociability.

The power that does arise spontaneously in nature and reflects divine power is paternal power:

“This word Power, is common unto all such as have power to command others…So the Prince (saith Seneca) hath power over his subjects, the Magistrate over privat men, the Father over his children, the Maister over his schollers, the Captaine over his souldiers, the Lord over his slaves. But of all these the right and power to command, is not by nature given to any beside the Father, who is the true Image of the great and Almightye God the Father of all things.”98

In addition to being the image of God, the father is endowed with a power to command by nature. The natural primacy of the family is reinforced by Bodin’s claim that the family can exist

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95 Bodin, Method, 271.
96 Bodin, Six Books, I.8. This phrase is here in the context of an exhortation to the prince to follow the law of nature, but in this case by violating the law of nations. In the next usage, it is an exhortation to subjects not to resist a king who is “the image of God.”
97 A clearer example of a divine right theory where a monarch’s power is directly created and sustained by God may be found in Filmer and, later, in Books III-IV of Jacques Bossuet’s Politics Drawn from the Very Words of Holy Scripture, trans. Patrick Riley (Cambridge: Cambridge UP, 1990).
and persist without a state, but not vice versa.\textsuperscript{99} But Bodin’s stress on the naturalness of the family jeopardizes the authority of the sovereign, which cannot be legitimated by direct appeal to nature or God, as paternal authority can. Two things result from the identification of fathers with the natural basis of sovereign power: first, the correct arrangement of the family is elevated to an urgent political consideration in its own right, since the arrangement of political power in the state nears the natural and divine standard as it more closely resembles the arrangement of the family. Second, as the father’s powers expand to better model absolute sovereignty, they increasingly conflict with the sovereign’s powers. The result is an unresolved tension in Bodin’s politics between the conventional power of the civil sovereign and the natural right of the father.

In order to augment the father’s legal power so that he more closely resembles an absolute sovereign, Bodin argues that the long-outlawed right of life and death over his children (and under certain circumstances, his wife as well), “which by the law of God and nature is given to them” ought to be returned in civil law to the paternal arsenal.\textsuperscript{100} This right is, in addition to its harmony with divine and natural law, original to the Hebrews, Romans, and the French.\textsuperscript{101} Bodin’s desire for a return to this form of \textit{patria potestas} is remarkable in its context, since like slavery, whose abolition Bodin endorses, the \textit{jus vitae necisque} was a pre-Christian practice.\textsuperscript{102} But to view Bodin’s effort to restore this right as an effort to transform the family into a despotism is as mistaken as to view absolutism itself as a despotic doctrine rather than an effort to strengthen and order the state. Bodin conceives of the family as a voluntary association held


\textsuperscript{100} Bodin, \textit{Six Books}, I.4.


\textsuperscript{102} Bodin himself associates its decline with the reigns of Constantine and Theodosius. \textit{Six Books}, I.4.
together by bonds of affection: he permits divorce and claims parental love will almost always prevent fathers from exercising their new powers.\textsuperscript{103}

The recovery of this power is not intended to alter existing family relations, but is rather a formal necessity for Bodin’s family to fully model absolute sovereignty – to become “the true seminarie and beginning of every Commonweale” – that it never was under previous legal arrangements, so that the state can follow suit.\textsuperscript{104} A correct orientation towards the authority of his father would form the moral basis for the subject’s reverence for his king: “If it is servile to bear the authority of a king, it ought also to seem servile to obey one’s parents.”\textsuperscript{105} Making this claim plausible requires that the form of the family be modified to better reflect the logic of sovereignty, and that it be brought into closer parallel with the state so that it may plausibly model its power. This is the introduction of the logic of congruence into modern political thought, and it is important to note that this logic appears in defense of absolutism.

The parallel form and extent of paternal and political power is precisely what generates the tension between fathers and kings in the \textit{Six Books}. If paternal power is to be expanded into a power of life and death over some subjects (i.e., one’s own children) at the same time that sovereignty is to be understood as the final decision in all cases, including capital cases, these two claims must conflict. Any father who executes his children deprives the sovereign of his pardon power. On the other hand, any son raised to regard his father as his absolute sovereign will have little reason to exchange him for the prince until his father’s death, which may be long after the son has reached adulthood himself. Where loyalty to a father conflicts with loyalty to a

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\textsuperscript{104} Bodin, \textit{Six Books}, I.2.
\textsuperscript{105} Bodin, \textit{Method}, 277.
\end{flushright}
prince, Bodin privileges filial relations. Even “if the father shall be a theefe, a murtherer, a
traytor to his countrey…yet I say, it is not for the sonne to put his hand thereunto.”106 For the
child who is, as Hobbes would later say, made to “obey two masters,” the lesson of a Bodinian
commonwealth regarding allegiance must be puzzling.107 There is an additional difficulty with
family property, whose disposal Bodin prefers to leave to fathers, in keeping with the principle
of patria potestas, but which he permits the sovereign to interfere in.108 He faces the same
difficulty with the feudal privileges of specific noble families. “Certaine particular statutes” are
permissible, but subject to the pleasure of the prince, and should only be preserved if they serve
the public good. “For it is not without great cause to bee suffered, that the lawes of privat
families should derogat from the customes of the country, and so, much lesse from the generall
laws and ordinances.”109

Although everything about the structure of the Bodinian family tends to collapse the
distinction between family and state, Bodin is adamant that the distinction between public and
private is natural and necessary. Richard Tuck describes the *Six Books* as “[taking] its start from
an attack on Aristotle, and in particular on his distinction between political communities or cities
and other social groups, notably the family,” but even as Bodin disputes Aristotle’s distinctions
between kinds of rule and conflates them all into a single form of command, he insists that a


107 Actually, three masters, but as in Hobbes, the highest master is the least effective.


109 Bodin, *Six Books*, I.2. This rejection of feudal privilege is in line with Preston King’s argument that Bodin’s
“normative aim…was primarily to make intermediate (or ‘private corporate’) bodies more susceptible to sovereign
control,” but King assumes the family itself “presented no particular obstacle to sovereign control,” which this
passage indicates is not so, since at least the noble family often had corporate legal privileges. King, *The Ideology of
large family is not a small state, and that the worst kind of regime is that proposed in Plato’s *Republic*, which dissolves the boundary between public and private.\(^{110}\) Although the family is “the true image of a Citie, and…so also is the manner of the government of an house or familie, the true modell for the government of a Commonweale,” it is nonetheless not to be conflated with government.\(^{111}\) What “chiefly distinguishes the family from the state [is] that the latter has the final and public authority, the former limited and private rule.”\(^{112}\) Yet how these two identical forms of authority over the same subjects may coexist without one subsuming the other is unclear.

Announcing the absolute supremacy of the sovereign resolves the problem by subordinating and relegating the family to a smaller but still important sphere, which is Bodin’s general though inexplicit intention. Preston King goes further to claim that there is no conflict here at all, because there is no point at which the powers of the state and family conflict.\(^{113}\) To the extent that Bodin assumes that no sovereign will use his power to abolish or radically restructure the family and that no particular exercise of private *patria postestas* will rise to the level of a national controversy, King is right. However, like the prudential limits he places on direct taxation, Bodin’s restoration of *patria potestas* to fathers relies on the faithful preservation of a private sphere by a sovereign who has in principle an unlimited right to interfere in it, so that the whole structure of the Bodinian state rests on an entirely voluntary decision of the prince. At the same time, Bodin’s sovereign father, whose power is actually a revocable grant of the

\(^{110}\) Tuck, *Philosophy and Government*, 26. On the distinction between a small state and a large family, see Bodin, *Six Books*, I.2. For his criticisms of Plato, see Method, 268-269; *Six Books*, I.2.


\(^{112}\) Bodin, *Method*, 158.

\(^{113}\) King, *Ideology of Order*, 87.
monarch, must behave towards his family as though he has independent control of them. More problematically, it is the father’s natural right (however unenforceable) over children that is superior to the sovereign’s merely conventional power over subjects, for the father’s right is prior to the monarch’s, detachable from it, and established directly by God through nature. Bodin never resolves this difficulty. Fusing or confusing royal and paternal authority is one possible resolution of this conflict (one which to which Filmer resorts), while de-naturalizing the family so that it may be definitively subordinate to the sovereign is the other (as Hobbes does). Both were arguments that Bodin himself was at pains to avoid.

IV. The afterlife of Bodinian sovereignty

The result of Bodin’s effort to turn sovereignty into a legal doctrine of absolute but rationally-deployed political power is ultimately ambivalent, leading in one direction towards a recognizable rights-based liberalism through Grotius and Hobbes to Locke and Rousseau, and in the other through Filmer, Hobbes, Rousseau, and the French Revolutionaries towards an unmitigated absolutism, initially of the monarch but eventually of the people. Nor are these two paths wholly independent, as the place of Hobbes and Rousseau along both demonstrates. Both rights-based liberalism and absolute sovereignty remain elements of the modern nation-state. While older scholarship focused on Bodin’s absolutism and the unbounded character of the sovereign will, more recent work has by contrast emphasized the limitations on his sovereign and the juridical elements of his political theory. But the most sober efforts to assimilate Bodin into the French constitutionalist tradition still acknowledge the despotic and Machiavellian potential of his theory. Lee, for example, outlines Bodin’s effort to move away from the personal politics
of the “seigniorial kingdom” and towards an impersonal and indirect rule of law, but nonetheless admits that this move is only advised, not required, by his theory:

“While it is true that the bearer of sovereignty may, in theory, have had the sovereign right to exercise supreme power directly and without legal limit...the long-term interest of the state would require instead a policy steering away from occasions necessitating seigneurial rulership, one which would minimize—rather than maximize—the extra-legal “constitutional moments” when sovereignty could be exercised directly at will.”

Bodin’s theory never completely reconciles his rationalizing, impersonalizing intentions with the flashes of royal personality occasionally necessary for the sovereignty to sustain itself.

Richard Tuck has also emphasized the anti-absolutist elements of Bodin’s thought, particularly in the way that the parlements participated in sovereignty and on occasion defended it against the king, for example by preventing him from alienating the royal domain. However, in this respect too, Bodin is slippery. One example Bodin offers in the Method of the monarch’s exemplary submission to the judgment of the parlements merits consideration: A parlement freed an Italian whom Henry II had imprisoned “without assigning a cause” to the parlementaires. Upon being freed in accordance with the parlement’s judgment and against the king’s desire, “by order of the king, [the Italian] was plunged into the River Seine at night, lest the unusual event should trouble the people.” Such is the effectual limitation on the royal power offered by the parlements, and such is Bodin’s politique willingness to talk out of both sides of his mouth.

Even given its absolutist potential and intent, however, Bodinian sovereignty remains incomplete, or at least incompletely worked out. Bodin leaves residual authority over the sovereign’s will in natural and divine law, in the autonomy of some of the offices of the state and

114 Lee, “Office is a Thing Borrowed,” 418-419.

115 Tuck, Sleeping Sovereign, 22-27. As we saw in Seyssel, the feudal understanding of the state as a property of the king posed a major obstacle to state modernization.

116 Bodin, Method, 254.
the constitutional limits on taxation, and in his admission of the continued legitimacy of the privileges of some feudal corporations. Although none of these checks is enforceable, they provide a theological-political basis from which to argue against sovereign misrule. As much as Bodin insists that power and authority are coeval, natural law persists as a competing source of authority in his thought, since it is identified with God’s law and serves as the standard of justice. As we have seen, the natural primacy of the family relative to the monarch is the basis of a claim against his overreach into the private sphere. Similar claims may be made by the over-taxed, or those denied trial, and so on. It is important that subjects are forbidden from acting on these claims and that the structure of sovereignty permits no enforcement from below, either at the level of subjects or magistrates, but these efforts by Bodin to head off active resistance are not sufficient to prevent its ideological formation. This may seem to be a mere quibble over the absoluteness of Bodin’s absolutism, but as we will see in Hobbes’s thought, it is as important to eliminate ideological sources of resistance to the sovereign as it is to prevent open revolt.

Bodin’s exposition of sovereignty was extremely influential, and its standing tensions – between his combination of power and authority into one political office and his insistence on the potentially competing authority of natural law, between the absolute power of sovereigns and the same power in fathers, between the voluntary and potentially contractual origins of the state and the impossibility of resisting or altering the sovereignty established from this beginning – ironically resulted in its adoption, in whole or in part, by nearly every political thinker of the first half of the seventeenth century. In a sense – and not unlike Hobbes after him – Bodin offered something for every partisan, including even those who sought to justify the rebellion whose legitimacy he denied.117 Two figures of particular interest for understanding the effect of Bodin’s

sovereignty theory on conceptions of personal authority are the Dutch jurist Hugo Grotius and the English royalist pamphleteer Robert Filmer, contemporaries writing in the first half of the seventeenth century, one generation after Bodin.

Two more diverse different ways of working out the tensions in Bodin’s theory could hardly be imagined. Grotius starts from the natural law and natural sociability that were also foundational for Bodin, and derives from them a theory of popular, contractual state origins that moderates sovereign absolutism and permits limited division, alienation, and resistance to sovereignty. Filmer, by contrast, starts from Bodin’s absolutism and his familial model of political power and elaborates an extreme patriarchal absolutism that resolves the Bodinian competition between the power of fathers and sovereigns by collapsing the distinction. But both these thinkers follow Bodin’s circumvention of particular legal systems and turn to a prehistorical basis for an authoritative model of government, and so both confront the family’s claim to be the most natural or original form of government. In working Bodin’s logic out in one direction, Grotius strains Bodin’s identification of authority with power, whereas Filmer, working in the other direction, strains his effort to separate public from private power. Both alternatives are ultimately taken up by Hobbes in his theory of sovereignty, which tries to reconcile a conventionally absolute monarch with the natural primacy of fathers while avoiding both a Filmerian collapse of one into the other and a Grotian admission that sovereign power is not a final or permanent authority.

V. Grotius’s political anthropology and divisible sovereignty

Grotius makes clear at the outset of On the Rights of War and Peace that he is not an unquestioning follower of Bodin, whom he accuses of confusing advantage with law in the Six
Books, but, written only 50 years after the Six Books, Grotius’s legal theory already presumes Bodinian sovereignty, and his own concessions to absolutism are widely-noted. Grotius’s objections to Bodin are advanced mainly as modifications to a widely-accepted theory of the structure of state power rather than an alternative to it. Nonetheless, because Grotius supplies a complex political anthropology to ground his political theory where Bodin had been vague and contradictory about political origins, Grotius’s modifications to the resulting theory of sovereignty turn out to be quite significant. They show that political society originally arises out of individual right, and thereby exclude the possibility of modeling sovereignty on paternal power. Although Grotius has been read as a defender of absolutism by those who seized on his claim that an original popularity sovereignty can be permanently and completely alienated to anyone, his theory of sovereign power is much weaker than Bodin’s, in large part because of his foundation in individual natural right and private law.

For Grotius, much like Hooker, the state begins with the pre-political individual endowed with both a natural right to self-preservation and a natural sociability. The entire structure of natural law can be deduced from these two sometimes contradictory qualities of the individual, and it is to advance them both that men combine to create commonwealths. This is in some sense a juridical presentation of Hooker’s theological argument, but in answer to a quite different question. Rather than what can be rightly known without revelation, as Hooker had been, Grotius is interested in what can rightly be done. He “transformed the concept of ius as it is found in Roman law and in Aquinas. Instead of being something that an action or state of affairs or a

category of these is when it is in accordance with law (*in casu*, natural law), *ius* is seen by Grotius as something that a person has.”\textsuperscript{119} Although the individual can alienate his rights, this is only possible because they inhere in him in the first place, an account which Filmer quickly noted had the effect of vastly expanding the authority of private individuals against that of the sovereign, whose power was ultimately a delegated one. Indeed, the rights of the free private man (and not the master, husband, father, or any other relational right) are the model for civil law for Grotius, so much so that “the distinction between the rights of a private actor and those of a public actor is null.”\textsuperscript{120}

This parallel is clearest in Grotius’s discussion of the right of “private war,” a right which never completely abates even in a fully-constituted state capable of waging public war in defense of its members.\textsuperscript{121} As Grotius admits in this chapter, the right of private war seems to be at odds with the Gospels and most scholastic thought, but consistency requires him to justify it. If joining a community is to be both by choice and the only reasonable course for man, as Grotius (like Hooker) maintains it is, then it must advance his ability to enjoy his natural rights, especially the central right to self-preservation. It consequently cannot be qualified or diminished by the community, and some opportunity of preservation must be available in every case, including those inevitable cases when “the Way to legal Justice may fail, either for some Time or absolutely.”\textsuperscript{122} That this private right of war persists in every regime by right of nature, even an absolute regime in which the people have otherwise alienated their rights to a sovereign and


\textsuperscript{121} Grotius, *Rights of War and Peace*, 1.3.2.

\textsuperscript{122} Grotius, *Rights of War and Peace*, 1.3.2.
where concerted resistance is illegitimate, suggests that authority in Grotius is never completely
coterminous with political power, but that some is always reserved to the private citizen.\textsuperscript{123}

Precisely because the free man (\textit{liberus}) is the model for the citizen, the child, wife, and
slave are not. These other relationships of dependence exist both within and prior to states, and
Grotius occasionally uses them to illustrate the possibility of certain kinds of political relations,
but they are not the basis or model of such relations.\textsuperscript{124} Right over others comes by consent,
generation, or crime, but only children can be generated, making parental right unique and
inimitable in politics.\textsuperscript{125} Grotius devotes a chapter to describing the natural evolution of parental
authority according to the “seasons” of the child’s life, from an infancy during which parental
authority commands complete obedience to an adulthood when it obliges no more than
“affection and respect.”\textsuperscript{126} The \textit{patria potestas} whose revival Bodin had called for is no part of
natural law, but a civil practice unique to the Romans, “such a Power, as the Romans confessed
that other People had not over their Children,” and moreover, one often condemned as
“barbarous and tyrannical” by others, whose view Grotius evidently shares since he presents
their positions with no objections of his own.\textsuperscript{127}

Grotius’s private war is the basis for the public or “solemn” right of war that is the chief
mark of sovereignty. Even in making war a prerogative of the sovereign however, Grotius

\textsuperscript{123} This does not mean a free citizen cannot sell himself into slavery and thereby transfer his private right, only that
the transfer of public power does not in itself entail a transfer of individual private right: “when a People is
alienated, it is not the Men themselves, but the perpetual Right of governing them, as they are a People” (1.3.12).

\textsuperscript{124} Lee, “The Roman Law in Grotius,” 374.

\textsuperscript{125} Grotius, \textit{Rights of War and Peace}, 2.5.1. Grotius does speak of “patrimonial kingdoms,” but only to distinguish
the manner of succession, not to describe a paternal relation between king and subject. See 1.3.11, 15 and
Barbeyrac’s notes to these sections.

\textsuperscript{126} Grotius, \textit{Rights of War and Peace}, 2.5.2-6.

\textsuperscript{127} Grotius, \textit{Rights of War and Peace}, 2.5.7. He also rejects a master’s power of life and death over slaves at 2.5.28.
diverges from Bodin’s unitary sovereign absolutism, admitting that although “there must be an express Resolution of the Sovereign” to declare war, “But it may happen, that in a very large State, the inferior Powers may have Authority granted them to begin a War; which, if so, then the War may be reputed as made by the Authority of the Sovereign Power.”

He goes on to define a state, but here, contra Bodin, he does not define the “civil power” by its locus of sovereignty, but reverts to the Aristotelian account of the commonwealth with its emphasis on deliberation and judgment over command. Furthermore, sovereignty need not be a permanent power, but may be a time-limited, usufruct right like that of the Roman dictatorship or modern regency. The “generality of sovereigns” do not hold their states “with full right of property” and are fully bound to their own oaths and to promises extracted from them by the people at the time of their appointment. Finally, and most damningly for Bodin’s unitary conception, Grotius admits that sovereignty can be divided, either among individuals who hold it co-equally, or by its functions. Such division is not ideal, but “in the Matter of civil Government, it is impossible to provide against all Inconveniencies,” so Grotius adapts sovereignty to describe existing political structures, even those that are incompatible with Bodin’s rules.

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128 Grotius, Rights of War and Peace, 1.3.5. Salmon’s identification of Grotius with Bodin relies in part on overstating Grotius’s agreement with Bodin on this question. Salmon is right to read this passage as a rebuke to the monarchomachs’ effort to justify resistance to the sovereign by magistrates, but the delegation which Grotius permits erodes sovereign unity even without justifying rebellion. Salmon, “Legacy of Bodin,” 511.

129 Grotius, Rights of War and Peace, 1.3.6.

130 Grotius, Rights of War and Peace, 1.3.11.

131 Grotius, Rights of War and Peace, 1.3.14, 16.

132 Grotius, Rights of War and Peace, 1.3.17.

133 Grotius, Rights of War and Peace, 1.3.17. Rousseau characterized this method less charitably as Grotius’s tendency to “justify right by fact.” Rousseau, Social Contract, 42.
Rather than trying to refute Bodinian sovereignty directly, Grotius diminished it by attributing sovereignty to a number of temporary, constrained, and divided configurations of political power which Bodin considered insufficient to constitute a true state. This approach is not a return to the constitutional theories of mixed monarchy and customary law that preceded Bodin, but rather a new sort of natural-law constitutionalism grounded in social contract theory—a hypothesis about free and equal pre-political men endowed with natural rights who consent to political rule. According to this political anthropology, the family is the “most natural society” and paternal authority is an extensive and spontaneous grant of nature, but it is no model or source for political authority, which arises instead from the collective consent of free, private men. Although Grotius insists that this account of political origins poses no legal obstacle to absolute sovereignty, it provides a very weak basis for it. The absolute sovereign is barred from the private rights of its subjects, which are protected under every regime unless a subject personally renounces them, so that the private man retains part of his original natural authority over himself even in a duly-constituted commonwealth. As we saw, Bodin too struggled to articulate a public/private distinction of this sort which could protect private property against overzealous taxation, but his commitment to the logic of sovereignty obstructed any decisive legal distinction like the one that Grotius made. Grotius’s effect was to make Bodin’s clear, concrete, and unitary consolidation of state power vague again, and moreover to ground it decisively in a popular consent which eventually outgrew Grotius’s own intention that consent be the beginning but not the whole or end of political authority.

VI. Filmer’s patriarchal absolutism
While Grotius expanded Bodin’s vague account of political origins into a theory that gave much greater scope to popular sovereignty and precluded royal absolutism modeled on the family, Filmer took Bodinian sovereignty in the other direction, working out the logic of an original divinely-sanctioned paternal power from which all subsequent political power arises. Bodin played a central role in all of Filmer’s writings, one of which is simply a series of excerpts from the 1606 English translation of the Six Books emphasizing the sovereign’s exemption from law, published by Filmer as “The Necessity of the Absolute Power of All Kings,” while others, like “The Anarchy of a Mixed Monarchy” and Patriarcha borrow liberally from Bodin.134 What animates all of Filmer’s writings is his objection to a position to which Bodin was not particularly averse and which Grotius’s natural law substantially expanded: that men are originally free to choose the form of their regime, a view that Filmer called a “vast engine of popular sedition.”135 This position put him as much at odds with other royalists as with parliamentarians, for “though Sir John Hayward, Adam Blackwood, John Barclay and some others have…vindicated the right of kings in most points, yet all of them, when they come to the argument drawn from the natural liberty and equality of all mankind, do with one consent admit it for a truth.”136

The trouble with these royalist arguments was that they were open to the same objection as Bodin, that the source of political authority – whether it was natural law or an original association of free men – did not coincide with the (monarchical) location of political power in


136 Filmer, Patriarcha, 3.
the state, and this discrepancy permitted claims against royal power grounded in some higher or antecedent authority. “If it be true that men are by nature free-born, and not to be governed without their own consents, and that self-preservation is to be regarded in the first place, it is not lawful for any government but self-government to be in the world.” 137 Original liberty could not be manipulated to justify a present absolute sovereignty, and greater congruence between the origins of the state and its current form had to be found to head off these appeals to foundational arrangements.

Beginning from Bodin’s account of sovereign indivisibility, Filmer argues that not only must a mixed regime be impossible, but that even popular or aristocratic sovereignty, which Bodin had allowed, is indefensible. “To be governed is nothing else but to be obedient and subject to the will or command of another: it is the will in man that governs.” 138 When this commanding will is that of a multitude, “there is a monarchy of many wills in one,” but this requires the multitude to be unanimous. However, any assembly, whether of the people or the nobles, reduces the requirement of unanimity to bare majoritarianism. As a result, in every decision, the sovereign will is divided into two wills: a sovereign majority opinion and a subject minority, so that “every change of business or new matter begets a new major part, and is a change both of government and governors.” 139 The result is not a sovereign state but “an interrupted succession of a multitude of short-lived governments, with as many intervals of anarchy.” 140 If the sovereign will is to be truly indivisible, as Bodin had required, then it must be

140 Filmer, “Observations upon Aristotles Politiques,” 255. The prevalence of anarchy in Filmer’s history is quite remarkable – he turns back to Rome and asserts against Bodin that sovereignty was never in the people, but first in
the irreducible will of a single man.¹⁴¹ Even popular regimes “all agree in this one point, to give that honourable regard to monarchy that they do interpret the major or prevailing part in every assembly to be but as one man, and so do feign to themselves a kind of monarchy.”¹⁴² Absolute monarchy is thus the only real regime that has ever existed, and whatever is not monarchy is anarchy. Where Bodin was willing to allow that sovereign power was only most effective when concentrated in a visibly unitary monarch, Filmer denied even the possibility of its existence outside this framework.

Filmer’s overriding concern was to find a principle of political origins that would reliably preempt any claim against the exercise of absolute monarchical sovereignty, to effectively close the gap between power and authority that Bodin had left open and Grotius had widened. He escaped from entanglements with popular sovereignty and consent by pinning his hopes on a Scriptural rather than a natural law-based pre-history of the state to form a fence against creeping liberty,

“for it is not possible for the wit of man to search out the first grounds or principles of government (which necessarily depend upon the original of property) except he know that at the creation one man alone was made, to whom the dominion of all things as given and from whom all men derive their title. This point can be learnt only from the Scriptures.”¹⁴³

¹⁴¹ This was Filmer’s strongest objection to Hobbes in particular (see also “Observations Concerning the Originall of Government,” 190-193). Rousseau tried to address precisely this objection that the majoritarian principle is incompatible with sovereign indivisibility with his general will.


The error of even fellow royalists was to accept the authority of pagan writers and particularly of Aristotle, confusing the authority of antiquity with that of divinity. Against them, Filmer asserts that only the first human government expressly approved by God can be a reliable blueprint for subsequent government, and all others are effectively heretical, because “a natural freedom of mankind cannot be supposed without the denial of the creation of Adam.”144 God’s creation of Adam is the source of right in Filmer because it can be subject to no further appeal; neither natural law nor speculative principles drawn from philosophy can supersede it (although, as Locke demonstrated, a contrary reading of Genesis may do the trick).

But divine creation on its own does not specify the nature or extent of political power, since kings do not command obedience by virtue of having created their subjects. By emphasizing instead the paternal character of God’s relation to Adam, Filmer finds a humanly transferable basis for right and obedience, and avoids the error of imputing direct divinity to monarchs. God’s creation of Adam is the concentrated source of “all power on earth,” which “is either derived or usurped from the fatherly power, there being no other original to be found of any power whatsoever…the power which God himself exerciseth over mankind is by right of fatherhood.”145 The only natural right then is paternal right, so that “obedience to parents be immediately due by a natural law.”146 Deriving the origins of government from God’s paternal

144 Filmer, “Observations upon Aristotles Politiques,” 236-237. Filmer directly accuses Hobbes of this heresy as well when he points out that the state of nature cannot, according to Genesis, be the state of scarcity Hobbes claims. Filmer, “Observations Concerning the Originall of Government,” 188.


146 Filmer, Patriarcha, 12. This power extends to usurpers: “It is true, all kings be not the natural parents of their subjects, yet they all either are, or are to be reputed as the next heirs to those progenitors who were at first the natural parents of the whole people, and the right to succeed to the exercise of supreme jurisdiction” (Patriarcha, 10).
right over Adam and his descendants allows Filmer to account in a stroke for a single source of power, authority, and property, and to pre-empt appeals to any competing authority.

Filmer’s biblical originalism is astonishingly simple: the first man was the first monarch, his children his first subjects, his family the first state, and the world his personal property. “A son, a subject, and a servant or a slave, were one and the same thing at first.”147 We need not concern ourselves with the particulars of the law of succession or property, nor speculate about the abstract principles of power or human nature, although Filmer does make brief efforts to square his family-state with both legal history and human nature.148 All principles of politics are contained in this beginning from Adam, with minor alterations required to accommodate instances of usurpation.149 Sovereignty operates just as in Bodin’s Six Books, only paternal power is no longer a pattern for, but the substance of political power:

“If we compare the natural duties of a father with those of a king, we find them to be all one, without any difference at all but only in the latitude or extent of them. As the father over one family, so the king, as father over many families, extends his care to preserve, feed, clothe, instruct and defend the whole commonwealth.”150

147 Filmer, “Observations upon Aristotles Politiques,” 237. It is noteworthy that Filmer’s reduction of all power to paternal power leaves him completely unable to account for any civil association that is not a family, or even for any familial relations except those between fathers and sons. Yet if wives cannot be distinguished in status from their children, then Filmer’s logic sanctions incest.

148 Interesting among these efforts is his claim that even where there is popular government, what really holds the state together is the continued absolute power of fathers over their families, so that in effect, patriarchal absolutism is always the government of every state, either expressly so in monarchies or indirectly when private fathers must rule where the state has devolved from monarchy. “It is observable that Rome in her chief popularity was oft beholding for her preservation to the monarchical power of the father over the children.” Filmer, “Observations upon Aristotles Politiques,” 260.

149 Filmer was, in this sense, a consummate originalist, for all political right and duty for him follows from a single, actual beginning, to which nothing can be added, and elements can only be removed by unfortunate corruption.

150 Filmer, Patriarcha, 12.
This is, in effect, the perfection of the logic of congruence. Even more than in the *Six Books*, the family and state are structured along identical principles and for identical ends in Filmer’s thought.

Where Grotius sought to work out Bodin’s incomplete effort to distinguish public and private rights, resulting in a complex legal theory, Filmer went the other way, collapsing the public into the private to produce a politically untenable simplicity. But it is a simplicity that at least in theory accomplishes Bodin’s goal of centralizing and concretizing political authority against the constitutionalists of the sixteenth century who sought to balance the parts of the regime against one another and preserve a distinction between natural power and political office. For Filmer, “These four words, *command, authority, power, and majesty* signify ordinarily one and the same thing, to wit, the sovereignty or supreme power.”¹⁵¹ That power is the paternal right of the monarch, which is both the origin and substance of politics, law being nothing more than the personal will of this monarch. That Filmer’s denial of any distinction between the family and the state was a practical dead-end does not entirely detract from its theoretical and rhetorical power. Filmer’s lasting contribution lies far more in his astute criticism of natural rights theories than in the practicality of his proposed alternative. What he saw very early was that the effort to ground sovereignty in popular consent – an effort undertaken by monarchists and even absolutists no less than republicans – was doomed to devolve into popular sovereignty and to weaken the monarchical authority it was intended to buttress. Any effort to justify absolute monarchy required a wholly different account of political origins, and the family was in fact a much stronger theoretical model for the sovereign state.

VII. Sovereignty, authority, and the problem of congruence

The idea that there could or should be a congruence between the structure of authority in the family and the state was essentially absent from sixteenth-century constitutionalism before Bodin. The primary concern of such thinkers as Seyssel, Smith, Hotman, and Hooker was to describe the appropriate extent and limits of the monarch’s office and the balance among the elements of the constitution. While they occasionally found it useful to describe the nature of paternal authority and even admitted that the first governments were patriarchal, this was only to show how incompatible this form of rule was with modern government, which ought to be the rational and impersonal administration of offices according to standing laws. It was not until the rise of absolutist arguments in France, and especially Bodin’s effort to turn these arguments into a legal theory of sovereignty – absolutism in the service of rule of law rather than against it – that paternal authority was invoked as a model for the power of the monarch.

This invocation had to overcome an important difficulty, however, because although paternal authority was widely held to be an expansive spontaneous grant of both divine and natural law, it was hardly held to be the kind of absolute, lifelong power over children that would make it an educative parallel to the sovereign power that Bodin was trying to construct. Drawing on paternal authority as a model for his sovereign required Bodin to substantially strengthen that authority by demanding the reinstatement of the long-discarded Roman patria potestas that gave fathers a lifelong right to dispose of their children’s property and lives. However, this proposed expansion of paternal power created an immediate theoretical difficulty by bringing paternal power into conflict with sovereign or political power, since both powers could now claim jurisdiction over the lives and property of children, and Bodin offered only a weak legal distinction to hold this conflict at bay. The project of early modern sovereignty theorists
demanded the construction of an impersonal state on the basis of a highly personal form of authority, and this project inevitably created internal contradictions.

We should be careful not to caricature Bodin as trying to justify despotism or rule by one man’s arbitrary and uncontrollable will. His theory of sovereignty grew out of the same impulse as his century’s constitutionalism – to rationalize and de-personalize the administration of the state – and he recommended limiting sovereign power in many of the ways that constitutionalists had wanted. He sought to prevent the sovereign from treating the realm as an alienable personal property, and his subjects’ property as his own to tax at will. He encouraged the sovereign to abide by his own laws, and to submit to the judgments of the parlements. The doctrine of sovereignty is designed to regularize the exercise of political power and bring it within the compass of law by centralizing and concretizing political authority into one clear head, clearing away the confusions generated by the competing and overlapping authority that characterized feudal and mixed regimes. Bodin only brings in paternal authority to offer a clear model of such an indisputable authority to serve as the natural-divine mirror of the monarch’s. Nonetheless, we should be equally careful not to assimilate Bodin into either the constitutionalist traditions of his predecessors, or the natural-law and social contract theories of authority of his successors. Bodin’s limitations on sovereign power are recommendations, not enforceable by any contrary power in the state, and sovereignty theory is fundamentally a theory of absolute power.

But Bodin relied on an internal logic of power and offered little in the way of political origins that could demonstrate why an absolute monarchical sovereign had come to be. When Grotius and the modern natural lawyers tried to fill out this gap in Bodin’s theory, they did so by elaborating an account of political origins according to which free men had come together and agreed to establish the regime under which they lived. A version of this account of a choice of
regimes and the selection of monarchy had been a standby of pre-sovereignty thinkers, as we have seen, but with the introduction of sovereignty, the old understanding of popular consent now seemed to point to popular sovereignty. Yet if all sovereignty originates in popular consent, then how, asks Filmer, are the people ever persuaded to transfer their right to rule to a clique of aristocrats or, even less plausibly, an absolute monarch? Grotius gives a legal justification, modeling such a transfer by the whole people on the voluntary transfer of right that takes place when the free man volunteers himself for servitude. But this justification diminishes the unity and permanence of sovereignty as Bodin had defined it. Filmer offers another, less practical answer, that kings are spontaneous absolute rulers appointed by God, and their relation to subjects is one of direct paternal authority. The absolutists’ pursuit of family-state congruence would receive its most complex treatment in Hobbes, however, in his effort to account for an absolute monarchical sovereign that originates in popular consent and not nature or God, but is nonetheless permanent, indivisible, and total.
Where Grotius’s natural law resulted in divided sovereignty, and Filmer’s patriarchalism preserved sovereign absolutism by identifying it with natural paternity, Hobbes was the first sovereignty thinker to resolve Bodin’s tension between paternal power and civil sovereignty by rejecting the naturalness of paternal authority and the family, and thereby pre-empting any threat that the natural primacy of fathers could pose to the supremacy of the sovereign. Hobbes developed a more elaborate political anthropology to account for the necessity of absolute and undivided sovereign power, but he did not simply fill in the gaps in Bodin’s account. He also understood more clearly than Bodin that the possession of power is not a self-evident truth recognizable to all, but that it needs the support of popular opinion (that “reputation of power is power”). Sovereignty could not sustain itself on theories and abstract prohibitions alone, but required in addition a means of managing popular opinion in its favor. Where Bodin and many subsequent sovereignty theorists had been content to deny a right to resistance, Hobbes sought to root out the desire for it in subjects, since he saw that where such desire was sparked in popular opinion and inflamed by “the popularity of a potent subject,” no abstract prohibition would suffice to put out the fire (L, 29.20). For “a state can constrain obedience, but convince no error, nor alter the minds of them that believe they have the better reason” (B, 62).

The need to align absolute sovereignty with popular opinion about the nature of the regime resulted in Hobbes’s much greater sensitivity to what we now call mass psychology, both in the design of his commonwealth, and in the tools he offered the sovereign to manage the passions and opinions of his subjects. In the service of this first goal, a constitution from which restive subjects had as little access as possible to “private judgment of good and evil” by which they might accuse the sovereign of misrule, Hobbes closed off appeal to natural or divine law,
whose autonomy Bodin and the natural lawyers had been content to leave intact. He did so by defining these laws as coeval with the sovereign’s will. In the service of the second aim, a means by which to suppress the personal loyalties and passions that made subjects susceptible to popular demagogues, Hobbes argued that all human relations which previous thinkers had legitimated by appealing to nature or long legal usage were in fact legitimated only by the artificial means of covenant, and were thus inferior to the original, foundational covenant with the sovereign. In short, Hobbes reduced natural and divine law to sovereign will, and leveled all those intermediate associations – the church, the corporation, and even the family – which could pose a threat to the sovereign’s absolute supremacy. By subordinating all possible competing sources of authority – divine, natural, paternal, constitutional – to the absolute discretion of the sovereign will, Hobbes perfected the sovereignty theory that Bodin had begun but left incomplete.

On the surface at least, Hobbes used contractarian Grotian means to arrive at absolutist Filmerian ends. Filmer, who wrote an early reply to *Leviathan*, complained about the impossibility of precisely such a chimera. But for Hobbes, unlike for Grotius, the consent that legitimates rule entails the renunciation of all natural rights except the right to protection in exchange for obedience, and puts all relationships between ruler and ruled – whether they be domestic like the master-slave or father-son relation, or political like the sovereign-subject relation – on an equally conventional footing. Shifting all rule to this artificial foundation consolidates sovereign absolutism by denying subjects the possibility of appeal to a higher law. Whereas for Grotius, the minimal natural laws of self-preservation and sociability lead to an

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elaborate system of laws governing the conduct of nations, Hobbes’s identification of justice with positive law all but removes even Grotius’s minimal natural law limits on sovereign power.

Sovereignty is not for Hobbes, as it was for Bodin, exclusively a formal description of the universal nature of political power, a model for the best possible regime. It is not because it offers the true account of the organization of power in France or England that sovereignty is useful, but because it is the only political organization that can stabilize the volatile psychological constitution of man. Bodin offered only a vague political anthropology, claiming in one place that the state originated in a voluntary association of individuals, and in another that it was the product of the weak seeking protection from injustice in the strong. But neither account demonstrated the irresistible necessity of an absolute and indivisible sovereign power in the state. Like Grotius, Hobbes began with a political anthropology, but rather than harmonizing the origins of the state with the body of Roman and natural law as Grotius had done, Hobbes’s account of political origins obliterates all the complex natural law jurisprudence that Grotius sought to salvage. Grotius minimized natural law to preserve its supremacy over the will of the sovereign, whereas Hobbes minimized natural law to prevent it from interfering with the will of the sovereign.

Hobbes’s effort to level competing authorities within the state resulted in a straightforward denunciation of the independence of all those feudal and ecclesiastical associations – “worms in the entrails of a natural man” – that Bodin had left more or less intact (L, 29.21). But the familial association is a more difficult and interesting case, and Hobbes makes the most original use of it. The Hobbesian family is both natural – indeed, a model for the “natural kingdom” founded on generation – and artificial, since in De Cive and Leviathan, it is a contractual association in which even children consent to be ruled, and it persists in the
commonwealth only at the discretion of the sovereign. The family both is and is not a model of the state: it is a model of the patriarchal and despotic state, but not a model of the thoroughly contractual state, where all subjects first covenant with one another and then establish a sovereign. This raises a question about whether the differences between these two accounts of political origins are significant for Hobbes, and which is true or to be preferred.

Hobbes’s use of the logic of congruence marks a turning point in the understanding of authority in early modern political thought. Congruence permits him to reject patriarchal – indeed, all natural – models of the state while blunting the radicalism of his rejection. He does this by announcing that paternal power is a legitimate basis for sovereignty, but then developing an account of the workings of paternal power that demonstrates its dire shortcomings as a basis for internal peace. The family turns out to be a defective model for the state because it is too personal and too direct a form of rule; it stokes fear and vainglory rather than subduing these passions. For Hobbes, imagining a strict congruence between the family and the state clarifies the deficits of patriarchal political theory and the superiority of an anti-naturalistic politics according to which men “emerge from the earth like mushrooms…without any obligation to each other” (DCiv, 8.1). “Natural” authorities are dangerously unstable, and only the artificial and impersonal office of the sovereign can adequately manage men’s passions to ensure the internal peace they sought in forming a commonwealth in the first place.

I. Political anthropology

The logic of absolute sovereignty is reasonable, but Hobbes does not assume that everyone comes to understand it by reasoning. The psychological foundation of Hobbesian sovereignty rests instead on the passions, in the interplay between vainglory and fear. In the
pursuit of self-preservation, we aspire to rule everyone and unwittingly precipitate war, and the only thing saving us from death in this effort is the timely intervention of all combatants’ “mutual fear” of death, a fear which is even greater than our desire to master others (DCiv, 1.2-7). The fear of death is the low but crowded road to reason in Hobbes; it demonstrates our need of a common power over us to keep our enemies (and ourselves) in check and to buy us some modicum of security. This account of the universality of the fear of violent death seems to be impervious to refutation from competing theories of human nature, because as Hobbes points out, his detractors “admit by their actions what they deny in their words,” which is to say, they too lock their doors at night (DCiv, Preface).

But whether the fear of death alone can bring us all the way to reason or whether additional help is necessary is more ambiguous. Hobbes’s anthropology seems to open up the possibility of two natures: the first seems proud but is ultimately cowardly, belonging to the man who is sufficiently daunted by the fear of death to discover his reason and covenant to form a commonwealth for mutual protection. But he also suggests a second type, the “evil man,” who never experiences that moment of cowardice, the “supreme stage of fearfulness,” which would open him to Hobbesian reason (DCiv, 8.2-4). The thoroughly proud – those who will fight to the death rather than resign their liberty – are, by virtue of their cavalier attitude towards death, more likely to die than reasonable cowards. But despite their smaller numbers, they evidently persist as a threat to the Hobbesian commonwealth, because we meet them again as the first variety of slaves which Hobbes discusses – those who cannot be trusted to consent to their slavery or appreciate the blessing of liberty available to a trustworthy slave, and so must be chained (DCiv, 9.9).
Mutual fear of death at one another’s hands induces most men to admit a common power over them, but it does not necessarily require that power to be an absolute and indivisible sovereign. Hobbes’s definitions of power are more complex than Bodin’s – power is not only command over others, but more fundamentally supremacy of both physical and intellectual capacity or possessions, as well as the opinion of such supremacy held by others (L, 10.1-5; EL, 1.8.4.). It is particularly the highly mutable last of these forms of power – reputation – that makes power so difficult to pin down at any moment, or to concretize as Bodin tries to do by channeling all of it into absolute sovereignty. This complexity and wide diffusion of power in a single society would seem to undermine the possibility of concentrating power in a unitary absolute sovereign as Hobbes does, and could describe the rationale behind pluralistic political arrangements like Grotius’s, or even the mixed regimes of Hotman and Hooker. But such arrangements presume that diffused power is conducive to peace, and Hobbes emphatically denies this.

Instead, the unchecked motion and ambiguity of social power creates a nightmare of unending status anxiety and sectarian conflict. Hobbes demonstrates this in his first example of “the state of man without civil society” in De Cive: the state of man at a dinner party. At the dinner party, we see that even our civilized friendships are only disguised contests for power in which each competitor hopes to “come away with a better idea of himself in comparison to someone else’s embarrassment or weakness” (DCiv, 1.2). The more refined the society, the more naked is the pursuit of social domination. At gatherings of “Philosophers,” attendees do not even adopt the pretense of friendship, and instead straightforwardly compete for intellectual supremacy and “actively pursue their resentments” (DCiv, 1.2). “Intellectual dissension” is in this respect an even greater threat to peace than physical aggression, because intellectual
dissension does not end in single combat that threatens only the two combatants, but instead issues in “the worst conflicts” – partisan warfare (DCiv, 1.5).

Erecting a commonwealth with a view to protecting our bodies thus requires consolidating social power and thwarting the intellectual dissension that results in sectarian war. The most refined society is no less nefarious and threatening to our fragile self-regard than a primitive state of nature is to our fragile bodies. “There is nothing more offensive than [calling someone a fool], nothing that triggers a stronger impulse to hurt someone” (DCiv, 1.5). Such insults do not necessitate the immediate response that a physical assault does; you may go home and gather allies for revenge, and their incentive to join in your conflict is heightened by the broader appeal of general opinions over personal grudges. Because this scenario is as plausible inside civil society as it is prior to or outside of it, a limited government without absolute control of society is insufficient to guarantee men the peace and security they seek when they renounce their “right to everything.” For Hobbes then, it is the complexity of social relations and the ubiquity of opportunities for ambitious men to subvert civil peace that necessitates an absolute sovereign whose power over each of his subjects is so extensive that it reaches to defining good and evil for them (DCiv, 6.9; L, 8.9). They must renounce not only their claims to external goods, but even to their own independence of mind, to “submit their wills, every one to [the sovereign’s] will, and their judgments, to his judgment” (L, 17.14). Nothing less could effectively defuse the threats stemming from individual vainglory.

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154 By contrast, if I physically assault you, you may run or you may fight me, but either way, you must respond immediately and our conflict is likely to be resolved quickly and without the involvement of others.
II. Re-defining authority

What Hobbes’s account achieved is the nearly perfect harmony of natural law with absolute sovereignty. For Bodin, natural law was, in the best case, an authority external to the will of the sovereign, and at worst, orthogonal or outright opposed to it. Although Bodin’s natural law is not politically effective in the absence of a right of resistance, it nonetheless hovers over the sovereign as a standard by which to judge his actions, and so constitutes a permanent potential source of opposition to him. Hobbes addressed this difficulty by re-defining natural law so that it could be reduced to a single maxim – the right of self-preservation. This natural law requires no external enforcement because it is self-enforcing, having originated in the deepest and most reliable human fear. Natural law’s self-enforcing character gives way to civil laws attached to enforceable punishments, but Hobbes’s sovereign is, like Bodin’s, exempt from civil laws. Since he alone remains in a state of nature, justice and injustice do not apply to his actions, and no one is capable of judging them because “all judgment…in a commonwealth belongs to the possessor of the sword, i.e., to the holder of sovereign power” (DCiv, 1.10, 6.8).

If we follow Hobbes’s definitions faithfully, no conflict between natural law (or divine law, with which it is commensurate) and civil law can arise. Hobbes even resolves Bodin’s difficulty with the status of private property and children by denying them any special status as inalienable possessions of private citizens: no one can “hold any property on such terms that the holder of sovereign power has no right over it” (DCiv, 6.15, 9.9). So while Bodin’s sovereign power is intended to describe how states really work but admits the natural law’s competing impulse to make them work more justly in a way that inspires resistance against the sovereign, Hobbes neutralizes natural law itself, dispensing with the need or possibility for any external
enforcement of its justice. He puts it into the service of absolute sovereign power by making it
the impetus for creating that power.

Grounding sovereignty in consent permits Hobbes to take another step beyond Bodin by
distinguishing between power and authority in a way that strengthens the obligation of subjects
without imperiling the absolute power of the sovereign.¹⁵⁵ Like his natural law, Hobbes’s
authority cannot, by definition, run counter to sovereign decree or justify resistance to it. This is
suggested in Hobbes’s earlier writings, but explicitly developed for the first time in chapter 16 of
Leviathan, where Hobbes converts sovereign power into a species of representation rather than
direct hierarchical command. In De Cive, Hobbes framed the authority (potestas) of the
sovereign as the “right to give commands” that “consists in the fact that each of the citizens has
transferred all his own force (vim) and power (potentiam) to that man or Assembly” (DCiv,
5.11).¹⁵⁶ In Leviathan, authority over others is exercised only by “artificial persons” whose
actions are “licensed” by an original consent of their authors (L, 16.4). A “natural person,” by
contrast, may act only on his own behalf, and attempts to exercise authority over another only “at
his own peril” absent a grant of consent (L, 16.6). However, when this consent is granted, its
recipient ceases to be a natural person and is immediately transformed into an artificial one.

This requirement of consent for sovereign authorization does not directly undermine
sovereignty gained by conquest, since consent may be merely tacit, as in the case of the
conquered slave who demonstrates willing submission or the child whose consent is “either

¹⁵⁵ Whether sovereign authorization reinforces the obligation of subjects by turning them into authors of the
sovereign’s actions as Hanna Pitkin argues, or mitigates the subject’s guilt for his sovereign’s actions before God as
Clifford Orwin suggests, its effect is to strengthen the sovereign against external claims of justice. See Hanna Pitkin,
the Sovereign Authorization,” Political Theory 3 (1975), 26-44.

¹⁵⁶ See also King’s similar distinction in The Ideology of Order, 218.
express or by other sufficient arguments declared” (DCiv, 8.2; L, 20.4). Kinch Hoekstra relies on these passages to show that the tacit consent of subjects may be safely presumed by any successful conqueror.\footnote{Kinch Hoekstra, “The de Facto Turn in Hobbes’s Political Philosophy” Leviathan After 350 Years, eds. Sorell and Foisneau (New York: Oxford UP, 2004), 33-73. See also Quentin Skinner, Visions of Politics, vol. 3 (Cambridge: Cambridge UP, 2002), 287-307.} Although it is surely right that Hobbes sought to legitimate the rule of conquerors and usurpers, these are not equally good roads to peace. What we begin to see in Hobbes’s diminution of natural power and his insistence that all sovereigns be understood as artificial persons in this chapter is his argument that the state is better conceived as an impersonal artifice built on consent than a natural entity sustained by the superior force of its rulers. The tacit consent that Hoekstra finds in “natural kingdoms” formed by generation and mastery is really the mere trust of parents and masters in the appearance of submission derived from present non-resistance. However, it is noteworthy that, whereas in chapter 20, parents are encouraged to believe that children tacitly consent to be ruled, in the chapter on sovereign authorization, Hobbes says explicitly that children cannot consent to be personated, and so cannot authorize their parents’ sovereignty over them (L, 16.10).

For short-term peace, tacit consent as trustworthiness suffices, but long-term peace requires tacit consent understood as the active good faith of subjects – a conviction that their sovereign is superior to all alternatives so that rebellion is not merely momentarily impractical but permanently undesirable. This opinion is inculcated in part by the process of sovereign authorization that elevates the subject into the “author” of the sovereign’s actions while concentrating all actual authority in the sovereign.\footnote{The other means Hobbes offers to cultivate good faith in subjects is by an early education that demonstrates experientially the shortcomings of merely “natural” rule, embodied in the rule of fathers, discussed below.} Hobbesian authority is power legitimated by right: “The right of doing any action is called authority” (L, 16.4). It is this interposition of
right, and the grounding of right in consent, that permits sovereign authority to supersede natural authority. Hobbes’s formulation of authority goes so far as to turn the idea of a natural authority into a contradiction in terms.

This re-definition of authority implicates all merely natural relationships between men, including those of the family. Natural origins are spontaneous origins and so cannot be sources of authoritative power without the consent of subjects, a stricture which applies equally to fathers, masters, and political sovereigns. Without consent, power is only brute force, requiring the utter subjection of the workhouse slave who withholds his consent from his master and so must be either killed or restrained perpetually by chains (DCiv, 8.3). This slave’s consent, including his tacit consent, at once frees him from chains and subsumes his will into his master’s, transforming his master into a sovereign. The same process occurs in the natural family: the child submits to his mother, the mother to a strong man who absorbs the wills of both mother and child, and the strong man to a yet stronger man, who subjects the entire family to himself until the unit grows large enough to resemble a commonwealth (L, 20.4-9). Sovereign authority re-appears at each level, but it only becomes effective when the group is large enough to defend itself against further absorption (L, 20.15).

And at each level, the key fact is that the will of the consenting individual is subsumed into the highest possible authority, not apportioned piecemeal to each new superior. Authority is coeval with sovereignty, and so is indivisible within any society. The authority of the mother over her child is entirely abolished by the interposition of a father to whom they both become subject, and more radically, so is the authority of the father by the family’s submission to another sovereign. Schochet misses this fact when he argues that Hobbes’s depiction of the family demonstrates that he was never the radical individualist that contemporaries and later readers
took him for, but rather thought of politics in terms of patriarchal family units. Fathers acquire sovereignty over their families so rapidly in nature that “‘every man’ can certainly be understood as ‘every father’ without changing Hobbes’s basic argument…The elemental social unit for Hobbes was not the individual but the family.”\textsuperscript{159} It is true that fathers acquire sovereignty rapidly, but so do mothers, and both lose it just as quickly. It is in this loss that Hobbes’s individualism becomes evident. By submitting their families to another sovereign, fathers immediately lose all the authority they acquired from fatherhood, and are reduced to equality with their wives and children relative to their new sovereign.\textsuperscript{160} Each is once again an individual subject, on the same footing as others in his subjection.

The family along with every other association is thus theoretically abolished by the state, and then re-constituted at the sovereign’s discretion.\textsuperscript{161} But it is reconstituted without any authority of its own, since all authority is the sovereign’s. This strange process of continual sovereign authorization that ends only in a fully-formed state results in the thorough de-legitimation of all non-sovereign powers within a state, whether these are the powers of established social superiors like fathers and feudal lords and priests, or of informal upstarts like

\textsuperscript{159} Schochet, \textit{The Authoritarian Family}, 238-340.

\textsuperscript{160} Nathan Tarcov gestures at this difficulty with Schochet’s argument as well in \textit{Locke’s Education for Liberty} (Lanham, MD: Lexington Books, 1999), 40-41

\textsuperscript{161} The process by which we may say that the family is first abolished and then reconstituted by the sovereign in the commonwealth is similar to that by which private judgment is substantially returned to subjects after they first delegate it to their sovereign. Just as the sovereign cannot in practice perform all the childrearing functions of a family and so permits the family to persist while retaining the right to abolish it partially or in full at any moment, so too the sovereign cannot legislate \textit{every} opinion held by subjects, and so leaves them some private judgment on the understanding that it is subject to his will. But these reconstitutions should not be mistaken for extensions of liberty to subjects, as Garsten points out: “The most liberal regime would come about not because the state respected the independent legitimacy of individual judgment but because the sovereign might choose, as a matter of prudent policy to give back to the citizens part of the judging power they ceded to him. Thus, even citizens of a very liberal Hobbesian state would find that their own judgments had a status fundamentally altered by their consent. Their judgments would return to them only indirectly, filtered by the sovereign.” Garsten, \textit{Saving Persuasion}, 40.
demagogues. Authority is legalized power, but in the end, its only possible bearer is the sovereign, who may then appoint subordinates to carry out his tasks. It is only the sovereign who at any moment represents – or, in effect, governs – the wills of his subjects.

Richard Boyd has drawn particular attention to Hobbes’s suppression of what Montesquieu and Tocqueville later called “intermediate powers” or “mediating institutions” because of their ability to divert subjects’ loyalties away from the sovereign and encourage sedition.162 As we have seen, Bodin was already wary of such medieval holdovers: he permitted the sovereign to curtail their privileges, but cautioned him to tolerate their traditional independence where possible. Hobbes, by contrast, describes such associations as “diseases of a commonwealth” (L, 29). Concerned to minimize the number of competing loyalties that subjects might cultivate, Hobbesdevotes the second half of chapter 29 of Leviathan to enumerating the threats to the sovereign which offer subjects competing protectors: divisions within the civil government (especially over control of the treasury), disproportionate private wealth accumulation, “the popularity of a potent subject,” and independent cities. He applies the same treatment to ecclesiastical associations, to which “Christ hath not left…unless they be also endued with civil authority, any authority to command other men” (L, 42.9). While Hobbes’s suppression and subordination of competing authorities has appeared to some scholars to indicate a latent liberal individualism, since it has the effect of liberating individuals from traditional social controls, Boyd rightly argues that it actually weakens individuals by demolishing the sorts of associations through which individuals could hope to challenge the sovereign, leaving them isolated, wholly and directly dependent on him.163

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162 Boyd, Uncivil Society, ch. 1.
163 Boyd, Uncivil Society, 65-68.
Boyd argues, however, that the family, to which Hobbes “concedes a primordial natural existence” is the sole exception to his “denial that any group exists by nature.”164 This is a common reading of Hobbes on the family shared by many scholars, who despite recognizing the depth of Hobbes’s aversion to any conception of human relations grounded in nature, assume that the naturalness of the family is beyond question, even by Hobbes. But this is not so, and the extent of Hobbes’s radically anti-naturalistic politics and the full implication of his re-working of authority only become clear on a reconsideration of his accounts of the family across his political works. It is here that we find Hobbes’s highly original invocation of the logic of congruence, which had previously been invoked to buttress absolute sovereignty, employed to demonstrate instead the instability of familial politics and the superiority of deriving all moral relations from the memorable image of “men as if they had just emerged from the earth like mushrooms and grown up without any obligation to each other” (DCiv, 8.1).

III. The purpose of the Hobbesian family

Every iteration of Hobbes’s political thought contains a distinction between what he variously calls a “natural kingdom,” a “patrimonial kingdom,” or a “commonwealth by acquisition,” on the one hand, and an “artificial kingdom” or a “commonwealth by institution” on the other hand (EL, 19.11; DCiv, 5.12; L, 27.15). The first form is created by means of “generation” or conquest, the latter by covenant. Immediately after drawing this distinction in each text, however, Hobbes denies its significance, writing in Leviathan that, “the rights and consequences of both paternal and despotical dominion are the very same with those of a sovereign by institution, and for the same reasons,” and in De Cive that, “a patrimonial

164 Boyd, Uncivil Society, 61.
kingdom…differs from a monarchy by design in origin and manner of formation…but when formed it has all the same properties, and both have the same right of government; they do not need to be discussed separately” (L, 20.14; DCiv, 9.10; EL, 23.10). The only fundamental difference between the two types of kingdom that Hobbes suggests is that each directs man’s fear to different objects: “men who choose their sovereign do it for fear of one another, and not of him whom they institute; but in [a natural kingdom], they subject themselves to him whom they are afraid of” (L, 20.2) But if these two kinds of kingdom really “do not need to be discussed separately,” then we might wonder why Hobbes persists in doing so, in work after work, despite ample time in between publications to remove so unnecessary a distinction.

This distinction has typically been attributed to Hobbes’s desire to extend legitimacy to states founded on the basis of conquest as well as consent, on the assumption that natural political relations of force and generation are as effective as artificial ones. More recently, Hoekstra has argued this distinction was especially useful for legitimating Cromwell’s de facto authority during the Engagement controversy, but is consistent with Hobbes’s position across his works that “tacit or attributed” consent is always implicit in conquest. While there is good reason to think that Hobbes does consistently legitimate obedience to existing sovereign power, however it came to be, he is not simply indifferent to whether citizens conceive of their commonwealth as arising by acquisition or by institution. The difficulty with de facto arguments


166 Hoeksta, “The De Facto Turn,” 70-73.
is that, while they might mitigate existing conflict by encouraging submission to conquerors and usurpers, they do little to prevent conquest and usurpation and establish lasting peace. Yet that is the overarching goal of Hobbesian political science. Indeed, *de facto* arguments are a goad to the proud and ambitious, assuring would-be conquerors that if they only succeed in attaining power, legitimacy will follow automatically in its wake. Although Hobbes is careful not to exacerbate civil conflict by de-legitimating such conquerors where they are already in power, his persistent distinction between “natural” and “artificial” kingdoms pits the two possibilities against each other, and is a subtle effort to demonstrate the long-term superiority of the latter over the former. Hoekstra takes Hobbes to be straightforwardly satisfied with the “tacit or attributed consent” of the conquered, but a closer examination of the unresolved tensions arising from such consent demonstrates that it offers only temporary reprieve from war, and that long-term peace lies in abandoning the naturalistic explanations of political origins inherited from the Aristotelian natural law tradition and replacing them with purely conventional ones.

Hobbes’s contrast between natural and artificial commonwealths is intended to demonstrate that “natural” authority – that of fathers and masters – is seriously defective as a model for and source of political organization relative to the artificial authority created by consensual sovereign authorization. By giving these two forms of commonwealth the same “rights of government,” Hobbes directs us to examine how such rights might be executed in

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them. What we find is that the relationship between fathers and children in nature is one of perpetual tension and potential violence that can only be defused by the introduction of a civil sovereign to relieve the father of the burden of absolute power over his resentful children. Most previous scholars have overlooked this intra-familial tension and so have mistaken Hobbes for a patriarchalist, while those who have noticed something amiss in the Hobbesian family have not shown what purpose this dismal family plays in Hobbes’s political theory.¹⁶⁹ Hobbes’s purpose in highlighting the hostility and instability of familial relations was to undermine their appeal as a model for political organization. For Hobbes, the family is the worst kind of society, stoking all the wayward passions that his political science is designed to pacify, and his accounts of the natural kingdom are intended to compare poorly with the more stable artificial kingdom, culminating in the *Leviathan’s* office of the sovereign representative. It is this indirect and impersonal authority and not any sovereign conceived as bearing a personal relation of mastery or paternity to his subjects that finally assuages intra-familial resentment and sustains long-term peace. Because the most effective mechanism for sustaining sovereign power turns out to be an impersonal and representative office, the insuperable shortcomings of an analogous office of paternal representative become evident by contrast.¹⁷⁰

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The distinction between the natural and artificial kingdom must be read in the particular light of the Hobbesian psychology that precedes it in each work. As Julie Cooper has pointed out, “Hobbes is pessimistic about the likelihood of vanquishing pride solely through the sovereign’s sword,” so “lasting security” relies on forces within civil society that continue to condition the passions long after the foundation of the commonwealth. The Hobbesian family is one such force. While the first men who covenanted with one another and instituted a civil sovereign to escape “that miserable condition of war” understood the dangers of pursuing their “natural” love of “liberty and dominion over others,” subsequent generations reared in that commonwealth are prone to developing all of the same ambitions but none of the restraints provided by direct memory of life in nature (L, 17.1). “For hardly anyone is so naturally stupid that he does not think it better to rule himself than to let others rule him” (DCiv 3.13). To cure them of this stubborn natural pride, Hobbes uses the experience of family life to teach subjects why they ought to view their commonwealth as artificial and to prefer impersonal rule. Doing so directs their fear away from their representative sovereign, who is their best protection against the cycle of oppression and rebellion that the family represents, and against their fellow citizens, whose ambitions are the real threats to political stability.

Hobbes anticipates that some men will learn this lesson by grasping the logic of the Leviathan, but his work also reflects his awareness that most men’s self-love interferes with their

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172 I treat Hobbes’ works interchangeably here because I can see no clear arc of development in his thought on the family. Following Strauss, I take the primary shift to be towards the increasing impersonality of the sovereign, culminating in the introduction of “office of the sovereign representative” in Leviathan. See Strauss, Political Philosophy of Hobbes, 62. The introduction of a representative office is significant because it provides a political solution to the instability of personal rule, but one that can’t be applied to the family, which remains its old, defective self. Another shift is Hobbes’s somewhat closer identification of the child and the slave in Leviathan than in previous works, where he gives these statuses separate chapters, discussed below.
ability to resign themselves to submission when they are puffed up with delusions about their own strength and power. For Hobbes, only the direct experience of the insecurity of the state of nature, of ruling and being ruled in a world lacking a civil sovereign powerful enough to guarantee peace, can drive this lesson home. The Hobbesian family provides precisely this experience. Richard Chapman has noted the odd absence of typical familial features from Hobbes’s family: “Kinship, love, affection, civil marriage, divorce, bastardy, have little to do with the state and consequently hardly exist in Hobbes's conception of the family.” This bareness is unique to Hobbes among natural law thinkers. In the event that some readers fail to grasp in the abstract just how ineffective nature and conquest are as foundations for peace and security, Hobbes builds the experience of it into his commonwealth by making their family lives a recapitulation of the logic of the state of nature. In the process, he sets in motion a reconfiguration of the family in political thought that strips it of natural authority over children, and replaces it with contingent authority acquired by continual acts of preservation and education.

To appreciate how unusual Hobbes’s account of the family is, we must consider it in the broader context of a tradition that relies on naturalistic accounts of paternal authority. Although not everyone wanted to model political authority directly on paternal authority as Bodin had done (and few were willing to follow Filmer in conflating the two), the naturalness of the family was one point on which even thinkers as disparate as Bodin and Hooker agreed. In sixteenth- and seventeenth-century thought, the family was the natural association par excellence: it came into being spontaneously, prior to and potentially independent of any state, and its authority arose

173 Chapman, “Leviathan Writ Small,” 78. While it is dangerous to explain Hobbes’s thought in terms of his biography and I do not propose to do so here, one potentially useful datum is that Hobbes’s own father abandoned his family and Hobbes was supported by his uncle, an experience which may have diminished his estimation of natural paternal authority. John Aubrey, Brief Lives, ed. John Buchanan-Brown (New York: Penguin, 2000), 418.
from the brute fact of procreation and the most self-evident necessities of survival, whereas political authority was, at best, derivative of paternal authority.  

Such naturalistic arguments were ubiquitous in early modern political thought, grounding the theories of obligation espoused by partisans of every stripe: royalists and republicans, absolutists and constitutionalists.

In the Stuart context, assertions of the naturalness and primacy of the family led to the same divergent political conclusions. A patriarchalist argument took shape primarily in royalist writings that co-opted the natural authority of fathers for the political use of princes. Among the most prominent exposition of this view was James I’s *True Law of Free Monarchy*, which asserted that, “By the Law of Nature the King becomes a naturall Father to all his Lieges at his Coronation” and went on to analogize the duties of kings to those of fathers. Filmer of course went even further, breaking down the analogy between fathers and kings and identifying the state with the family simply. Henry Parker replied to this royalist analogy not by denying the primacy of the family, but, like Hooker, by claiming that what is natural about the power of fathers cannot be transferred to a king. All familial obligation flows in one direction, from sons to fathers, but kings are by contrast obligated wholly to their subjects, “for its more due in policie, and more strictly to be chalenged, that the King should make happy the People, than the People make glorious the King.” Schochet has shown that the responses to Parker and the

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174 Hooker, *Laws*, 1.10.5. There are too many instances of naturalistic accounts of the family in natural law thought from this period to include here, and these are simply illustrative of the diverse conclusions to which naturalism led. In addition to Smith, Hooker, Bodin, and Filmer, discussed in the previous chapter, consider also Johannes Althusius, *Politica*, ed. Frederick Carney (Indianapolis: Liberty Fund, 1995), 2.13-40; Grotius, *The Laws of War and Peace*, 2.5; and Francisco Suarez, “On Laws and God the Lawgiver” in *Selections from Three Works of Francisco Suarez*, trans. Williams, Brown and Waldron (London: H. Milford, 1944), 3.3.


177 Henry Parker, *Observations upon some of His Majesties late answers and expresses* (London, 1642), 18-19.
broader pamphlet war of the 1640s were an effort by both sides to describe the family in a manner conducive to their own preferred image of the state, but neither side was willing to abandon the family as the image of the first and most natural human society. The family was sacrosanct in its own right and so served as a model for the organization of the state and the nature of political power.

Hobbes’s comparison of the natural and artificial kingdoms denied the family this status, and in the context of this tradition, his account of the origin and purpose of the family constitutes an important break with the prevailing views of partisans on both sides of the English Civil War and with the understanding of the relations between the family and the state in the broader early modern discourse. Only after Hobbes do we find natural lawyers like Samuel Pufendorf and John Locke advancing the argument that parental right is derived from consent rather than generation.

IV. The Hobbesian family in nature

To understand Hobbes’s strange account of the family, we must first understand why he rejects natural paternal power stemming from generation in favor of the far-fetched suggestion that children’s consent to be ruled by their parents is “either express or by other sufficient arguments declared” (L, 20.4). According to Hobbes, nature does not convey any indisputable claim to rule, since even the spontaneous generation of children – seemingly the most natural of all such claims – results in divided sovereignty. Of the two possible natural sovereigns of a child,

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it is the mother who plays the more direct (and directly traceable) generative role (DCiv, 9.2; L, 10.4-5).\footnote{Tarcov characterizes this line of argument as “\textit{ad hominem}, replying to those who argue for paternal dominion from generation by showing that such considerations would lead instead to maternal dominion.” Tarcov, \textit{Locke’s Education}, 36; also King, \textit{Ideology of Order}, 204.}

The mere act of generation is further devalued by the natural law that permits killing, abandoning, and selling children, so that the office of a parent must hinge on the maintenance rather than the generation of a child (EL, 23.8; DCiv, 9.4). Nor does physical strength deliver a title to rule, since the state of nature is a state of equality, and our equality consists in the capacity to threaten another’s life and to resent being ruled (DCiv, 1.3, 3.13). In their capacity to kill, women especially, but also children (aided by weapons), are nearly the equals of men. The apparently universal dominance of men over families is not therefore due to any natural superiority, “for there is not always the difference of strength or prudence between the man and the woman, as that the right can be determined without War,” but to calcified custom (L, 20.4). Women are no more entitled to familial sovereignty than men on Hobbes’s account, but they are not less entitled. The point is simply that it is impossible to derive an indisputable title to rule from nature alone but, if the title is not indisputable, it will soon be disputed. Nature grants nothing, and all legitimate power must be based on convention.

Just as there is no natural right to rule on the part of parents, there is no natural duty to obey on the part of children, only the presumption of one by parents. Hobbes briefly raises the possibility that children may grow up to threaten their parents’ power, but assures us that the implicit covenant that children make with their parents to obey in exchange for their preservation will avert this outcome, because promise-keeping is required by the law of nature and “it cannot be supposed that anyone has given life to anyone that he may both acquire strength as he gets
older and have the right to be an enemy” (DCiv, 9.3). Schochet takes this assurance at face value, but Hobbes’s account of the nature of childhood should leave us less sanguine. In his Preface to *De Cive*, Hobbes claims that children are “exempt from duties” because they lack reason, and moreover that the earliest signs of infants suggest their strong opposition to parental dominion rather than their acquiescence to it: “Nature prompts” children to “cry and get angry” and even to “beat their own parents” when they do not get “everything they want” (DCiv, Preface). This is certainly not express consent, nor is it consent “by other sufficient arguments.”

A further difficulty with holding children to a supposed covenant made when their parents chose to preserve them arises when we apply Hobbes’s logic of contracts. With respect to covenants made in the state of nature, “he which performeth first, does but betray himself to his enemy” (DCiv 2.9; L 14.18). But what is a parent but the first performer in any covenant with a child, who cannot grasp the nature of his obligation to obey for many years to come? After he states that children can only perform their ends of the familial contract much later, Hobbes denies the validity of contracts promising only future performance (DCiv, 2.6). We might seek the basis of children’s obligations in gratitude for their birth or nurture, but Hobbes rules this out as well, since children were neither conceived nor preserved for their own good. They are the incidental byproducts of their parents’ “natural lust,” and their nurture is not the “free-gift” to them that gratitude demands, but is instead undertaken for the strategic interest of parents (L, 13.11, 14.12).

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182 Tarcov points out that even the “natural affection” (demoted to “natural inclination” in *Leviathan*, 20.4) of parents is a species of “charity,” which flows from the self-aggrandizing impulse to feel one’s power over another. See the useful discussions of gratitude to parents in Abbott, “The Three Families,” 246-247; Tarcov, *Locke’s Education*, 35-40. In his discussion of Hobbesian international relations, Noel Malcolm suggests that gratitude for benefits received is specific to the “trust” established between sovereign and subject in the commonwealth by institution, but not evidently that by acquisition, which is to say, not in the family. Malcolm, *Aspects of Hobbes*, 447.
Since children cannot and do not appear to consent at the point when rule over them commences, they are in an important way identical to prisoners of war who are made into slaves, their obligation stemming ultimately not from the gift of their birth but instead from their rescue from death. In *De Cive*, Hobbes says of the foster child that, “He has been saved, and owes everything to the one who saved him by looking after him; he has a foster-child’s debt as to a mother and a slave’s debt as to a master” (*DCiv* 9.4). This seems to imply two different sorts of debts, but we know that the obligation of total obedience from a slave and a child are the same. Among slaves, there are two types: the unbound slave, who has expressly agreed to surrender his liberty to save his life, and the “workhouse slave,” who never consents and whose labor is consequently extracted by force (*DCiv* 8.1-2). The situation of the workhouse slave complicates the simple liberty-for-life exchange by offering a third option of preserving enemies who never renounced their liberty, presumably for the labor that can be had from them or from the hope that they will eventually submit, despite the ongoing threat they pose to the master’s life. “The obligation of a slave to a master does not arise simply because he spared his life, but because he does not keep him bound” and “no agreement exists except where there is trust in the party who makes the agreement; and a trust cannot be violated which is not given” (*DCiv*, 8.2, 8.9). What sort of slave is a child? Because he does not initially submit to his masters and so cannot be trusted, the child’s status parallels that of the workhouse slave: he is preserved by his

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183 Hobbes is most explicit about the indistinctness of childhood and servitude in *Leviathan*, where they are discussed in the same chapter, but in *De Cive* and *Elements of Law*, the parallels are already quite clear. For a fuller discussion of Hobbes’s conflation of family with servitude, see Hinton, “Husbands, Fathers, Conquerors,” and Pateman, “God Hath Ordained a Helper,” 455-458.

184 This distinction appears exclusively in *De Cive*. 
parents under suspicion that he might kill them at first opportunity, and they are equally free to
kill him at any time.\textsuperscript{185}

Given how tenuous the assurance of obedience to parents in nature turns out to be, it is
not entirely clear why parents should bother to preserve their children in the first place, rather
than exposing them while they can and avoiding both the expenditure of upbringing and the
threat that they may pose when they grow older. It is not natural love that moves them to this, for
“natural affection” in Hobbes only accounts for a preference for one’s own children to those of
strangers and makes violating wives the second-most offensive thing a sovereign can do to his
subjects (L, 19, 30; DCiv, 9.18). The “natural inclination of the sexes, one to another, and to their
children” is too weak to ensure that either parent will actually care for the child, a notable
contrast to the important role that natural familial love plays in other early modern theorists like
Locke and Bodin (L, 20.4).\textsuperscript{186}

Hobbes does not offer a rationalization of maintaining children in nature, largely because
the decision appears to be irrational. Or, more precisely, it is based on the same vain calculation
that propels men into conquest to enhance their personal security, to “seek allies, so that if we
must have war, it will not be a war against all men nor without aid” (DCiv, 1.14). But the
conqueror’s calculation is short-sighted, as Hobbes indicates by immediately offering an
alternative to conquest – compact – that has the same effect “without violence” (DCiv, 1.14). If

\textsuperscript{185} This is particularly the case in De Cive, where there is no suggestion that children consent even tacitly to their
parents, and the only sort of contract parents are offered is a thoroughly hypothetical one: “If then [the mother]
raises [the child], she is understood to be doing so on the condition that he shall not be her enemy” (DCiv, 9.3). In
effect, even the tacit consent of Leviathan is only such a hypothetical assurance, since the child cannot be expected
to understand these “conditions” attached to his upbringing until later.

\textsuperscript{186} Locke’s family is as conventional as Hobbes’s, but is held together by the strong natural desire of parents to
preserve their offspring. Locke, FT 97, ST 63, 67, 75, 170. Bodin, like Hobbes, proposes to extend the power of life
and death over children to fathers, but assumes that the strength of parental affection will restrain its abuse, for “the
real danger lies in the temptation of parents to be too partial.” Bodin, Six Books, 1.4.
the conqueror fails to see his advantage in such a compact, he must soon discover that the
burdens of preserving hostile dependents may outweigh the benefits. Amassing children and
servants is a form of self-aggrandizement, one which increases the sovereign’s power, but at the
price of his security, since he is forced to surround himself with subjects whom he subordinated
in that “supreme stage of fearfulness” inspired by the prospect of imminent death rather than the
foresighted calculation that the firmest peace in a war of all against all is achieved by a covenant
with all, not with the temporarily strongest among them. Although Hobbes is careful to assure
potential fathers and masters that such a covenant made under duress is perfectly binding
according to the laws of nature, everything in his psychology suggests that no one forced into
this situation will stop resenting it and desiring escape. Having rejected love and piety as
grounds or buttresses for familial obligation, Hobbes substantially diminishes the fortifications
holding families together against internal conflicts of wills.

There is good reason for Hobbes’s reticence about the potential rebelliousness of
children: the family was a live model for the state in this period, particularly for royalists. If
Hobbes had expressed open doubt about children’s natural obligations to their parents, he would
be read – not without warrant – as licensing regicide. As we have seen, Hobbes tread a fine
line between criticizing the naturalistic familial conception of politics and condoning rebellion
against existing states founded on it. However, Pufendorf, who closely followed Hobbes but

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187 Jean Elshtain has said that, “The existence of families does not succeed in taming the savage heart of Hobbesian
man, in part because with the birth of each child, the state of nature, a seething within, is reproduced.” Elshtain,

188 As Clarendon’s response to Leviathan demonstrated, even what Hobbes did say was enough to raise suspicion.
What Clarendon found most objectionable in ch. 20 was the assertion that original paternal dominion relied on any
kind of contract, since contract is revocable. To further claim that there are no natural grounds of obedience to this
contract would be beyond the pale. Edward Hyde, A brief view and survey of the dangerous and pernicious errors to
diverged from his atheistic and asocial account of natural man, made explicit the instability of covenants held together solely by fear of other men’s power that Hobbes implied. Lacking conscience, Hobbesian rulers would exploit their subjects, while subjects “would always be seeking Opportunities to rebel.” And this distrust would arise equally within the family: “The same would be the Case of married Persons; upon any slight Quarrel, they would be suspicious lest one should make away the other by Poison or some such clandestine Way; and the whole Family would be liable to the like Danger.” Hobbes’s assurances to parents run in one direction, but his logic of obedience runs in the other.

If in fact “hardly anyone is so naturally stupid that he does not think it better to rule himself than to let others rule him,” then the more a father imposes on his children against their will (which is directed at the acquisition of “everything,” and thus must be radically curbed), the more he will be resented, for “anger…is nothing but the appetite or desire of overcoming present opposition” (EL, 9.5). Worst of all for fathers, their rule is that much more oppressive for being personal and constantly at hand. Since “men who choose their sovereign do it for fear of one another, and not of him whom they institute,” their sovereign is a savior, but in in the natural kingdom, “they subject themselves to him whom they are afraid of” (L, 20.2). The father is the direct and sole object of his children’s fear, and, unlike the civil sovereign, his constant presence constantly reminds them of it.

Instead of dwelling on the potential hostility of children, Hobbes emphasizes the expansive powers parents wield over them: “They may alienate them…by selling or giving them in adoption or servitude to others; or may pawn them for hostages, kill them for rebellion, or

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sacrifice them for peace” (EL, 23.8). Neither does Hobbes raise any explicit difficulty about the
collision between a father’s right to kill his children if he should suspect them of disobedience and
the potential obstacles to his ability to exercise that right. He proceeds as though the fear of death
at paternal hands is alone enough to keep children in line. However, when Hobbes says that the
right of the sovereign can never reach far enough to compel someone to submit voluntarily to his
own death, this caveat extends to children, for “no one, whether subject or child of the family or
slave, is prevented by the threat of being punished by his commonwealth or father or master,
however severe he may be, from doing all he can and trying every move that is necessary to
protect his life and health” (DCiv, 9.9; L, 21.11).

Like condemned criminals, children find their right to self-preservation at odds with their
fathers’ unlimited rights to punish them. In the example Hobbes uses to illustrate this conflict –
the criminal being led to the gallows – the solution is provided by the overwhelming force at the
sovereign’s disposal to impose his death sentences (L, 24.29).191 But in the closer and less
heavily-guarded quarters of the private home, where a man is outnumbered by his children and
where there is no commonwealth behind him to enforce his judgments, the father may discover
himself a much less effective executioner than the civil sovereign, and his power over his
children that much less secure precisely because his subjects see that he cannot easily enforce his
threats.192 Here again, it is the personality of the familial sovereign that endangers him, because

191 Thomas Schrock has suggested that these two rights – the right of the sovereign to punish by death and the right
of the subject to resist death – are in principle irreconcilable. Whether or not that is theoretically the case, the
conflict between them certainly poses a much greater practical problem if it should arise in the domestic context and
pit a man against his children. See Thomas Schrock, “The Rights to Punish and Resist Punishment in Hobbes's

192 Thus, as Abbott points out, “The threat of murder is much more likely within the household, both because of
opportunity and motive, than from without at the hands of a marauding stranger.” Abbott, “The Three Families of
he is the particular object of his children’s resentment, and they see that by killing him alone, they regain their entire liberty, whereas the assassination of a civil sovereign will only result in the substitution of a new man into his office.

Benevolent paternal rule remains possible, but benevolence doesn’t clearly relieve familial tension. Hobbes repeatedly emphasizes that voluntary benevolence in nature is simply folly when everyone is motivated primarily by suspicion and fear; men will only take advantage of it by acting on their natural love of “liberty and dominion over others” (L, 17.1). Very young children may perceive their own weakness and need relative to their parents, but Hobbes’s psychology suggests that they will outgrow the self-perception of their weakness long before they outgrow their actual weakness. The tendency to overestimate our power is the basis of vanity, and this tendency manifests itself as early as we are capable of imagining the “fiction…of actions done by ourselves, which never were done,” which is to say, as early as we are able to imagine (EL, 9.1). Parents may attempt to forestall their children’s resentment by indulging them, but in addition to the immediate dangers to which this exposes them by contributing to their children’s delusions of power, an undisciplined upbringing may only intensify their children’s impatience for dominion of their own. But, since Hobbes grants fathers in nature absolute power over the lives and property of all their descendants for the duration of their lives, children impatient for their independence are the last thing a paternal sovereign should want to cultivate (L, 20.8). The state of war is thus almost as likely to re-enter the household by means of paternal benevolence as by paternal harshness.

If we follow Hobbes’s logic past his superficial assurances that children and subjects conquered in war are obliged to obey, it turns out that the gamble of preserving a child in order that he may grow up to be the father’s ally in the war of all against all is much riskier than
Hobbes explicitly allows. The natural family is unstable, and only questionably superior to solitude for both parents and children. But since solitude is unavailable, the family is very instructive to both parents and children about the dangers of personal rule. Hobbes anticipates that the resentment aroused by chafing under the will of his paternal master will shows the child his need of the “artificial commonwealth” by making evident the benefits of erecting an impersonal ruler and being subject only to his civil laws rather than to the direct and persistent blows of his father’s lash. At the other end, the Hobbesian father will discover that acquiring and ruling a patrimonial kingdom is no guarantee of personal security, and may even compound his danger. The new fears introduced by the experience of ruling subjects who are always poised to rebel demonstrate to him the futility of trying to attain security in nature by conquest. Where it is not immediately obvious that our real enemy is not simply the strongest individual around, but “each other,” the family in nature demonstrates at least that the strongest individual is not as strong as he or the subjects who grudgingly submitted to him had hoped.

V. The Hobbesian family in civil society

By suffering under the close discipline of their fathers, children come to appreciate the blessings of an impersonal and indirect sovereign and to embrace the logic of the Leviathan. Despite its basis in man’s most fundamental passions, Hobbes’s political project requires progress one step beyond these passions, and life in a family is the essential experience that permits this progress:

“I ground the civil right of sovereigns, and both the duty and liberty of subjects, upon the known natural inclinations of mankind, and upon the articles of the law of nature; of which no man, that pretends but reason enough to govern his private family, ought to be ignorant” (L, R&C.13).
Man’s natural fear of death only shows him the necessity of submitting to a conqueror, whereas to understand the superiority of creating a common power by means of voluntary covenants requires greater foresight and more sophisticated reason, and grasping this reason is the essential education of childhood. Indeed, the primary distinction between a child and an adult consists in the adult’s foresight and ability to restrain immediate impulses: “An evil man is like a sturdy boy, or a man of a childish mind, and evil is simply want of reason at an age when it normally accrues to men by nature governed by discipline and experience of harm” (DCiv, Preface). Developing the specific form of reason that can grasp abstract duty, and in particular the duty to keep covenants, is the most basic aim of the Hobbesian education, and the means of its development is “discipline and experience of harm” – both of which the family within the commonwealth is well-equipped to provide. In particular, it is the duty to perform (and for all subsequent generations, to understand and affirm) the original covenant that forms the artificial commonwealth, since that is the only covenant made from hope for future goods rather than for relief from immediate fear, so it is the most difficult covenant to secure, since “if other men will not lay down their right as well as he, then there is no reason for any one to divest himself of his; for that were to expose himself to prey, which no man is bound to, rather than to dispose himself to peace” (L, 14.5).

Family life in the Hobbesian commonwealth is less harsh than in nature because its stakes are lower. Fathers “resign that absolute power” of life and death over their children to a civil sovereign, who is a more effective guarantor of it than they ever were (L, 30.11). The original contract children supposedly made with their parents is now superseded by the contract that establishes the civil sovereign, so that where it previously existed by covenant, the family now exists solely by permission of the sovereign (L 22.26). Families are “united in one person
representative” under fathers, whose position turns into a kind of administrative office, subordinate to civil sovereignty, and tasked with carrying out certain educative functions which contribute to the maintenance of the state (L, 22.26).

The father thus occupies a status analogous to that of the civil sovereign, an office of the paternal representative, so to speak, and so offers a course in comparative government for his children – by whom would they prefer to be ruled: him, or their distant, impersonal, and rational sovereign? Earlier scholars have argued that the Hobbesian family is a straightforward replica of the commonwealth – that it is a “Leviathan writ small” and that “the father acts as a placeholder for the sovereign” – but this is not quite the case.\textsuperscript{193} The family is indeed a replica of the commonwealth by acquisition: “a great family, if it be not part of some commonwealth, is of itself, as to the rights of sovereignty, a little monarchy” (L, 20.15; DCiv, 9.10, 8.1). But the possibility of conceiving of a state as a commonwealth by institution and sovereignty as an impersonal and representative office opens a new political horizon with which fatherhood, because it must always be personal rule, cannot be identical. In any commonwealth large enough that subjects would not expect to know their civil sovereign personally, the father is not a placeholder but an alternative to the sovereign.

Despite the reduction in actual paternal power in the commonwealth, Hobbes insists that children must still be “taught that originally the father of every man was also his sovereign lord, with power over him of life and death” (L, 30.11). Indeed, this is the only lesson that Hobbes expressly demands that parents teach their children, leaving them otherwise free to “institute their children as they themselves think fit” (L, 21.6). The reason Hobbes prioritizes this lesson,

which is after all an anachronism by the time it is delivered to those already living in
commonwealths, is that it reliably inclines children to resent their fathers. The civil sovereign
might hold actual power of life and death over them, but he is a distant, disinterested executioner
who acts according to promulgated civil laws. The sovereign cannot see a child’s every
indiscretion, but the father is omnipresent in his children’s lives, molding them according to what
appears to his children to be his own arbitrary will (even when it is actually the sovereign’s
decrees, of which the children are ignorant) and doing so “by the rod” (DH, 13.4 ). He performs
all the difficult work of fitting them out for society, whereas the sovereign simply receives them
into citizenship, fully-formed in habits of obedience, when they reach the age of majority (DH, 13.3). 194

Imagining their fathers originally invested with the power of life and death over them
allows children to understand the dangers of personal rule and to be grateful that someone has
since stripped their own fathers of it. And what do children have to thank for this reprieve but the
generosity of the civil sovereign? The early education of children by their parents thus turns out
to be a soft recapitulation of the conditions of nature, so that the experience of family life
reproduces the logic of the commonwealth for every child. Hinton describes the arrangement as
one in which, “even in civil society, there was so much of nature in the relationships in the
family that one could easily see (Hobbes was in effect saying) the true principles involved.” 195
Family life rationalizes a preference for the civil sovereign’s authority over the father’s, and
reinforces the primacy of the commonwealth over the family by teaching the child that he has

194 Fathers need not be savage with their children, and Hobbes recommends that they soften their delivery when
compelling their children to perform “sour labour,” which “always humanity requireth to be sweetened in the
delivery, by encouragement, and in the tune and phrase of counsel, rather than in harsher language of command” (L,
25.9). Nonetheless, Hobbes nowhere recommends laxity in discipline or excusing children from “sour labour.”

more to fear from his parents than from the sovereign. Children come to appreciate the curbs that the sovereign’s law places on what would otherwise have been their fathers’ complete power over them, and to anticipate the day they are freed from their fathers to be subject only to a distant and largely non-interfering master. Chapman understates this point when he observes that, “Though Hobbes teaches that the power of the sovereign and the father is the same (at different times), the child possibly learns to be grateful for the rather more remote and abstract sovereign.”¹⁹⁶ Even in the commonwealth, the lessons of the state of nature are an essential component of education.

As in nature, however, the question of parental motivation arises once more in the commonwealth. Now that children no longer appear as a means of increasing men’s power and securing their protection, why should adults bother with them? Hobbes acknowledges that stripping fathers of substantive power in the commonwealth might discourage childrearing, and offers honor in its place:

“For to relinquish such a right [to honor] was not necessary to the institution of sovereign power, nor would there be any reason why any man should desire to have children, or to take the care to nourish and instruct them, if they were afterwards to have no other benefit from them than from other men” (L, 30.11).

To determine whether this exchange of power for honor is profitable – or, more precisely, what sort of men might find it profitable – we must return to Hobbes’s exposition of the significance of honor. Honor is essentially “the acknowledgement of power,” as Hobbes puts it succinctly in the Elements of Law (EL, 8.5). Out of the expanded catalogue of honor’s forms in Leviathan, the one most salient for children is obedience, but “no man obeys them, whom they think have no power to help, or hurt them” (L, 10.20). Yet a father’s power to help or hurt his children

diminishes over time, so that it would seem that the honor due to parents by their adult children would in the end hardly be worth the effort of rearing them.

Power takes several forms in Hobbes’s thought, however, and one of them is knowledge. Parents retain this form of power over their children so long as they continue to educate them, meriting honor in return: “To teach or persuade are honourable, because they be signs of knowledge” (EL, 8.5; L, 10.27-30). The problem of motivating parents while curtailing their discretionary authority over children is thus resolved not through any increase in parental authority, which would encroach on the sovereign’s power, but by rewarding the civic equivalent of preservation in nature: education. Greater experience of the world is the only power that adults wield over children, and passing it on is the only means by which they may hope for honor from them. There is further incentive to educate well, since the better the education the parents bestow, the longer their power and honor last. This configuration of parental motives harmonizes with Hobbes’s political aims: education is the means by which children are made “fit for society,” since they are certainly not born that way (DCiv 1.2). This is an important rejoinder to the naturalistic tradition which Hobbes is opposing: it is the first instance when paternal authority, stripped of its basis in nature and its robust coercive power for the sake of the security of the state, is converted into a pedagogical prerogative, so that parents gain and maintain a hold on their children exclusively by educating them. This claim is notably different from the endless prior exhortations to parents to discharge a duty to educate their children because in Hobbes’s formulation, all parental power is reduced to education.

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197 The education I am referring to throughout this discussion is basic upbringing, not the more advanced education in theological and philosophical doctrine with which Hobbes is elsewhere concerned. These educations are connected, but I cannot take up the latter here. For more detailed discussions of that education, see Bejan, “Teaching the Leviathan”; Richard Tuck, “Hobbes on Education,” in Philosophers on Education: New Historical Perspectives, ed. Amelie Rorty (New York: Routledge, 1998), 147-155; Geoffrey Vaughan, Behemoth Teaches Leviathan (Lanham, MD: Lexington Books, 2007).
Nonetheless, since honor does diminish with power, and power over children diminishes with time until altogether ended by the child’s own adulthood, expending a great deal of energy on one’s children in the hope of lasting honor from them is still not a very reliable investment. However, this contradiction only becomes evident in a purely rational calculation of the costs and benefits of childrearing. But it is not the most rational among men, but rather the most proud whom Hobbes is most concerned to educate by means of the family. In particular, his program is directed at those whose natural “will to do harm” arises not from defensiveness but from “vain glory, and the false esteem [they] hath of [their] own strength” (DCiv 1.4). Such men “take pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires” (L, 13.4). These types pose a serious threat to established commonwealths, since they are least able to appreciate the peace and stability afforded by a sovereign, and most inclined to believe themselves powerful enough to rule their own kingdoms and need not accept the status of a mere subject in another’s. For such glory-seeking men, the prospect of honor may well be sufficient motivation to beget a “little commonwealth” of infantile subjects, but the experience of trying to govern smaller and more numerous versions of their truculent selves will be a lesson about the perpetual insecurity of the natural kingdom.

VI. The logic of congruence against itself

When scholars call Hobbes a patriarchalist, they presume not only the existence but the effectiveness of paternal rule in nature. But Hobbes’s account of the mechanics of the family suggests a very different and much more precarious situation for such “little commonwealths.” Although natural kingdoms are relatively easy to win, maintaining them proves more difficult. Following the logic of congruence, Hobbes introduces fatherhood as an analogue to civil
sovereignty, but the father’s rule is hampered by the conditions by which he gained power. He cannot hope to benefit from the sovereign’s impersonality and the security that arises from indirect rule. He is personal, and personally competing with any other man who can usurp his place by rendering greater benefits to his children. If he maintains his control of these children, he is locked in a potentially deadly war of wills with them. His children, in turn, fear his power, but their fear breeds resentment at least as reliably as it induces outward submission, and their natural right and propensity to resist his attempts on their lives is as threatening to the father’s security as his *patria potestas* is to theirs. In the family, the strong and proud experience the consequences of their vainglory directly, and their instinctive fear and desire are trained up into rational hope that making mutual covenants with one’s enemies to establish a common power is a more reliable means to peace than the irrational effort to subjugate all enemies to themselves, or to be subjugated by them.

That these peculiar origins of the family ultimately give way to a traditional outcome – a family subject to a father who is in turn subject to a civil sovereign – should not mislead us into seeing Hobbes’s aim as anything but an inversion of naturalistic arguments that the family should be a mirror for the state. For Bodin, paternal rule is the natural model for political rule, but a large family is not a small state because the family is natural and prior, while the state is artificial and secondary. Bodin’s great difficulty is holding these two institutions apart without diminishing their identical powers, a difficulty which Filmer later overcame by conflating the two. Like Filmer, Hobbes asserts that there is no essential difference between a family and a state, at least a certain kind of state. But unlike Filmer, Hobbes uses this analogy to show how unstable the familial state is compared with impersonal, indirect, and representative government, a politics that really views men as mushrooms.
As we have seen, Hobbes was quite willing to abolish other sub-political associations apt to interfere with the sovereign. Yet the family, though it too is a “lesser commonwealth,” need not be abandoned because, once it is re-instituted as a subsidiary of the sovereign, it offers a useful experiential education in the defects of natural kingdoms. The equivalence that Hobbes maintains between fathers and sovereigns is a didactic illusion – the tale told to children about their fathers’ original power, which is designed to teach them the wisdom of submitting themselves to a civil sovereign by demanding that both sovereign and father demonstrate their respective powers so that it might become clear by contrast how much worse it is to be ruled by fathers than by sovereigns. Hobbes is not dishonest when he repeatedly distinguishes between the natural and artificial kingdoms and then insists that there is no need to dwell on the distinction, since the difference of foundation is indeed immaterial to the rights enjoyed by sovereigns. He does not deny that most present commonwealths originated as natural kingdoms, but what the history of such kingdoms, including especially the recent history of England, demonstrates is that naturalistic conceptions of the state only beget endless wars and rebellions based on misguided claims to rule arising from natural relations of generation and conquest, and the only hope for peace is to suppress these “natural” ties which previous thinkers hoped to fortify.

What is really natural about the “natural kingdom” is not that it arises organically or without violence, but that it is the form of government that Hobbesian man, propelled by pride and desire to dominate, instinctively seeks to establish. Precisely because of this, it is the most unstable and dangerous regime, rather than the strongest and most lasting one, as the naturalistic tradition, and particularly the royalist exponents of that tradition, had asserted. The impulses it stokes are those of the state of nature, where unlimited crime is justifiable self-defense in the
face of unlimited danger, and these are precisely the passions which Hobbes is most concerned to
stifle by teaching men that it is better to surrender their natural liberty for the sake of security
than to pursue security by subjugating others to themselves. Thus, Hobbes’s endorsement of *de
facto* sovereignty is a temporary measure, but suppressing conquering desires in citizens by
means of a new education that includes the experience of the de-naturalized family and leads
citizens to adopt a view of their state as the product of mutual covenants is the long-term goal.
All existing states may have begun as natural kingdoms, but it is not the state’s origins that
matter, but where our fears in it are finally directed, and the experience of a Hobbesian family
life disabuses us of much of the loyalty and gratitude we may have been inclined to reserve for
those closest to us, directing these passions instead to the distant civil sovereign. Thus every
state, if it hopes to avert ceaseless internal turmoil, must eventually encourage its citizens to
think of themselves as subjects of an artificial kingdom.

VII. **Sovereign opinion management**

Hobbes’s innovation on the sovereignty theories of his predecessors was to fortify them
against their own contradictions, so that there might be no gap between the sovereign’s will and
the legitimacy of his actions, no external grounds for resisting him. Where Bodin had tried to
close this gap by identifying power and authority and insisting that the sovereign simply wielded
both, Hobbes saw that the strength of the sovereign lay not in conflating power with authority,
but in reducing the relevance of nature to politics, so that the relevant standard of obedience
could instead be consent. He then re-defined consent to mean the alienation of will and
judgment, and authority to mean representation of the subjects’ alienated wills and judgments.
The result is the consolidation of authority in the sovereign, and the total dependence of all
inferior powers on its continued permission. Hobbesian authority supports power, but it is separable from it: there can be no authority without power, but there can be power without authority. “Reputation of power is power,” then, but it is not authoritative power.

But reputation of power may be dangerous as well, and Hobbes was not content, as Bodin and Filmer had been, with merely formal prohibitions on sedition and rebellion. Sovereign authority must also neutralize the sources of public disagreement and disputation that result in war, a problem which he describes in depth in his account of the role of the clergy in fomenting the English Civil War in *Behemoth*. “For the power of the mighty hath no foundation but in the opinion and belief of the people” (B, 16). The sovereign’s influence must reach far enough to suppress the means of mobilizing such sedition and even the desire for it in subjects. The Hobbesian sovereign, legitimated at the expense of all other authorities in the society, thus suppresses what Boyd calls “the perils of pluralism” at every level: he obstructs the tendency of mediating associations to stoke subversive impulses by undermining the independence of such associations, it discredits orators and demagogues, who, as Garsten puts it, “would find the subjects’ ears already fastened to the lips of the sovereign,” and it directs the very language of morality that conditions the private opinions of subjects. 198 All of Hobbes’s educational institutions, including the family, but also the university and the church, are pressed into the service of inculcating and defending a homogeneity of opinion against the pressure of dissent that Hobbes feared would always devolve into war.

The education of the family instills in subjects an aversion to so-called ‘natural’ authorities whose claim to rule is grounded in anything other than the consent of the ruled, and it breaks down instinctive kinship loyalties in order to reinforce the effectual (as opposed to the

merely formal) authority of the sovereign: by comparing the indirect and impersonal rule of the sovereign to the experience of rule by their fathers, subjects develop not merely a rational preference for civil subjection, but a desire and affection for it, and a willingness to defend it against its detractors. Though it may now be difficult for us to see how it could be possible to love the Leviathan, no less to love it more than our own parents, Hobbes does intend the sovereign to be loved in just that way. The family serves as both a vehicle for instilling correct beliefs in subjects and a part of the substance of these beliefs: it teaches the necessity of obedience and a love of peace, but also turns the individual against the familial objects of such obedience and so isolates him from the most natural alternative loyalties he might develop, giving the sovereign relatively more influence over his opinions, and allowing it to become a supreme authority for him.

This is in some sense the logical end of sovereignty theory, since no sovereignty can be more absolute than Hobbes’s sovereignty, at least not in principle, though later technological developments may make it practically more effective in attaining these original theoretical ends. The most effective sovereignty is not, as we might assume, the direct personal rule of a powerful monarch, but rather the distant rule of an impersonal representative. Personal authority is the false temptation of absolute sovereignty; it does nothing but stir up the natural resentments of subjects and destroy the peace at which the commonwealth aims. The idea of natural authority then, and the familial relations which are its primal exemplar, was anathema to Hobbesian politics, and so he denaturalized the family, and all other human relations. What is important to note is that Hobbes believed that, by dissociating legitimate political power from natural origins, it was possible to institute an emperor over men’s minds. The dire threat posed by differences in opinion could be curbed by reconceiving the idea of authority so that it became primarily a right
to legislate not only positive laws, which Bodin had already extended to the sovereign, but to legislate the opinions of subjects.

This question – whether civil peace could be achieved by centralizing and denaturalizing all authority so that even public opinion could be manufactured by the sovereign – was the point at which Locke and Rousseau, who in many ways sought the same ends by the same means as Hobbes, would diverge from Hobbes. More attentive to precisely the way which opinion or, as they also called it, “fashion,” is diffused and the influence it wields over individuals, both Locke and Rousseau concluded that it was too powerful a force to be successfully harnessed and directed by any sovereign. Indeed, according to these later thinkers, public opinion’s power was so great that if no countervailing sources of independent authority were permitted against it, it threatened to become the sovereign. To avoid this, they too would turn to the family, and especially to the private, pedagogical authority of parents, this time to work against public authority rather than in support of it.
The challenge that Hobbes saw to rational political order and sovereign authority in the confused opinions and prejudices of subjects became a central theme in Locke’s thought from the beginning. Like Hobbes, Locke appreciated – and feared – the immense influence that popular opinion had over the conduct of individuals and the fates of regimes.199 “The greatest part” of mankind “govern themselves chiefly, if not solely, by this Law of Fashion; and so they do that, which keeps them in Reputation with their Company, little regard the Laws of God, or the Magistrate,” he wrote in the Essay (ECHU 2.28.12). In his earliest writings, Locke even evinced Hobbes’s optimism that this influence could be neutralized or directed by an effective sovereign. But by the time his mature works were published beginning in 1689, Locke had decisively rejected Hobbes’s faith in the power of a well-constituted sovereign to consolidate authority in itself and thereby manage popular opinion in the commonwealth. What was clear to Locke was that the power of opinion could not be supplanted by the authority of a sovereign through any formalized and abstract process of “authorization,” and without this possibility, sovereignty itself was an essentially useless and even damaging theory of political order.

Locke’s polemic against absolutism in the Two Treatises is well-known, but what has received substantially less attention is his positive account of authority. There is good reason for this omission, since Locke is in almost every respect an anti-authoritarian thinker, not only in his

199 Locke refers to the forms of opinion throughout his works as fashion, reputation, custom, and fancy. They are not wholly synonymous but linked concepts: all of them relate to our tendency to “assent” to ideas whose truth we do not know or have not investigated because doing so will win us favor with those whose esteem we desire. For lack of a better shorthand, my use of the term “opinion” throughout the following chapters is intended to refer to all these concepts, although it does an admittedly poor job of capturing the essentially social aspect of the “law of fashion” for both Locke and Rousseau, and overstates its arbitrariness and individuality.
political and theological writings, but also in his epistemological works. He argued against every form of naturally- and divinely-granted authority, against the authority of the clergy, and against the authority of the regnant doctrine of the universities. His account of the mind is anti-authoritarian at its core, denying that the simple ideas that are the building blocks of knowledge can be known in any other way but through personal sensory experience. Nonetheless, there remains one sphere of human life where Locke not only failed to condemn authority but actually demanded it: the education of children within the family. Whereas in the Two Treatises, he demolished the argument for absolute power, in the Education, he declared that, children are to be put “under the absolute power and restraint of those, in whose hands they are” and “when little, should look upon their parents as their lords, their absolute governors” (STCE 39, 41).

The reason for this exception for education and the family is the subject of this chapter, and the substance of the exemption the subject of the next. In order to understand why Locke exhorts parents to exercise such extensive authority in the education of their children, we must first understand why he so consistently denies such authority to anyone else. Scholars have pointed to a number of basic motivations that tie Locke’s major works together: an effort to reformulate or water down Christian doctrine to make it compatible with a liberal political order grounded in property rights,200 or to derive principles of equality and liberty from Christian theology,201 or to square politics and morality with the emerging natural science.202 All of these

200 Pangle, Spirit of Modern Republicanism, 274-275; Strauss, Natural Right and History, 202-251.


efforts require the diminution of existing authority – of the clergy, the government, and the universities – but even more than that, they require accommodating public opinion.

Unlike the sovereignty theorists, who used political authority to suppress wrong opinions about these questions, Locke used the stubborn persistence of wrong opinions to undermine authority. Hobbes claimed that men would accept their sovereign’s judgment of contested opinions even when it did not accord with theirs; Locke suggested that they were rather more likely to respond to such dissonance by killing their sovereign. Nor was religion the unique source of such zeal, since any group united by a common opinion against others posed this threat: “The stirs that are made, proceed not from any peculiar temper of this or that church…but from the common disposition of all mankind, who, when they groan under any heavy burthen, endeavour naturally to shake off the yoke that galls their necks” (LCT, 52). Opinion is combustible, and the new science’s denial of certain knowledge about the world would only make it more difficult for any public authority to escape unsinged after trying to suppress it. Instead, government and society have to be organized around principles like toleration and civility, which would allow conflicting opinions to burn safely at low heat. But Locke saw that this arrangement threatened to give fashion free reign by removing all the obstacles that had previous obstructed it, especially over the highly susceptible minds of children, and this new threat required the selective and narrow re-introduction of authority into the family in order to preserve some possibility of intellectual freedom. Where public authority was no longer capable of directing men to happiness, the private authority of parents and pedagogues would have to be made to suffice.

This was not, however, Locke’s initial conclusion about the nature of political authority, and it is his gradual turn away from sovereignty theory that makes him a particularly revealing figure in the development of early modern ideas of authority. In order to understand Locke’s view of authority, it is necessary to first examine his earlier, “authoritarian” writings from 1660-1662, the so-called “Two Tracts on Government.” These essays show little concern with the potential power of opinion to determine men’s thoughts and actions, but concern begins to appear in tandem with Locke’s “liberal” turn on the question of religious toleration in the late 1660s and 1670s. As Locke refined his ideas about power, will, and understanding in successive drafts of the Essay during the 1670s and 1680s, he came to reject the theory of sovereignty as a description of the nature of political power, and omitted it entirely from the commonwealth advanced in the Two Treatises. In its place, Locke offered a sovereign-less regime that constitutionalizes and stabilizes opinion into positive law, but cannot ultimately control it. The Essay demonstrates the overwhelming power of opinion to determine conduct and foreclose thinking, and none of Locke’s subsequent work moves away from this conclusion. What it does instead is frame institutions that might prevent the authority of opinion from becoming a tyranny.

In the process of debunking every standing claim to public authority however, Locke did not return to the tradition of natural lawyers like Hooker and Grotius, who maintained the naturalness of the family, but stripped even the family of its natural authority. This was a prudential move: the doctrine of natural paternal authority had, by the 1680s, become a proposition too easily and frequently co-opted by sovereignty theory for absolutist ends. To preempt the family from being co-opted for these ends, Locke circumscribed natural parental power at every turn, creating a kind of congruence between his reconstructed voluntary family and his voluntary commonwealth in the Second Treatise. But this congruence is ultimately superficial
and rhetorically strategic, designed to defend against future attempts to derive absolutism from natural familial relations. It becomes clear in the *Education* that authority, even “absolute” authority, is very much the province of the family. What marks Locke out from his predecessors and many of his contemporaries, and what makes him a recognizable liberal, is this privatization of authority. Government becomes for him a sphere of legitimate (or illegitimate) power, but authority is diffused throughout society, where it can be harnessed in a limited way for pedagogical ends.

If we take seriously Locke’s endless enumerations – in the *Essay*, the *Conduct*, and the *Education* – of the threats to the understanding posed by the mind’s proclivity to “assent” to propositions entirely from self-interest and love of esteem, and the way this proclivity subjugates it to fashion and opinion from childhood, we get a different picture of Locke’s concerns than is usually suggested in studies of Locke’s political thought. The power of opinion is both a blessing and a curse: it is the glue of social order that makes possible language and science, but it also threatens to stifle the difficult individual reasoning and dissent that advances science and reveals morality and the natural law in its particulars by inclining men to accept opinions entirely out of a desire for approbation. Because Locke did not conclude that any society could abolish this power, his political and epistemological arguments offer no more than openings for individuals to privately work around it, and hold out no great hope for a future rational political order. Nonetheless, these openings, the most important of which is the education of the family, are the best sources of resistance against the deforming effects of opinion.

I. **Authority in Locke’s early writings**
To understand the development of Locke’s arguments about the limits of authority, we must look first to his unpublished writings on toleration in the 1660s and 1670s. These essays were composed in the context of the Restoration debate over the magistrate’s power to legislate “indifferent” matters in religious observance, but the underlying philosophical problem in all of them is that of political obligation. What marks out these manuscripts is the persistent tension between the power of the magistrate to determine men’s conduct and the competing power of opinion. Scholarly assessments of these early works have varied from claims that they represent Locke’s immature timidity or incoherence or subsequently irrelevant concern with specific political events of the 1660s, to arguments that they represent the permanent Hobbesian core of his thought. More recently, Douglas Casson has argued that Locke’s early writings are driven by a Montaigne-inflected skeptical fear of the irreconcilable proliferation of opinions and customs. “For the young Locke, a society that contains a diversity of customs and forms of worship is inherently unstable,” so that “external coercion is the only way to achieve security and stability in the context of radical disagreement.” According to Casson, Locke’s “transformation” from a skeptic into a liberal in his post-1689 writings occurred when he discovered a “stable language of justification” in the new scientific conception of probability and “sought to make a language of probable judgment serve as a type of public reason.”

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206 Robert Kraynak, “From Absolutism to Toleration” *American Political Science Review* 74 (1980) 53-69. Kraynak argues that Locke’s early writings support Strauss’s claim in *Natural Right and History*, written before the “Two Tracts” were available, that Locke expounds a Hobbesian view of human nature and politics.


right to emphasize the centrality of skepticism to Locke’s thinking and to point to the Essay’s endorsement of probable judgment as the way out of the skeptical dilemma. But, in their political theory, Locke’s early writings do not convey an abrupt about-face from skeptical absolutism to probabilistic liberalism. On the contrary, they depict a gradually changing political response to the tension between formal authority and informal opinion, one that develops against the background of Locke’s increasing appreciation of the complexity of human psychology and depreciation of the necessity of a clear and centralized public authority to determine disputes. As Abrams remarked of the Two Tracts, “The problem was as much epistemological as political.”

In his pre-1689 writings, Locke entertained several different political mechanisms for coping with the power of opinion. His resolution of this tension occurred in three stages: at first, Locke took the power of the magistrate to be sufficient to enforce conformity. But as his direct experience of political affairs grew during the 1660s, he became increasingly skeptical that the magistrate’s will could be straightforwardly enacted by his commands and increasingly impressed with the perversity of sectarian psychology. This shift was reflected in his first “Essay on Toleration,” where he argued that it is safer to appease sectarians than to suppress them, and in private writings where he suggested that magistrates would rule more effectively by manipulating opinion rather than coercing conduct. But by 1689, when he first began to publish, Locke had clearly come to doubt that opinion and fashion were amenable to reliable manipulation by a sovereign. If the sovereign could not enact its will by either legislation or manipulation, then sovereignty could not be a true or useful account of the nature of political authority, and a new account was needed.

Although Locke denied from the outset that straightforward coercion by the sovereign can “work an internal persuasion,” he nonetheless raised no doubts in the Two Tracts that coercion would suffice to produce “outward conformity.”210 In these manuscripts from the early 1660s, Locke argued that political authority is sovereignty and that sovereignty works. Disclaiming in the preface of the English Tract that “there is no one that can have a greater respect and veneration for authority than I,” Locke in 1660 espoused a generic account of sovereignty: “the supreme magistrate of every nation what way soever created, must necessarily have an absolute and arbitrary power over all the indifferent actions of his people.”211 In the Latin Tract, he essentially restated Bodin’s definition of sovereign absolutism, invoking Bodin’s marks of sovereignty and similarly depicting human power as a shrunken version of God’s dominion (though not a magnification of paternal power). There, the “authors of laws are, by their power, superior to the laws themselves and to the subjects they govern.”212

Since every matter about which the civil sovereign can rightfully legislate is by definition an indifferent one (all others being expressed in the natural law or revealed in Scripture), it follows that the sovereign must legislate on indifferent matters, or else he can legislate about nothing at all. In both Tracts, Locke boasts that his conclusion is not contingent on any specific account of political origins, but follows from positing patriarchal or divine right, or from presuming the natural equality of all men: “It is not impossible for our present thesis to be grounded on either of these foundations or to be established whichever of the two is accepted.”213


211 Locke, First Tract, 7, 9.

In constructing this logical edifice, Locke did not dwell on the refractory passions or call into doubt that even logically unassailable grounds for coercion may not reliably produce obedience in subjects. The Tracts raise the possible psychological causes of sectarianism in passing, but these considerations on the nature of opinion did not yet lead Locke to doubt that it would not yield to the impositions of the sovereign.

However, by 1667, the date of the “Essay on Toleration,” Locke was doubtful that the exercise of sovereign power could issue in even outward obedience in dissenters, and so for the same reason that he first advocated sovereign discretion in indifferent matters, he now recommended toleration of all “speculative opinions” and those religious practices which do not detract from civil peace.214 Although he now advanced the opposite policy, in important respects, the grounds of Locke’s argument did not shift from the Two Tracts to the “Essay on Toleration.” Although in the latter work, he counseled against the full use of the sovereign’s power, he nonetheless continued to argue that such power was real, absolute, and indivisible, and described a limited monarchy as “an absurdity, if not a contradiction.”215 He continued to hold up the preservation of the commonwealth as the end of all civil government: “polities…are only made to preserve men in this world from the fraud and violence of one another” and this “ought alone to be the measure of its proceeding.”216 What fundamentally changed between these two works was the growing conviction that laws are weaker than opinions, because “punishment and fear may make men dissemble; but, not convincing anyone’s reason, cannot possibly make them

213 Locke, Second Tract, 69; First Tract, 11-12. Dunn suggests this is a “device for maximizing the polemical purchase of his arguments.” Dunn, Political Thought of John Locke, 17.


215 Locke, “Essay on Toleration,” 136. He also raised no difficulties with the sovereign’s absolute discretion in determining which outward religious practices posed a threat to the commonwealth (Essay on Toleration, 148).

assent to the opinion, but will certainly make them hate the person of their persecutor and give
them the greater aversion to both."217 No matter how reasonable and conducive to the public
good the laws promulgated by sovereign may be, unless they coincide with or co-opt the
convictions of sectarians, they will only enflame the zealotry of those whose ideas they
proscribe.

Perhaps as a result of the more direct view of politics that his travels to Germany and his
new post with Shaftesbury afforded to someone afflicted by an “academic goblin,” Locke largely
abandoned the scholastic mode of delineating magistrates’ rights and subjects’ duties after the
mid-1660s.218 He appealed instead to toleration as the only effective way of defusing the froward
passions of sectarians. The second half of the “Essay on Toleration” is an account of the
psychological effects of suppression and toleration, and begins from the same insight that would
famously animate James Madison’s Federalist #10 in the following century, that the proliferation
of sects is more conducive to peace than their suppression:

“If all things that may occasion disorder or conspiracy in a commonwealth must not be
endured in it, all discontented and active men must be removed, and whispering must be
less tolerated than preaching, as much likelier to carry on and foment a conspiracy. And
if all numbers of men joined in a union and corporation distinct from the public be not
suffered, all charters of towns, especially great ones, are presently to be taken
away…they are less dangerous as being more scattered and not formed into that
order…And the minds of men are so various in matters of religion, and so nice and
scrupulous in things of an eternal concernment, that when men are indifferently tolerated,
and persecution and force does not drive them together, they are apt to divide and
subdivide into so many little bodies, and always with the greatest enmity to those they
last parted from or stand nearest to, that they are a guard upon another.”219

217 Locke, “Essay on Toleration,” 155; Dunn, Political Thought of John Locke, 35.

218 Locke describes the predations of his “academic goblin” in a 1664 letter to Sir Walter Vane, whom he
Dunn also argues that Locke’s naïve assurance that command will yield obedience in the Two Tracts is a result of
his inexperience with “the world of political manipulation.” Dunn, Political Thought of John Locke, 17-18.

Locke thus turned against Hobbes quite early on the question of pluralism, preferring the lesser danger of tolerating competing loyalties within the commonwealth in the hope that they would balance one another to the greater danger of opposing them and inspiring the consolidated wrath of the suppressed. Toleration here is not a good in itself, as it would become in Locke’s later *Letters Concerning Toleration*, but only the most effective political means of accommodating human pride.\(^\text{220}\)

As Locke developed his ideas about the psychological and epistemological sources of opinion and conduct in the *Essay Concerning Human Understanding* throughout the 1670s, signs of his growing skepticism of the efficacy of sovereign power and his increasing appreciation of the social influence of opinion, fashion, and custom appeared in his private writings as well. In a 1675 plan for a philosophical club, Locke justified the proposal on the grounds that

> “example and fashion being the great governors of this world…the first question most men ask, is, how will this render me to my company, and those, whose esteem I value? …This is the foundation of all the sects and orders, either of religion or philosophy, that have been in the world.”\(^\text{221}\)

Since learning and virtue lack sufficient partisans, Locke reasoned, men can only be induced to pursue them when those whose approval they sought did so as well. Locke similarly toyed with the idea of using opinion and reputation to guide conduct in the series of fragments on legislation called “Atlantis,” composed between 1676 and 1679. There, he depicted a system of intense social control, in which “every ten neighbouring houses shall have a tithingman,” who “shall once a month at least visit the houses of his tithing, or oftener if he sees occasion, to see what lives they lead” and “inform the judge of the colony if he find any who are debauched,

\(^{220}\) Dunn sees this as both evidence of Locke’s early and utilitarian acceptance of the doctrine of *raison d’etat*. Dunn, *Political Thought of John Locke*, 30, 39.

\(^{221}\) Locke, “Philanthropy,” *Political Essays*, 225.
disorderly, suspicious.” The recurring theme in these notes is the possibility of producing conduct useful for the commonwealth – particularly childbearing and soldiering – with social and monetary incentives rather than legal requirements and prohibitions. “More things for the good of the public are to be introduced by custom and fashion than by law and punishment.”

In these 1670s writings, Locke treats the possibility of manipulating “custom and fashion” to encourage virtuous conduct as an unambiguously promising alternative to coercion by the sovereign because it arouses none of the resentment and rebelliousness which result from imposing opinions and practices on the unwilling. Government by opinion presumes that custom and fashion can be reliably formed and directed from above, a view Locke seems to have held during this period. In a note in his journal from 1678, Locke described “credit and reputation” as “the principal spring from which the actions of men take their rise, the rule they conduct them by, and the end to which they direct them.” He advised that “he therefore that would govern the world well, had need consider rather what fashions he makes, than what laws; and to bring anything into use he need only give it reputation.” Although Locke’s early drafts of the Essay from 1671 acknowledge that the determinations of custom and opinion may be erroneous, they


223 Goldie argues that these fragments should be read in connection with Locke’s Constitutions of Carolina. However, Locke’s own description of the Atlantis regime as “eutopia” and its parallels with Bacon’s concern to encourage population growth by publically rewarding procreation in his New Atlantis suggests that these passages were more likely abstract considerations about social order. The only thing linking these notes to the Constitutions of Carolina is the requirement to register all births, deaths, and marriages, which appears in both texts but is not central to either. See Goldie, Political Essays, 253.


225 Locke, “Reputation,” Political Essays, 271. This claim that men are ruled primarily by opinion appears again in the note “Opinion,” from 1679. See Political Essays, 274.

do not yet evince doubt about the possibility of countering such wrong opinions with better opinions introduced by an enlightened government. 227

Simply put, in the 1670s, Locke believed that sovereign authority was possible and practicable, and although he no longer thought a sovereign could effectively impose its will by command alone, as he had argued in the Two Tracts, he did think that it could effectively rule by manipulating the fashions and customs of the commonwealth – by esteeming that conduct which it hoped to bring about, and disgracing that which it sought to eliminate. The contexts in which he claimed rule by opinion was possible were not exclusively political: the sketch for a philosophical club suggests it as a means for improving conduct among a group of friends. Local contexts for ruling men by manipulating their love of esteem would remain central to Locke’s thought, as we shall see. But as Locke’s estimation of opinion’s power grew in subsequent versions of the Essay, his doubt of the sovereign’s ability to dictate it and bring it under its control increased with it. Locke’s “liberal” turn was not merely his shift towards favoring toleration over sovereign imposition, but more broadly his rejection of the conception of authority contained in sovereignty theory.

What distinguished Locke’s published writings – particularly the Two Treatises and the Essay – from these earlier works is their ambivalence towards both conventional sovereignty and the power of opinion. 228 He eventually came to reject both the view that civil peace and order can

227 Neither early draft advocates government by opinion, since government is not in question in the Essay. But what is noticeably missing from these drafts is the chapter on “Power,” which is Locke’s most extensive discussion of psychology and discusses the problem of governing desires contracted by custom and fashion. See Drafts A and B in Drafts for the Essay Concerning Human Understanding, and Other Philosophical Writings, eds. Peter Nidditch and G.A.J. Rogers (Oxford: Oxford UP, 1991).

228 This is also true of the Letters Concerning Toleration. However, since toleration itself is a topic somewhat tangential to this study and possessing its own vast literature and all dissertations must have limits, I have omitted an account of the Letters here.
be achieved by force, and that it can be sustained by harnessing the power of opinion (and its concomitants – fashion, reputation, custom). In the published editions of the Essay, Locke described opinion as the most effective determinant of conduct, but one that is in turn incapable of being intentionally determined. Because it can both guide us towards the natural law, and elevate vices and violations of that law in their place, opinion is simultaneously useful and dangerous. The cultivated mental discipline described in the Conduct of the Understanding is required to avoid its hazards. At the same time, in the Two Treatises, Locke dropped sovereignty entirely from his account of political power, preferring instead a regime with no final power and no permanent locus of supremacy. Because command is insufficient and opinion cannot be reliably directed to produce desirable political results, authority in Locke’s mature writings loses the centralized and even political character which it had in Hobbes, Bodin, Filmer, and even Grotius.

II. Authority in the mind

In the Essay and On the Conduct of the Understanding, the power of opinion relative to political power is given its fullest treatment. There, Locke elaborates the implications of his argument that fashion is a more powerful determinant of men’s beliefs and actions than positive or divine law. “The greatest part” of Mankind “govern themselves chiefly, if not solely, by this Law of Fashion; and so they do that, which keeps them in Reputation with their Company, little regard the Laws of God, or the Magistrate” (ECHU 2.28.12). “The ideas and images in men’s minds are the invisible powers that constantly govern them, and to these they all universally pay a ready submission” (CU 1). What was absent from Locke’s earlier notes and from Drafts A and B of the Essay but appeared in the later epistemological writings was the concession that, for all
their power, opinion and fashion are stubbornly resistant to concerted human efforts to control and direct them. Although everyone enforces the “law of fashion,” including “private Men, who have not Authority enough to make a Law,” no one can claim to legislate it (ECHU 2.28.12).

“The law of opinion or reputation” is like a shadow government, since it “establishes it self in the several Societies, Tribes, and Clubs of Men in the World…by a secret and tacit consent” (ECHU 2.28.10-12). Unlike the divine, natural, and municipal laws, the law of fashion has neither legislator nor executor; it is self-generating and self-enforcing. No one can reliably direct it because manipulating its constituent – to change language and fix the definitions of terms – will have partial and unpredictable effects at best.

When Locke still believed that opinion could be directed by the sovereign, his view of it had been favorable, but in his published writings after 1689, the moral valence of opinion becomes ambivalent. Where it serves as a counterweight to oppressive and misguided human authority (of, for example, tyrants), opinion preserves freedom, but where it abets that authority, it only deepens our predicament.229 “Fashion and the common Opinion having settled wrong Notions, and education and custom ill habits, the just values of things are misplaced, and the palates of Men corrupted” (ECHU 2.21.69). And the latter is, in these writings, more often the case. In the Two Treatises, Locke suggests that on one hand, custom can lead entire nations into such gross errors as eating their children, but it can also sustain political orders good and bad (FT 57; ST 224-226). Both cases suggest that allegiance to custom can blind us to the law of nature altogether and discourage us from living by it even if we could uncover it beneath the layers of custom’s impositions. This raises an additional difficulty with opinion: if we are potentially slaves of custom, how can we be expected to discover the law of nature and live our lives and

frame our governments according to it? How potent a weapon is reason in light of the overwhelming power of opinion? If Locke’s early writings replaced traditional sovereignty with social control, his mature epistemology raised doubts about whether government can proceed by either means, and whether any form of centralized authority can be successfully applied to political life.

The *Essay* begins and ends with a polemic against innate ideas, not only because these ideas cannot be found to exist in the mind, but because the doctrine itself is a means by which established authority, primarily in the form of scholastic doctrine, has stifled the development of science and limited the full scope of understanding (ECHU 1.4.23-24; 4.20.8-9). Understanding, as Locke defines it, cannot be brought about by means of authority, since every argument must precipitate the individual experience of intuition, the mental perception of a relation between two simple ideas, at each step. Simple ideas – concepts like cold, wet, yellow, and pain – can arise only from sense perception or within the mind, and cannot be instilled in us by someone else. The individual experience of simple ideas is so foundational to understanding that even someone informed by divine revelation cannot “communicate to others any new simple Ideas which they had not before Sensation or Reflexion” (ECHU 4.18.3). At the most basic level of cognition, liberty is absolute and authority is meaningless. The difficulty is that hardly any part of living occurs at this level.

After granting the individual understanding an irreducible liberty in simple ideas, Locke in the middle two books of the *Essay* takes up the relation of the individual mind to society through examinations of the will and of language, which connect that mind to others. Just as simple ideas are the basis of cognitive liberty, words begin in a similar liberty: “every Man has so inviolable a Liberty, to make Words stand for what Ideas he pleases, that no one hath the
Power to make others have the same Ideas in their Minds, that he has, when they use the same Words” (ECHU 3.2.8). But understanding is not carried very far by this self-contained process of naming. We would be limited to a paltry grasp of even our immediate surroundings if we relied entirely on simple ideas and our own names for them. Since ideas are particular, each blade of grass would be a new and interesting species to us, but “it is beyond the power of human capacity to frame and retain distinct ideas of all the particular things we meet with,” so we must generalize and abstract (ECHU 2.11.9, 3.3.2-3).

Fortunately, these names and categories are ready-made and waiting for us when we take up language, but language is social and it compromises the simple liberty Locke held out. While a simple idea may be perceived independently by many minds at many times and so propagate itself without coercion, a word must be made to evoke the same idea in different minds in order to communicate meaning. Language is both the specialized “workmanship of the Understanding” and “the great Instrument, and common Tye of Societ” a completely human fabrication and the main instrument of human sociability (ECHU 3.3.1, 3.1.1). Words categorize complex ideas (mixed modes and complex substances) that “have no other reality, but what they have in the Mind of Men,” and these complex ideas far outnumber and outweigh simple ideas in typical human experience (ECHU 2.30.4). Because the real essences of complex ideas either do not exist or are impossible to know, their nominal essences – that is, their definitions in common speech – serve as the truth about them (ECHU 2.31.6-8, 3.3.16-19, 3.6.1-32). Locke thus reduces all

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230 So fundamental is the power of opinion for Locke that while the capacity for abstraction is the very thing that functionally distinguishes man from animals, use of this capacity immediately entangles man in the unfreedom of language. See Waldron, *God, Locke and Equality*, 75. For the subversion of liberty required by language, see also Hannah Dawson, *Locke, Language and Early-Modern Philosophy* (Cambridge: Cambridge UP, 2007), 295-298.
abstract ideas, including “the greatest part of the Words made use of in Divinity, Ethicks, Law, and Politicks,” to matters of definition (ECHU 2.22.12).

The two kinds of complex ideas that Locke describes – mixed modes and complex substances – can paradoxically expand human understanding while compromising individual reason. Although substances “have a Foundation in Nature; such as have a Conformity with the real Being,” controversy inevitably arises over which elements of a substance are necessary to its definition, and where the line between distinct substances lies (ECHU 2.30.1). Because Locke denies any natural distinction between species to guide us, ice and water may be under certain circumstances correctly taken for separate species, or a man and a changeling (ECHU 3.6.13; 4.4.14-16). Mixed modes are even more radically indeterminate, since “having no other reality, but what they have in the Minds of Men, there is nothing more required to those kind of Ideas, to make them real, but that they be so framed, that there be a possibility of existing conformable to them” (ECHU 2.30.4). Because we can create such moral ideas at our pleasure, the appropriate standard by which to judge mixed modes is not their concurrence with anything in the world, but only the internal logic of their relations to one another (ECHU 4.4.7). Both complex substances and mixed modes exist wholly or primarily in speech, and are experienced and conveyed through language.

Although language vastly expands what we can know, it is learned before all or even most of the ideas which words signify can be perceived independently. We accept definitions on

231 For more detailed accounts of the place of complex ideas in Locke’s political thought, see Forde, *Locke, Science, and Politics*, 72-90; Tully, *Discourse on Property*, 12-34.

232 This does not necessarily imply that all definitions are arbitrary, only that they are subject to change as human relations or human-object relations shift. “Music piracy” is a recent example of a combination of both redefinition and term invention. More broadly on the question of arbitrariness and on the political import of mixed modes and substances, see Ruth Grant, *John Locke’s Liberalism* (Chicago: University of Chicago Press, 1987), 27-39.
authority, and the learned even more so than common people, since their learning requires a greater volume of words (ECHU 3.9.8, 15). We “begin at the wrong end, learning Words first, and perfectly, but make the Notions to which they apply those Words afterwards, very overtly” (ECHU 3.11.24). But since there is no way around this source of error, we are condemned to spend our childhoods mastering a vast and intricate vocabulary that we then spend the rest of our lives trying to pair with the correct ideas, only a fraction of which we can actually hope to experience with our own senses.233 Once language is learned, moreover, obstinacy sets in and hardens us against any voluntary correction of our ideas. “’Twould be a hard Matter, to persuade any one, that the Words which his Father or Schoolmaster, the Parson of the Parish, or such a Reverend Doctor used, signified nothing that really existed in Nature: Which, perhaps is none of the least Causes, that Men are so hardly drawn to quit their Mistakes” (ECHU 3.10.16).234 This manner of learning subjects us once again to the dependence on customary authority and to outright manipulation by it that Locke’s empiricism seems designed to undermine, only in this case, because the sources of language are for the most part decentralized, so too is the authority.

The complex subjection into which language acquisition forces us has its parallel in Locke’s account of the will and the desires which it pursues. The power of the will to control desire is the basis of what Alex Neill has called “epistemic freedom,” a more individuated, self-contained, and cognitive liberty than the more well-known political definition of liberty Locke

233 Locke on several occasions tried to address this problem, suggesting picture dictionaries and a method of deconstructing elliptical or figurative writing to “fix in the mind the clear and distinct ideas of the question stripped of words” (ECHU 3.11.25; CU 42).

234 On the special predations of teachers, see ECHU 3.10.9; 2.29.12, 3.10.2, 5-13.
gives the *Two Treatises*. In the *Essay*, liberty depends not on the rights or limits maintained by the law, but on the will’s “power to suspend the execution and satisfaction of any of its desires”:

“There being in us a great many uneasinesses always soliciting, and ready to determine the will, it is natural...that the greatest and most pressing should determine the will to the next action; and so it does for the most part, but not always. For the mind having in most cases...a power to suspend the execution and satisfaction of any of its desires... is at liberty to consider the objects of them, examine them on all sides, and weigh them with others. In this lies the liberty man has; and from the not using of it right comes all that variety of mistakes, errours, and faults which we run into in the conduct of our lives, and our endeavours after happiness...To prevent this, we have a power to suspend the prosecution of this or that desire, as every one daily may experiment in himself. This seems to me the source of all liberty” (ECHU 2.21.47).

This conception of liberty relies on a stark distinction between the faculties of will and desire, but this distinction poses two difficulties. First, it is not logically demonstrable and was denied by the competing, Hobbesian account of the will. Second, it does not actually operate in most people, whose weak wills give way to their stronger desires. Absent the will’s ability to suppress desires, an ability acquired by habituation, reason is impotent, and we submit to the desires inculcated in us by nature, fashion, and custom.

Locke’s account is a challenge to Hobbes’s will as “the last appetite, or aversion, immediately adhering to the action, or to the omission thereof” (L, 6.53). On Hobbes’s account, there is no more than a semantic distinction between will and desire, since will is only whichever desire immediately precedes action. Locke insists that will is not merely another term for or species of desire, but the distinction between will and desire cannot be demonstrated, only

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235 In the *Second Treatise*, natural liberty consists in being “free from any superior power on earth...but to have only the law of nature for his rule” while political liberty is “to be under no other legislative power, but that established, by consent, in the commonwealth.” It suffices here to point out only that the law of nature is relatively minimal, as is the prerequisite for citizenship: “a state of maturity, wherein one might be supposed capable to know” the law of nature. But all men are “supposed to know” it when they reach the age of majority, except “lunatics and idiots” (ST 22, 59-60). Alex Neill, “Locke on Habitation, Autonomy, and Education,” *Journal of the History of Philosophy* 27 (1989), 225-245.

experienced. Language fails to convey it, so the only way to ascertain it is to examine one’s own mind:

“Such is the difficulty of explaining and giving clear notions of internal actions by sounds, that I must here warn my reader that ordering, directing, choosing, preferring, &c. which I have made use of, will not distinctly enough express volition, unless he will reflect on what he himself does when he wills…whosoever desires to understand what it is, will better find it by reflecting on his own mind, and observing what it does when it wills” (ECHU 2.21.15, 30).237

Moreover, desire itself, according to Hobbes, is endless, the result of “general inclination of all mankind” towards “perpetual and restless desire of power after power, that ceaseth only in death” (L, 11.2). Locke advances a version of this Hobbesian premise in the *Essay*, where he defines desire as the “uneasiness of the Mind for want of some absent good,” which “determines the Will to the successive voluntary actions whereof the greatest part of our Lives is made up” (ECHU 2.21.31-33). Uneasiness is “the chief, if not only spur to human industry and action,” and so is like Hobbesian desire: perpetual and restless, ceasing only in death (ECHU 2.20.6). Desire begins in the basic sensations of the body, our “ordinary necessities,” but the imagination extends it far beyond the satiation of an empty belly. Most of life’s activity is driven by

“fantastical uneasiness, (as itch after Honour, Power, or Riches, etc.) which acquir’d habits by Fashion, Example, and Education have setled in us, and a thousand other irregular desires, which custom has made natural to us, that a very little part of our life is so vacant from these uneasinesses, as to leave us free to the attraction of remoter absent good” (ECHU 2.21.44-45).

All our activity is in the pursuit of some desire, but most of the desires we pursue are not natural but acquired – either from identifiable sources like the people who please us and those we seek to please, but at least equally often from the more amorphous forces of custom or fashion.

237 Locke offers one concrete example of a conflict between will and desire that demonstrates their distinctness: “A man whom I cannot deny, may oblige me to use persuasions to another, which, at the same time I am speaking, I may wish may not prevail on him. In this case, it is plain the will and desire run counter” (ECHU 2.21.30). An interesting choice of example for a passage consisting of “persuasions to another.”
Although passions like love of honor are innate, the specific objects to which they attach are potentially limitless and depend for the most part on the custom of the country. “Custom settles habits of Thinking in the Understanding, as well as of Determining in the Will…which once set a going continue on in the same steps they have been used to” (ECHU, 2.33.6).

The difficulty with this account is, as James Tully points out, its determinism.238 If we are constantly beset by desires from outside which determine our conduct, and we cede to whichever causes the greatest immediate pain, then reflection is almost meaningless, since we can only reflect on which of our pains is most pressing and no further. The will is determined not by “the greater good in view; but some (and for the most part the most pressing) uneasiness a man is at present under” (ECHU 2.21.31). To act according to custom or from a desire for affirmation is not to act involuntarily, but if the law of fashion is really the most powerful determinant of our conduct, and the anxiety of being out of step with our companions is the source of our most immediate pain, then our wills can only be directed at the alleviation of it.239 This is hardly different from Hobbes’s definition of the will as “the last appetite,” and it precludes us from deciding on and carrying out any long-term endeavors. There are many “greater goods in view” that nevertheless pinch us less than the “present pains” of the body or of being out of favor with our fellows, yet the pursuit of these greater goods (including knowledge and salvation) would seem to be foreclosed by this account of will and desire.

Locke is not a reductive hedonist, however, and he insists that we are capable of directing our conduct over the long term and pursuing distant goods determined by reason rather than deference to habit, custom, or fashion. Indeed, his entire ranking of goods, insofar as he has one,

239 Grant, “Custom’s Power,” 610-616.
privileges long-term pursuits over short-term desires. Simply understanding a greater good is insufficient, as the example of the drunkard who understands perfectly well how drinking is ruining him demonstrates. He sees that “his Health decays, his Estate wastes; Discredit and Diseases, and the want of all things, even of his beloved Drink, attends him in the course he follows” but “the habitual thirst after his Cups, at the usual time, drives him to the Tavern” (ECHU 2.21.35). “The greater good, though apprehended and acknowledged to be so, does not determine the will, until our desire, raised proportionably to it, makes us uneasy in the want of it” (ECHU 2.21.35). The means by which we might “raise” our desire “proportionably” to a greater and more reasonable good than the mere relief of immediate pain or shame points directly to the functions of Lockean education, which will be discussed in the next chapter. Here, it suffices to point out the enormity of the problem of the uneasy will, which presses us to contract “fantastical” desires from fashion and then pursue these in the hope of winning approval from those we admire. The very structure of the mind thus presses us into zealous conformity with those we love and towards violence against those who differ with them, even when the differences are piddling.

Because it afflicts rulers as severely as common men (“who is there almost that has not opinions planted in him by education time out of mind?”), the broad power of opinion

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240 Forde and Casson argue against a reading of Locke as a simple hedonist who takes all pleasures as interchangeable good, and suggest instead that his standard for determining the moral valence of various desires is the extent to which they conduce to happiness. “True happiness…provides a common moral standard to all of us.” It is true that Locke rejects “some ways of life as morally reprobate,” as Forde puts it, including drunkenness, although this does not distinguish him from Hobbes, who also wrote that drunkenness was against the law of nature (De Cive, 3.27). But this is a bit circular, since Locke has no account of “true happiness” other than immediate subjective pleasure at one end and salvation at the other, and we have already seen the difficulties of establishing a sufficient “relish” for salvation. The better way then to conceive of Locke’s ranking of goods is in terms of time, or what modern psychology calls “delayed gratification,” since the further we can project and pursue our desires into the future, the closer we come to relishing the ultimate good of salvation. See Casson, Liberating Judgment, 169; Forde, Locke, Science, and Politics, 120-122; John Colman John Locke’s Moral Philosophy (Edinburgh: Edinburgh University Press, 1983), 215-224.
undermines the possibility of truly absolute or indivisible power by a political sovereign. The law of fashion has no legislator and everyone is its executor, a situation that prevents any single individual from setting up a personal reign over the understanding of an entire society by defining all its terms, as Hobbes had claimed the sovereign must do. Some readers have suggested that Locke intended to make himself just such a sovereign through the broad adoption of his epistemology and political philosophy. Forde, for example, asserts that, “Locke exhorts us to free ourselves from mental ‘enslavement’ to received ideas, but in reality he wishes only to make us his slaves.”242 Given how easily we are manipulated by language, it might seem possible for a particularly persuasive rhetorician to rule us by overturning or redefining our fundamental moral and political ideas. Locke himself offers an example of such a construction in his speculative genealogy of “courage” (ECHU 2.31.3). But our inability to name the author of “courage” is not a coincidence.

Individuals can make significant efforts to reform thought through language, but they cannot prevent future misunderstandings and subversions of their efforts. Even those who originate new complex ideas and successfully insert them into common circulation immediately lose control over their creations as subsequent minds mistake their meanings or deliberately modify them to suit new situations.243 The power of opinion supersedes even the power of an Augustus, “in the Possession of that Power which ruled the World,” so that words are defined not

241 “Study” (1667), in Life and Letters of John Locke, 101.


243 The limit on the control any individual has over the fate of new modes once they’re in circulation is demonstrated in the story of Adam’s invention of “niouph” (adultery) (ECHU 3.6.45). Locke also claims that men who have thoroughly examined all their ideas and are in the best position to become rhetorician-kings “are so few in number, and find so little reason to be magisterial in their Opinions, that nothing insolent and imperious is to be expected from them” (ECHU 4.16.4).
by authority but by “common use by a tacit consent” that “appropriates certain sounds to certain ideas in all languages” (ECHU 3.2.8, also 3.9.8). It submerges individual agency in reflexive and passive verbs – it is “a secret and tacit consent” that “establishes it self;” and it differs from place to place because “by the different Temper, Education, Fashion, Maxims, or Interest of different sorts of Men it fell out, that what was thought Praiseworthy in one Place, escaped not censure in another; and so in different Societies, Vertues and Vices were changed” (ECHU 2.28.10-11, my emphases).

The Essay depicts an ambiguous situation for authority. At the most basic level, our cognitive reliance on simple ideas directly experienced gives the mind resources to resist encroachments by authority, but most minds will never bother to undertake the effort to do so, whether out of laziness or obstinate self-love. Persuasion and its corollary, deception, are possible, and on a large scale, as the persistence of sectarian zealotry demonstrates. The malleability of the categories and complex ideas which we require to make sense of the world and to communicate makes us susceptible in principle to Hobbes’s idea-defining sovereign and even Bodin’s commanding sovereign, so long as what is commanded accords with our opinions about what is good. At the same time, however, such power in a sovereign is impossible precisely because our opinions about these moral ideas are determined by the fashions of our company. If Locke’s study of both the immense variety of customs across foreign nations and the implacable progress of sectarianism within Europe demonstrates anything, it is that men do not agree on even the most basic moral ideas:

“He that will carefully peruse the history of mankind, and look abroad into the several tribes of men… will be able to satisfy himself, that there is scarce that principle of morality to be named, or rule of virtue to be thought on…which is not, somewhere or other, slighted and condemned by the general fashion of whole societies of men” (ECHU 1.3.10).

No centralizing effort of an absolute sovereign has managed to reverse this fragmentation.
The result of this account of the nature of opinion is that, as unavoidable as authority is over individual minds, it is never powerful enough to bend all minds to a single party. Fashion and reputation must be divisive because they never rest on more than opinion. We cannot win the approval of all mankind, but only those who comprise our own “bands and companies…united only upon account of opinions” against yet other opinions. And

“If birth or chance have not thrown a man young into any of these…choice, when he is grown up, certainly puts him into some or other of them; often out of an opinion that that party is in the right, and sometimes because he finds it is not safe to stand alone, and therefore thinks it convenient to herd somewhere.”

The same desire for esteem and lack of certainty that makes us susceptible to authority and presses us to “herd somewhere” also prevents the herds from combining and ensures permanent dissension.

III. Authority in politics

Locke’s account of the law of opinion undermined the entire edifice of political authority that early modern sovereignty theory sought to construct. From Bodin to Hobbes, this theory aimed to concretize political authority and make it visible by making it hierarchical, unitary, and absolute. The feudal profusion of competing and decentralized authorities only resulted in confused and divided loyalties, as Hobbes had argued in Behemoth. For Bodin, authority could be concretized through a logical and centralized organization of offices and legislation. Filmer attempted to impose an authoritative order by translating the universal experience of childhood subjection into political subjection. Hobbes proposed to reach down to the very source of dissension by propounding uniform definitions of disputed ideas. But if, as Locke argued, our

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244 “Study,” Life and Letters of John Locke, 101-102.
most fundamental ideas about the world arise from diffuse and often unknown sources, our intellectual masters remain obscure while the power of political rulers is limited on every side by them. Dissension and divided loyalties are the result not of a false political doctrine or a bad constitution, but of the very structure of the mind.

The result for Locke’s political theory is a politics from which sovereignty is absent, and in which the final power, attenuated as it is, is the highly contingent and unpredictable opinion of the people that they are being oppressed enough to revolt. The *Two Treatises* abruptly reverse Locke’s earlier prohibition on revolution, but for essentially the same reason that the 1689 version of the *Essay* abandons his earlier claims that the power of opinion can be domesticated for use by political rulers. His analysis of revolution in the *Two Treaties*, just like his account of opinion in the *Essay*, is never so much prescriptive as descriptive – an account of politics that depicts the *de facto* authority of amorphous popular opinion over all aspects of social life.

As a result of his association with early modern natural law and state theory, Locke has often been read as a sovereignty theorist himself, and specifically as a progenitor of popular sovereignty. This reading has not been advanced without caveats, as some scholars have noted that Locke does not actually use the term “sovereign” to describe the legitimate power of any part of the state, and that his substitution of the term “supremacy” is inexact at best. However,

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246 For example, Grant, *John Locke’s Liberalism*, 76-80, though she ultimately suggests the law replaces sovereignty; Tuck, *The Sleeping Sovereign*, 117-120. The issue of Locke’s word choice is somewhat more complex than the terms appearing in the *Two Treatises*, since we must also note that the idea of legislative “supremacy” appeared as early as the Second Tract, where it was tied quite explicitly to sovereignty (“Second Tract,” 72). But there, Locke does not reduce the legislative power to the people, nor does he advance a theory of parliamentary sovereignty, since the broader thrust of the essay is monarchist. In his published writings however, Locke is remarkably consistent in ascribing claims about sovereignty only to other writers – to Filmer in the *Two Treatises*, and Limborch in the *Letters Concerning Toleration*. 

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the democratic basis of his social contract, his assertion of the “supremacy” of the legislature, and the unified popular will necessary to initiate a revolution have been taken as indications of his inexplicit effort to establish the people as absolute. But some scholars have questioned Locke’s commitment to any theory of sovereignty, popular or otherwise. John Scott has argued that Locke’s political thought is “an attempt to replace one political language with another,” the language of sovereign power with the language of consent and obligation, while Ross Corbett has declared that “sovereign authority is a fraud” for Locke.247 As we have seen, this is true not only in politics, but all the way down into the structure of society and the organization of the mind.

The anthropology and scriptural history of the First Treatise and the first half of the Second Treatise undermine the theological and political foundations of sovereignty theory. Neither divine nor natural law can provide any basis for political sovereignty because power of the kind and extent that Bodin, Filmer, and Hobbes described can only be wielded by God, and it has never been delegated to any human sovereign. The natural power that is available to men is the power of executing the law of nature, but that power is incapable of full consolidation by any sovereign.248 Natural liberty in turn pre-empts claims to sovereignty grounded in conquest and generation. We might recall that the origin of political right was a question that Locke had conspicuously deflected in his earliest writings, where he argued that natural equality and divine

247 John Scott, “The Sovereignless State and Locke's Language of Obligation,” American Political Science Review 94 (2000), 547-561; Ross Corbett, The Lockeian Commonwealth (Albany: SUNY Press, 2009), 49-50. Scott should be consulted for more extensive textual evidence for Locke’s aversion to sovereignty in the Two Treatises than presented here. Although he is correct to draw attention to this aversion, Scott’s argument that Locke’s real aim was to develop a “language of obligation” in place of a language of sovereignty does not seem to be quite accurate since the two are not contradictory, and are in fact quite comfortably brought together by Hobbes.

248 Locke’s “very strange doctrine,” borrowed from Grotius, reserves the right of private execution within the commonwealth in cases of criminals whom the law won’t reach in time and unlawful judicial proceedings (ST 19-20, 207).
and patriarchal right led indifferently to absolute sovereignty. But if sovereignty doesn’t work, either by means of command or by the manipulation of opinion, then divine and patriarchal right no longer make sense as political origins, since they lead only to ineffective regimes whose right is rarely recognized by their subjects. On the other hand, natural equality does account for the authority of opinion: since nature does not indicate anyone’s certain right to rule, all that is available is competing opinion.

However, even if Locke ruled out Bodinian sovereignty as an absolute and final power by this point, he could still follow Grotius’s example in speaking of sovereignty loosely, as the highest power or office within a particular regime, though one that may lack one or more of the “marks of sovereignty.” This would seem to fit more closely with his preference for the term “supreme power” when “sovereignty” was clearly at his disposal. Supreme authority might be located in the corporate body of the people who consent to government, or in one of the parts of the government they erect, without necessarily being permanent or indivisible in any of them.

Locke thus offers a kind of domestic parallel to Grotius’s effort to describe the dynamic nature of authority among states and to account for the frequent and obvious fact that conquest and treaty do divide and alienate sovereignty, regardless of the theoretical impossibility of such division. Locke attributed “supreme power” to a number of political entities – the people, the legislative, and the executive – that cannot all be supreme at the same time, but which are necessarily supreme at certain constitutional moments.

The result is a plausible description of the way that political power shifts in a state over time and the way that every constitutional regime is necessarily mixed, but an incoherent prescription from the perspective of the demands of sovereignty theory. If the Lockean commonwealth were either a legislative or an executive sovereignty, there could be no general
right of rebellion for the people. If it were a popular sovereignty, it could not make sense to so radically limit the people’s exercise of its power to the moments before and after – that is, beyond - the existence of the commonwealth. Although these limitations on each part of the regime are hardly hidden, Locke is silent about any potential conflicts that might develop between these powers. With the partial exception of his comments on resistance, he offers descriptions of the legislative and executive which appear to correspond to the English constitution, and so do not seem raise any startling difficulties with determining who has the final power in the regime. The only difficulty comes when the reader is required to actually make this determination.

Locke’s argument about power within the commonwealth begins with men giving up “the Equality, Liberty, and Executive Power they had in the State of Nature, into the hands of the Society, to be so far disposed of by the Legislative, as the good of the Society shall require” (ST 131). The legislative, to which all official powers and tasks of government at first appear to fall – promulgating law, establishing courts, “implo[y]ing the force of the Community at home…or abroad to prevent or redress Foreign Injuries” – is deemed the “Supream Power,” and appears unchallenged (ST 131). However, upon declaring the legislative supreme, Locke devotes a subsequent chapter to its “extent,” consisting in nothing but limitations on it power. The legislative turns out to be subordinate to the law of nature as judged by the body of the people, and is obliged to rule only by “promulgated standing Laws” rather than “extemporary Arbitrary Decrees” (ST 135-136).

249 Popular sovereignty of the sort described by Sidney was conducive to Whig purposes in the 1680s even if it did not fundamentally accord with Locke’s understanding of power, and so his rejection of it is more subtle than his explicit denial of monarchical sovereignty.
This concession opens the door to executive supremacy in the moments which necessitate government of the “extemporary” variety, but also in certain moments of normalcy. The canonical example of the limitation of the legislative which necessitates swift executive action is the prosecution of war, the only circumstance under which Locke admits the possibility of “absolute power” (which “is not arbitrary by being absolute”), by which he means the unquestioning obedience of soldiers to their commanders (ST 139).\textsuperscript{250} The entire legislative, by contrast, can never attain a power as complete as that of a single general during a war. Nor, as it turns out, does it directly exercise the power to “prevent or redress Foreign Injuries” initially promised it, because this is the object of the federative power, which is attached to the executive (ST 143-147). But the executive constrains the legislative even under regular conditions by means of its power “of Assembling and dismissing the Legislative” (ST 156). And Locke grants the executive this power precisely so that the legislative does not attain to the permanent supremacy which he earlier attributed to it:

“It may be too great a temptation to humane frailty at to grasp at Power, for the same Persons who have the Power of making Laws, to have also in their hands the power to execute them, whereby they may exempt themselves from Obedience to the Laws they make…to their own private advantage, and thereby come to have a distinct interest from the rest of the Community” (ST 143).

The competing power of the executive keeps the legislative “subject to the Laws” it makes, except in the case that the executive also has legislative power (as the King-in-Parliament would after 1688). Then, the executive is exempt from the law, while the legislative, which is “not always in being,” remains subject to it (ST 143, 151). In order to mitigate the apparent ascendance of the executive to supremacy by this power, Locke points out that such a permanent legislator-executive is still bound by oath to govern “according to Law,” the transgression of

\textsuperscript{250} This assertion echoes Thomas Smith’s genealogy of absolute power in \textit{De Republica}.
which deprives him of “any Right to Obedience” by the people, while an unwillingness to convene the legislative at appropriate intervals puts him into a state of war with the legislative (ST 151, 155). So the executive too is hemmed in by the judgment of the people and the legislature.\textsuperscript{251}

The supremacy of the people “to remove or alter the Legislative, when they find the Legislative act contrary to the trust reposed in them” threatens both the legislative and the executive (ST 149). However, the collective power of the people checks government only from outside the regime:

“The Community may be said in this respect to be always the Supream Power, but not as considered under any Form of Government, because this Power of the People can never take place till the Government be dissolved” (ST 149).

This formulation may be mistaken for an expression of popular sovereignty, but it is expressly not one, because popular sovereignty requires that the people be able to act within the constitution to change it, without dissolving the state. But the people cannot act separately from its representatives, since the people, “when the Legislative is once constituted, [have] in such a Government as we have been speaking of, no Power to act as long as the Government stands” (ST 157). Adding to this difficulty is that even relatively simple constitutional reforms like modifying the franchise, which cannot be done by the people directly, also cannot be accomplished by the legislative power, because any positive laws passed by the legislature to alter itself by definition exceed the trust placed in it by the people who constituted it (ST 157).

The power that can resolve this constitutional impasse is the executive prerogative. Prerogative rescues “true reason” from the “disorders” of “old custom” that “succession of time

\textsuperscript{251} It is almost as though Locke’s English constitution is a holograph – Whig when viewed from the chapters on the legislative, Tory when viewed from those on the executive, and never quite able to depict both vantages in harmony.
has insensibly, as well as inevitably introduced” into the constitution (ST 158). Although Locke also offers a conventional account of prerogative as the discretionary power of the executive “to provide for the publick good” where the legislative cannot act quickly enough, this more complex understanding of prerogative as the institutional preserve of reason against custom conveys the gravity of the challenge that the executive poses to the legislative (ST 158). Both are co-equal embodiments of the ends of the constitution, and while prerogative is supposedly only permitted because it compensates for legislative slowness, and so is “Ministerial and subordinate” to it, Locke later suggests that a functional government can consist entirely of prerogative exercised by “the wisest and best Princes,” without any need for a legislature at all (ST 153, 165-166). A legislative element is best, and a mark of a “constituted commonwealth,” but Locke’s legislative is not only not supreme in the sense of sovereign, but not even essential to government.252

It is at this point in the development of his theory of government that Locke puts the matter of insurmountably divided power plainly:

“The old Question will be asked in this matter of Prerogative, But who shall be Judge…? I answer: Between an Executive Power in being, with such a Prerogative, and a Legislative that depends upon his will for their convening, there can be no Judge on Earth: As there can be none, between the Legislative, and the People, should either the Executive, or the Legislative, when they have got the Power in their hands, design, or go about to enslave, or destroy them. The People have no other remedy in this, as in all other cases where they have no Judge on Earth, but to appeal to Heaven” (ST 168).

In his reconstruction of the English constitution, Locke rendered it totally incompatible with sovereignty theory – there simply is no final power anywhere, nor is there even so strict a

252 Grant, John Locke’s Liberalism, 85-88. Grant argues that such early kingdoms were still strictly “limited governments,” despite being ruled by will instead of law, because the people “can reclaim the right to form a government to their liking if malevolence sets in.” But this is problematic – if the possibility of resistance always exists regardless of positive sanction for it, and if the possibility of resistance is all that is necessary for legitimacy, then can there be any such thing as an illegitimate regime on Locke’s view?
separation of powers as will appear in the US Constitution a century later, despite Locke’s subsequent absorption as a theorist of separated powers. Locke avoids enumerating powers in any concrete way, so that even so basic a question as who makes law is left indefinite. The legislative makes laws, but the executive acts “without the prescription of the Law, and sometimes even against it” but with the effect of law (ST 160). Does that license an executive veto? Locke appears to admit one, contrary to Whig principles. As a mixed regime, Lockean government is a remarkably disordered mixture, closer in spirit to the departmentalism of early American constitutional interpretation than to our contemporary conception of separated powers.253

One reason for this ordered disorder is that constructing a locus of final power in a regime was, on Locke’s view, a fruitless exercise, since no part of the regime acts successfully without the cooperation of the rest. Sovereignty as a theory of political authority was, for Locke, no more than a theory: it imposed an abstract order on regimes (as he himself had tried to do in the “Two Tracts”) where no such order existed, so that in addition to being a false account of political realities, it gave political rulers false assurance of the permanence of their power. Opinion is the real final power in all commonwealths, and it consists in nothing more than the present belief that whoever acts at any given moment is executing the public good.254 But opinion is volatile, as Locke saw firsthand in the rise and fall of Shaftesbury and the beginnings of party politics. The legislative and executive give way to one another until they decide to stop


254 Hume is usually credited with this insight in “Of the First Principles of Government,” but it is already at work in the Second Treatise. For an account of the links between Locke, Hume, and Rousseau on the power of opinion, see Elisabeth Noelle-Neumann, “Public Opinion and the Classical Tradition: A Re-evaluation,” Public Opinion Quarterly 43 (1979), 143-156.
doing so. The people may believe their government is acting for the public good, until they stop believing it.

Locke’s account of civil government replaces the sovereignty theorists’ quest to locate and buttress a visible, central, and final power in the state with a search for impartial judgment. Civil government comes into being for the sake of impartial judgment and requires the surrender of “private judgment” to the authority of the “community,” which turns out to be the majority of that community, to determine civil law and, equally importantly, to set punishments for its violation (ST 87, 95-96). The primary difficulty with the state of nature, its “fears and continual dangers,” arises not from lack of law or willingness to execute it, but from the uncertainty of the punishments meted out according to it:

“For though the Law of Nature be plain and intelligible to all rational Creatures; yet Men being biased by their Interest, as well as ignorant for want of study of it, are not apt to allow of it as a Law binding to them in the application of it to their particular Cases...The inconveniencies, that they are therein exposed to, by the irregular and uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish’d Laws of Government” (ST 123, 127).

If there is any impartial tribunal to whom a conflict between powers may be submitted, the state of war is averted, but where none is to be found, the commonwealth has already by definition dissolved, and the revolution that follows is evidence of that dissolution rather than its cause (ST 207). In this sense, the commonwealth of the Second Treatise is Locke’s depiction of what politics might look like when we accept that the strongest determinant of men’s conduct is not the command of rulers or fear of disobedience but custom, fashion, and opinion.

255 Unlike the sovereignty theorists, it is not God’s power that Locke’s civil government seeks to imitate, but his judgment. God’s omnipotence is simply incommensurate to human power, but his role as impartial judge can be approximated by the combination of law, equity, and prudence that together comprise the activities of Locke’s legislative and executive. For other accounts of judgment as the key civic aim of Locke’s politics, see Casson, Liberating Judgment, 238-253.
But this doesn’t quite mean that Locke argued that political rule is impotent or has no influence over custom and opinion. As we have seen from the example of the “old custom” of rotten boroughs which Locke argued was amenable to revision by the superior “reason” of the executive, government does have a role in the formation and direction of custom and opinion. Its most important function is the translation of the competing opinions of all the “parties and clubs of men” into a civil law that mediates between and regularizes them, introducing a degree of certainty and reliability into civil life. This certainty and reliability, an “appeal on Earth,” is what men seek from political society in the first place (ST 94). Positive law is not, as we have seen, so powerful that it can overcome contrary fashion or zealously-held opinion, but it is influential in reinforcing or, in the case of rotten boroughs, modifying custom, especially by appealing to the force of interest.256 The longer the law is trusted, the more trustworthy it becomes. The loyalty and obedience of citizens, is for Locke, a kind of habit, strengthened by custom and an opinion that the present commonwealth is preferable to either removing to a different one, or to the uncertainties of revolution.257 To deny the permanent possibility or right of either is to give an exaggerated account of the government’s power, but to assume they will happen often is to

256 Perhaps the best example of such modification of custom by civil law is in Locke’s 1697 proposal for the reform of the Poor Law. He had long been alarmed by the custom of giving alms to beggars, which he thought only sustained their begging, and had in several earlier writings, including the “Essay on Toleration” (145) and the Atlantis fragments (258) supported its proscription (already in effect in England, though apparently not working very well). In the report to the Board of Trade, he proposed to replace this custom with a tax to support workhouses for the poor, where beggars would be maintained in exchange for the more virtuous activity of productive labor. This policy would not run contrary to the highly-regarded custom of charity; it would merely modify it in the interest of all involved. See “Essay on the Poor Law,” Political Essays, 189-190. This use of civil law is of course intimately familiar to any citizen of a modern liberal state.

257 Noelle-Neumann observes that one of Locke’s neglected insights about public opinion is the intimate connection between fashion and reputation, so that what people express when asked their “opinion” is not necessarily what they believe, but always only what they’re publicly willing to venture, hemmed in as they are by “extreme fear of becoming isolated.” If what they believe appears to be going out of fashion, they will become timid in voicing it. (And who would know this better than an ex-Nazi?) Noelle-Neumann, “Public Opinion and the Classical Tradition,” 143-156.
underestimate men’s attachment to their own long-standing opinions, habits, and customs. Even “the many revolutions which have been seen in this kingdom, in this and former ages, still kept us to, or, after some interval of fruitless attempts, still brought us back again to, our old legislative of king, lords, and commons” (ST 223). The legalism into which Locke’s political theory leads – the tendency of “limited government” to diminish the significance of governors relative to the laws limiting them – has been observed by many commentators as one of Locke’s most important accomplishments.  

What is most striking about the Two Treatises’ rationale for government is that it is essentially identical to that of Locke’s earliest “authoritarian” writings. The end of government remains preservation. What has fundamentally changed is Locke’s estimation of the extent to which the “magistrate” can mediate among competing opinions using the tools of judgment at its disposal – law, equity, and prudence. The right of revolution first granted in the Second Treatise is a concession to the stubbornly divisive power of opinion to undermine the contingent trust that holds the commonwealth together. As Grant points out, the state is not a perfect judge: “Political institutions are necessary because it is not sufficient for each man to judge in his own case; the political solution is imperfect because each man ultimately must judge in his own case.” Where trust breaks down so far that no impartial judge can be found, judgment returns to individuals and the commonwealth has dissolved. Locke’s license to resist is less a goad to revolution than the logical result of his theory of government – since it is the introduction of

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258 See especially, Grant, John Locke’s Liberalism, 94-96. This does not resolve the tension between executive prerogative and legislative power, but for Locke, both executive and legislative acts have the character of law, even impartial law in the case of the rotten borough problem, since it is precisely the point that legislative action to reform the legislature would be partial. On Locke’s legalism or “constitutionalism,” see Mansfield, Taming the Prince, 190-203.

259 Grant, John Locke’s Liberalism, 179.
impartial judgment that distinguishes society from nature, the devolution of judgment into partiality signals a return to nature. Sovereignty theorists (and Locke himself in his early writings) could deny a right to resist because, on their account, wherever there is power to command, there is obligation to obey. Power is a scarce resource in a closed system. By the Two Treatises, Locke believed that bare power to command is both ubiquitous and paltry, but the possibility of impartial judgment, of an umpire that can order the chaos of opinion and fashion, even if only contingently, is the only improvement on nature for which it is worth defending the commonwealth. 260

IV. Authority in the family

There remains one more natural source on which Locke could have drawn to support his political authority – that of parents – but he rejected this as well. As we have seen, the view that fathers rule over their children by virtue of generation was almost universal in the seventeenth century, but Filmer’s assertion (following Bodin) that this rule encompasses a right to kill one’s children was rare. The difficulty with the moderate claim that paternal power is a spontaneous but limited grant from nature advanced by writers like Hooker is that limited power no longer made sense in light of sovereignty theory. In Bodin’s and Filmer’s hands, the very superiority of natural power relative to any merely conventional arrangement became the basis and model for absolute political power rather than a fence against it. Because natural paternal power had by the

260 Describing the essential distinction between the state of nature and civil society as consisting in impartial judgment may seem only a minor shift in emphasis from Hobbes’s account of the advantages of commonwealth over nature, but the difference is significant. Hobbes argues that submitting to a sovereign increases our power by concentrating it, whereas Locke’s state of nature gives us all the power we need for self-preservation. Power is neither the greatest danger to us, nor something we especially lack (ST 123). Even in political society, executive power persists where impartial judgment falls short, as Locke’s two reservations of private execution demonstrate. What civil law improves is our judgment in employing that power. Power is always already present wherever it is physically possible to enforce the laws of nature; it is rules to guide its use that men seek from political society.
1680s become a standard absolutist argument, Locke abandoned it in favor of a conventional account of familial obligation, but gave the family itself an existence independent of and prior to political society. In this, he avoided both the Hobbesian conclusion that the family is wholly artificial, and the Bodinian and Filmerian conclusions that, because it is natural, it is the source of or model for political power.

Against Bodin, Hobbes, and Filmer, who granted fathers absolute power over their children in order to tighten the analogy between power in the family and in the state, Locke radically diminished paternal power, not only denying the extreme *jus vitae necisque*, but reconceiving all paternal power in terms of the rights of children. Unlike the families described by absolutists, which are held together either by divine institution or a conqueror’s coercion and are intended to exist permanently, the Lockean family is formed out of a coincidence of individual lusts, and exists voluntarily and temporarily, at those moments when parental bonds are “naturally necessary” – that is, when there are children young enough to require care. It dissolves again as indifferently as it forms when it ceases to be useful any longer (ST 81, 83). As a result, the natural power of fathers is neither absolute nor permanent.

Children are not strictly created by parents and therefore cannot be regarded as property, and to the extent that they must be governed at birth, they are always born into a government divided between mother and their father. Insofar as God may be thought of as man’s father, “yet this Fatherhood is such an one as utterly exclude all pretence of Title in Earthly Parents; for he is King because he is indeed Maker of us all, which no Parents can pretend to be of their Children”

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262 Locke set down even more radical familial arrangements, including polygamy, in his Atlantis fragments, where the main purpose of the family was to maximize procreation. His diminished concern with population increase in the *Two Treatises* runs parallel to his diminished faith in the power of rulers to order society by legislating useful opinions. “Atlantis,” *Political Essays*, 252-259.
We are not only incapable of fabricating children as we fabricate shoes, but moreover, children are usually unexpected and even undesired byproducts: “What Father of a Thousand, when he begets a Child, thinks farther then the satisfying his present Appetite?” Procreation is undertaken “most commonly without the intention, and often against the Consent and Will of the Begetter” (FT 54). The purpose of this Hobbesian claim here is to emphasize the difference in kind between human procreation and human labor – no one engages in shoemaking with no desire for, indeed, even an antipathy to the resulting shoe, but sex is not pursued for its products. Here we can see one fundamental political consequence of Locke’s redefinition of property as the result of purposive labor rather than possession or first occupancy: it permits him to completely distinguish persons from property, and to show that the subjection of people cannot be analogized or derived from property. Even birthright citizenship is ruled out by Locke as too naturalistic a subjection, since it conflates persons with property (ST 118).

Although power over children may not be absolute, the helplessness of infancy demands rule of some sort, as Filmer had pointed out, and paternal dominion has been the custom in all times among all known nations, which for many thinkers indicated that it was a natural law. In answer to this, Locke reiterated Hobbes’s argument that the mother has an equal if not greater share in her children, but unlike Hobbes, he did not deploy it merely for polemical purposes only.

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263 This is the first suggestion of the problematic status of children in Locke’s theory. Whether or not most people have sex for the sake of procreation, some undoubtedly do, and whenever children are wanted, sex is the go-to means of obtaining them. Moreover, it would be easier to “continue the race of Mankind” if God had implanted a direct desire for children in us rather than the more indirect “desires of Copulation” and subsequent “Inclinations of Tenderness and Concern” for those previously undesired children (ST 63). But see Tarcov, Locke’s Education, 68-69 for a possible explanation.

264 Locke challenges “the Practice of Mankind” in assigning absolute power to fathers, which he asserts is among the errors that, “when Fashion hath once Established, what Folly or craft began, Custom makes it Sacred, and ‘twill be thought impudence or madness, to contradict or question it” (FT§58; also ST§74-76). Compare this to Aristotle’s account of the trick of Amasis’ footpan in Politics 1259a37-1259b17. For Locke’s rejection of universal custom as natural law, see “Essay on the Law of Nature,” Political Essays, 109-116.
to subsume it under eventual paternal dominion. The mother “hath an equal Title” to obedience from her children, both from her natural role in their birth, and from “the positive Law of God” expressed in the Decalogue, and this title is no more transferable than the father’s (FT 55; ST 52, 64). Moreover, even joint parental power over children “reaches not their Life or Property,” property being Locke’s addition to the standard objection to the *jus vitae necisque* that the right to punish by death must be reserved to the civil magistrate (ST 65). For Locke, the property due to children is at least enough to put them “out of danger of perishing for want” (ST 65; also FT 93). The demand for a minimum inheritance for every child effectively conflates the widespread practice of primogeniture with the *jus vitae necisque*, suggesting quite radically that primogeniture is a form of parental neglect identical to a death sentence on children. So little right does nature seem give to parents in the disposition of their children that it dictates even their bequests, demanding that they assign at least enough to each child to preserve him, leaving only the remainder to their discretion. Locke construes this right to an inheritance so strictly that not even foreign conquest can negate it, and only paternal penury is sufficient to excuse it. Indeed, the right to inherit is on a level with the right of self-preservation, meaning that effectively powerless children gain rights against their parents without any corresponding expansion of parental power (ST 190). The family thus turns out to be a mixed regime of its own, with rights and powers reserved to each member against the others, and no clearly final power.

The only legitimate basis for parental power is the continual provision of care for children:

“So little belongs to the father by any peculiar right of nature, but only as he is guardian of his children, that when he quits his care of them, he loses his power over them, which goes along with their nourishment and education, to which it is inseparably annexed; and

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265 The mother’s equality is only in the eyes of her children however. Relative to her husband, she is subordinate (ST 82). This account of the different regimes within the family parallels Aristotle’s *Politics* I.12.
it belongs as much to the foster-father of an exposed child, as to the natural father of another” (ST 58, 65).

Parental power was limited not only in extent but also in time by the duration of the child’s minority (ST 67). Although it is “in the father’s power to bestow [his property] with a more sparing or liberal hand, according as the behaviour of this or that child hath comported with his will and humour,” a child willing to forgo his inheritance if it will get him out of his fathers’ power sooner is free to leave as soon as he reaches majority (ST 72-73). Children are “presumed” reasonable at this age without any further examination and freed from all restrictions except those imposed by the civil law (ST 59).

The power accorded to parents in the Two Treatises is so limited and the rights of children so expansive that the Lockean family appears to be a quite plausible model for the Lockean state, whose purposes are also limited and its legitimacy also contingent. But this is rather odd given that one of the premises of the work, announced explicitly in the opening of the Second Treatise, is that the family cannot be used as a model for the state (ST 1). Why after denying the logic of congruence should Locke bother to so radically reconstruct the family to serve as just such analogy for his state when his argument does not require such a reconstruction at all? Presumably, it should have been enough to distinguish paternal and political power, as anti-patriarchalists like Parker, Sidney, and, at very great length, Tyrrell, had previously done.

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266 Locke’s emphasis on the age of majority as the signal legal obstruction to permanent parental power over children bears comparison to sovereignty theorists, who either ignore it, like Hobbes, or whose arguments wholly and purposely preclude it, like Filmer. In principle, this law should be operative in a Hobbesian commonwealth, or else paternal power might be permanent and in conflict with sovereign power, but because Hobbes must admit the legitimacy of paternal kingdoms where the monarch is every subject’s permanent father, he is quiet on this question. But this limitation is fundamental to Locke’s project to avert tyranny grounded in Filmer’s claim that subjects are essentially permanent children. From this perspective, it is safer to rely on an arbitrary but uniform indicator like age that will inevitably admit only questionably reasonable adults to citizenship (provided they are not outright “lunatics and ideots”) than to rely on the discretion of magistrates to determine civic competence on a case-by-case basis (ST 59-60). But, as Tarcov notes, “the presumption of rationality extended to adults is a rebuttable one,” subject to continued rational behavior. Tarcov, Locke’s Education for Liberty, 74.
against their patriarchalist foes. Like Hooker, these seventeenth-century writers tried to limit royal power without challenging the extent of paternal power.

Without denying that fathers can command complete obedience from their children, Henry Parker simply asserted that this relation could not be analogized to monarchy, whose obligation flowed in the opposite direction.\textsuperscript{267} For Locke, obligation flows almost entirely from parents to children, with no reciprocal requirement from children to do more than “honor” their parents by “an inward esteem and reverence to be shewn by all outward expressions” (ST 65). Such honor is expressly distinguished from obedience, and is moreover proportional to the quality of the care a child has received from his parents: “The honour due from a child, places in the parents a perpetual right to respect, reverence, support and compliance too, more or less, as the father’s care, cost, and kindness in his education, has been more or less” (ST 67). The judge of parental efforts and his own subsequent obligation is, presumably, the child himself.

Sidney, answering Filmer 40 years later, also retained broad paternal power while distinguishing it in kind from political power:

“...That is no reason why any other should reign over those that he hath not begotten...This paternal power must necessarily accrue to every father: He is a king by the same right as the sons of Noah; and how numerous soever families may be upon the increase of mankind, they are all free, till they agree to recede from their own right, and join together in, or under one government.”\textsuperscript{268}

Locke agreed with Sidney that Adam’s original dominion never extended to property and people, and that political power is founded on entirely different grounds than Adamic succession. But

\textsuperscript{267} To rebut Charles I’s claim that the king stands in relation to his subjects as a father to his children, Parker replied that, “the father is more worthy than the son in nature, and the son is wholly a debtor to the father...Yet this holds not in the relation betwixt King & Subject, for...the King should make happy the People, than the People make glorious the King.” Henry Parker, “Observations upon some of His Majesties late answers and expresses” (London: 1642), 18-19.

this agreement never required him to deny that paternal power within private families may be undivided and even absolute. Even the requirement that men consent to their government does not demand Locke’s innovations within the family. Sidney too grounded political society in consent, and since Locke consistently maintained that children lack sufficient reason to consent, the consent required to legitimate the state is only that of adults. The family could be as illiberal as ever and still comport with Locke’s political ends. So why not argue as Parker or at least Sidney had?

One reason Locke remodeled the family to resemble the commonwealth was to pre-empt the resurrection of future political claims along Filmerian lines – a not wholly preposterous proposition given that Filmer’s own works were resurrected from a 40-year dormancy in the 1680s, requiring the Whigs to dig them a fresh grave. Locke himself admitted the primal and lasting appeal of the family-state analogy in his discussion of patriarchal government in “the first Ages of the World,” when the conflation of paternal and political power “was easie, and almost natural” (ST 75). More than other anti-patriarchalists, Locke saw the urgency of refuting not only the claim that these powers were identical, but further that fathers could possess anything resembling sovereign power by nature in the first place. Repeating the traditional view that paternal power was naturally absolute but distinct from political power as Parker and Sidney had done would still leave paternal power open to co-optation by future Filmers, for whom it is always “easy and even natural” to assume that the state is modeled on the family which after all precedes and constitutes it.

One way to break this analogy is to argue, as Hobbes had done, that the family is no less conventional than the state. Locke followed Hobbes part of the way down this road by denying that generation alone gives parents power over their children, but he was unwilling to
denaturalize the family altogether, and so was faced with the unusual task of accounting for a family founded neither on consent nor on generation that was still, in some sense, natural. Such a family had to be both pre-political – that is, possible outside of civil society and its law – and also impermanent, in keeping with the natural liberty of every individual to govern himself when he reaches the age of reason. The result is the peculiarly contingent Lockean natural family, which is formed from a coincidence of lusts and innate inclinations, in which marriage lasts only as long as it is necessary to rear children, and whose offspring’s subjection to it is strictly time-limited from the outset. Unlike the Hobbesian natural family, which is held intact by a conqueror’s coercion and so exists both permanently and in a state of permanent tension, the Lockean natural family exists voluntarily and temporarily, at moments when familial bonds are “naturally necessary,” and it dissolves as indifferently as it forms when it ceases to be useful any longer.

Although Locke admits that civil laws often extend marriage beyond its natural usefulness for childrearing, so that the family in civil society is not a perfect reflection of the natural family, there is nonetheless more straightforward continuity between the natural and the civil family in Locke’s account than in Hobbes’s, where all paternal power must be surrendered to the civil sovereign, who maintains families at his discretion. By contrast, for Locke, since “all the ends of marriage being to be obtained under politic government, as well as in the state of nature, the civil magistrate doth not abridge the right or power of either naturally necessary to those ends, viz. procreation and mutual support and assistance whilst they are together; but only decides any controversy that may arise between man and wife about them” (ST 83).

Lockean fathers and husbands never had any but accidental natural power and so do not stand to lose it on joining a commonwealth, nor do their rights and duties to their wives or children change.
V. Reversing the logic of congruence

Given Locke’s rejection of the idea that authority inheres naturally or permanently in any office, his demolition of existing intellectual authorities in the Essay, and his denial of natural authority to parents, we might conclude that Locke is simply an anti-authoritarian thinker. Indeed, by elevating the law itself over the legislator, and especially by acknowledging the uncontrollable power of opinion to limit what even law may effect, Locke’s political theory extends the depersonalization of public authority and furthermore diffuses its influence among a number of constitutional offices and civil-society associations. However, as we have seen, Locke was uneasy about the power of opinion to overwhelm natural law and lead men into such practices as cannibalism, or to curdle their otherwise harmless group loyalties into fanaticism. These dangers arise from the impressionableness of children, who absorb whatever they are taught and so are in perpetual danger of taking everything on the authority of fashion. Even those who

have riches and leisure enough, and want neither parts nor other helps, are yet never the better for them. Their hot pursuit of pleasure, or constant drudgery in business, engages some men’s thoughts elsewhere: laziness and oscitancy in general, or a particular aversion for books, study and meditation, keep others from any serious thoughts at all: and some out of fear, that an impartial inquiry would not favour those opinions which best suit their prejudices, lives, and designs, content themselves, without examination, to take upon trust what they find convenient and in fashion” (ECHU 4.20.6).269

Given the double-edged power of opinion, custom, and fashion to both sustain the commonwealth and to obstruct reason within it, learning to resist fashion without threatening the coherence of the entire society is a delicate and individualized undertaking. Whole societies

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269 Grant has argued that “rational customs” can co-opt the power of opinion for the advancement of reason by raising skeptical anti-authoritarianism to a virtue. This way, children will not have to understand why suspicion of authority is good; it will simply be a fashionable virtue. To some degree, this must be possible, since it has happened. Nonetheless, Locke’s examples suggest that even “reasonable customs” become unreasonable with time (e.g., rotten boroughs) so that reason cannot forge a permanent alliance with custom. Grant, “Custom’s Power,” 621-626. See also Forde, Locke, Science, and Politics, 124.
cannot shake off the force of opinion and live by reason alone, but individuals might have more success. To ground such resistance, Locke turns to authority, and very personal authority at that, in the unlikely context of the family.

Although most of Locke’s authoritarianism appears in the Education, it is already foreshadowed in the Second Treatise:

“Whilst [the child] is in an estate, wherein he has not understanding of his own to direct his will, he is not to have any will of his own to follow: he that understands for him, must will for him too; he must prescribe to his will, and regulate his actions” (ST 58).

In the Education, Locke expressly adopts the language of absolute power to describe parental authority. He discourages corporal punishment, but makes an exception for children who prove “obstinate” in their unwillingness to recognize parental authority; such cases require “whatever blows it costs, if a nod or words will not prevail” (STCE 78). Furthermore, children are to be kept under the exclusive supervision of parents and tutors, and away from the influence of strangers, other children, and even household servants. These instructions belie the initial impression of the Lockean family as an easygoing voluntary institution of coincident desires. How then can we account for this apparent reversal between the prevailing anti-authoritarianism of Locke’s political and epistemological works, and the centrality of authority to his pedagogical instructions?

We may begin to understand what is happening by noting a shift in language between the Two Treatises to the Education. In the former, Locke uses the terms “power” and “authority” more or less interchangeably to describe both the right to rule and the fact of rule. In the Education, the term “power” to describe rule over children appears only five times, while the same phenomenon is called “authority” 25 times. Such a dramatic move toward describing rule over children as authority rather than power is not coincidental. It is the consequence of Locke’s effort to both formally liberalize the family while retaining informal mechanisms of rule within
it. Unlike power, authority is never formally defined by Locke, nor does it need to be, because he does not aim to centralize and concretize it as Hobbes had done. Locke’s usage loosely tracks a division according to which power is public and formally compels obedience, while authority – particularly in the Education – is limited to private and informal influence that cannot forcibly compel obedience but which gives substance to the beliefs and desires that determine our conduct. Authority operates in the realm of opinion, but who exercises it and to what end varies enormously.

Where power is force that belongs to the state (or individuals in nature), and authority is moral influence that belongs to society, education becomes the primary vehicle of authority. As Tarcov points out,

“If we recall that both Filmer and Hobbes give to the ruler the power to ‘instruct’ the ruled, we will note with interest that Locke gives education solely to parental power and not to civil government. Education, which Locke tells us in the Essay and the Thoughts is most responsible for making men what they are and even exercises more influence over their conduct than do civil laws, he entrusts exclusively to the family, the authority that lacks the power of life and death.”

Because Hobbes envisioned a sovereign that supplants all competing authorities, he identified authority exclusively with that sovereign. Locke, by contrast, thought that such monopolistic control over popular opinion was impossible to achieve, and that the sources of opinion are too elusive to be directed this way. But Tarcov is not quite correct that education is given solely to parental power. As we have seen in the Essay, it is given over to civil society more broadly, and the personal authority of parents competes for sway over the child against other adults and even children who can also influence and direct him.

By circumscribing the conventional rights of parents over their children and limiting their opportunities to use coercive force, Locke moreover forces them to rely on this more informal

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270 Tarcov, Locke’s Education for Liberty, 72.
conception of authority to attain their ends. He understands that these are not necessarily the means on which parents themselves are inclined to rely, so the *Education* is as much an education for parents as it is a program for the education of children. This is not to say that because Locke circumscribes parental power, parents are not free to try to govern their children by pounding them into submission until the day they reach majority and escape, but Locke sees that, just as the magistrate can never gain dissenters’ obedience by force, childrearing by force will never be effective to achieve the ends that parents seek. It runs counter to the psychology of human pride grounding his account of human psychology. Children are naturally as proud as adults, and “would be thought rational creatures, and have [their] freedom” long before they are actually rational and can be set free, if indeed they ever achieve rationality (STCE 41). Childrearing and education must channel these natural passions and cannot simply suppress them by force without the near-certain outcome that children will come to hate their parents.

Although Locke rejects the family as a mirror for the state, he turns it into an important bulwark against the corruptions of fashion precisely because it retains an independent, pre-political status. Parents, in turn, must retain some form of power over children to carry out this purpose, though their power cannot be identical with that of the state. Lockean education paradoxically aims to make us capable of resisting political and epistemic tyranny by the very thing he claims brings them about – authority. It is precisely to provide a hedge against the power of fashion, custom, and opinion that Locke re-introduces a narrow and strictly pedagogical form of authority over children into the family after he has delegitimized it everywhere else.
One effect of diminishing the centralized authority of a sovereign is to shift the locus of potential repression from the state (and its church) into civil society at large. This protects liberty in one respect, but, as we have seen, Locke was not satisfied that undermining the censorial power of centralized authorities like the government or its church would successfully avert the threat of tyranny and leave reason to rule in its place. When authority is essentially the diffuse influence of the “several Societies, Tribes, and Clubs of Men” that command men’s assent by distributing esteem, then these become a newly-strengthened threat to reason. To say that the distorting effects of civil society would be newly-strengthened by Lockean liberalism is not, however, to say that they are new. The social power of opinion, whether or not it is backed by any established political power, was a persistent theme from Locke’s earliest writings. Having abandoned the absolutist solution offered by Hobbes, Locke showed himself willing to exacerbate certain tendencies of public opinion in order to undermine others: he sought to overthrow established and state-sanctioned authorities in theology and science at the cost of giving wider rein to the informal associations which, though more numerous and dispersed than the church and the universities, could nonetheless hold sway over men’s minds. Indeed, the very proliferation of competing opinions which move men to “divide and subdivide into so many little bodies, and always with the greatest enmity to those they last parted from or stand nearest to” is the most damning evidence that most of these opinions are wrong.271 And if their error does not pose an existential danger to civil peace, it nonetheless endangers the intellectual freedom of

271 Essay on Toleration, Political Essays, 149.
individuals to determine their conduct and seek their salvation according to reason, rather than submitting to the omnipresent pull of fashion. Locke was not content to accept this as an inevitable result of the power of opinion unbounded from sovereign authority, but instead sought a means of checking it in individuals through education.

The irony of this strategy is that it required the application of a great deal of the direct, personal authority which Locke everywhere else opposed. Although he went to great lengths to diminish the power of parents over children in the Second Treatise, the Education seems to reverse the position of parents, extending them “absolute power” and instructing that “children, when little, should look upon their parents as their lords, their absolute governors; and, as such, stand in awe of them” (STCE 39, 41). The reason for this abrupt reversal turns out to be two-fold: personal authority in childhood is necessary for independence of mind in adulthood, and the personal authority of parents in particular is required to shield against all the competing authorities to which children are exposed.

The Education contains Locke’s most complete account of human development and especially the development of the will, and this account reveals that the intervention of a single, coherent, and personal authority to direct the will at the beginning is necessary for the will to be self-directing afterwards. The intervention of parents in the development of the child’s will is especially important for taming his “love of dominion” and ensuring a correct approach to habituation. In addition, the relatively insulated and inward-directed Lockean family forms as a whole a counter-force against the fashions and opinions prevailing in the society outside. Despite Locke’s claim that nearly all men have sufficient natural capacity for reason to qualify for citizenship, far fewer turn out to be worthy company for children, and Locke is especially concerned to keep them away from “the great danger from…servants, and other ill-ordered
children” (STCE 19, 59, 68-70, 76, 89, 107, 138). Locke does not presume parents to be people who are already more reasonable or less attached to fashion than the average person, but his pedagogy demands such an intense and consuming family life that it detaches them from many of their prior loyalties to the “little bodies” within society which previously commanded their obedience and attaches them to one another in their place.

The goal of Lockean education is familial friendship, and the instruction that children look upon their parents as absolute lords is given so that “when they come to riper years, they should look on them as their best, as their only sure friends” (STCE 41). Familial friendship is an important addition to Hobbes’s prospect of honor (a rather dim prospect, as it turns out) to incentivize childrearing in the commonwealth.\(^{272}\) The Education ends just before we might glimpse such friendship in action, but if Locke’s education is successful and children are indeed influenced by their parents’ wills, the result would be a coincidence of judgment between parent and grown child that forms the foundation of friendship. Such coincidence of judgment makes them lovable to one another and eases the mutual resentments that Hobbes’s family fosters with its inflexible hierarchy of coercive power. But, more than simply contributing to the pleasantness of social life in this regard, familial friendship is a counterweight to the powerful influence of fashion, since it inclines children and parents to prefer one another’s judgments – based on their personal sympathy with the judges – over the impersonal verdicts of fashion and custom when these conflict. The family, when it succeeds, potentially supports the law of nature within civil society by standing as a countervailing authority against the law of fashion and reputation.\(^ {273}\)

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\(^{272}\) In a sense, perhaps Hobbes holds this out too in Leviathan 24, but means something else by “friendship,” which is always for some future advantage (DCiv, 1.2).

\(^{273}\) This is one reason why Hobbes is less eager to permit it to succeed, since strong familial loyalties threaten his sovereign. Locke, who has dispensed with the sovereign, is more afraid of the tyranny of unreasonable opinions.
Having conceived of a politics where rule is impersonal, in the *Education*, Locke is keen to establish very personal rule over children before they are released into the impersonal state. This appears at first glance to be a Hobbesian displacement of absolute sovereignty from the state into the family, where it satisfies men’s desires to rule on a small scale while posing little threat to the greater commonwealth. Like Hobbes’s family, Locke’s family is an essentially pedagogical association. But unlike Hobbes’s family, adult authority within it is based exclusively on moral influence, and is demonstrated in the extent to which children voluntarily comply out of a desire to please and imitate, and later on, regulate their own desires on the model instilled by their parents. To attain to such influence over children, adults must make themselves lovable and admirable, and they must adjust the grounds of this admiration as their children grow. The *Education* is thus as much an education for adults as for children, requiring parents to reform their own conduct in order to attain the elusive but momentous authority that is to be their only source of influence with their children.

For many years, the scholarly reading of the *Education* emphasized its basic compatibility with the liberal political theory espoused in the *Two Treatises*. The need for education was implicit in Locke’s deferral of liberty for children, who are not “born in” a state of equality but rather “born to it” (ST 55). Locke’s pedagogical emphasis on habituation was noticed, but not thought to undermine liberty. Rather, it was compared favorably with the prevailing methods against which Locke set his advice – teaching behavior by rules and subjects by rote.\(^{274}\) Co-opting children’s wills by teaching them through games and adapting the curriculum to their understandings and inclinations was, not unreasonably, thought a more

liberating experience than beating Latin grammar into them. Neill reconciled the tension between habituation and liberty by arguing that, “A good education fosters autonomy and virtue through habituating the child…to reason.”²⁷⁵ Moreover, as Nathan Tarcov has pointed out, the Education fills a gap left in the Two Treatises, allowing the family’s private authority to inculcate virtue, a task necessary for the Lockean state but necessarily neglected by its limited government.²⁷⁶

Recently however, a series of scholars inspired by Foucault, including Uday Mehta, Joseph Carrig, Mark Button, and John Baltes, have used the authoritarianism of Locke’s pedagogy to argue that his political theory does not issue in any kind of freedom at all.²⁷⁷ Extrapolating from Foucault’s chronology in Discipline and Punish, these scholars place Locke at the beginning of the modern turn to internalized social discipline as a means of large-scale social control that, in the seventeenth century, began to eclipse bodily punishment as the primary source of social order. They argue that the degree of authoritarianism and psychological manipulation demanded by Locke so thoroughly conditions children through habituation by their parents and tutors that it amounts to “nothing more than indoctrination.”²⁷⁸ Carrig writes that,

“Through the enforced repetition of desired behavior and the constant association of this behavior and its undesired counterpart with rewards and punishments, a ‘natural’

²⁷⁶ Tarcov, Locke’s Education for Liberty, 182-183, 209.
²⁷⁷ Carrig, “Liberal Impediments”; John Baltes, “Locke’s Inverted Quarantine: Discipline, Panopticism, and the Making of the Liberal Subject” Review of Politics 75 (2013), 175-192; Uday Mehta, The Anxiety of Freedom (Ithaca, NY: Cornell UP, 1992); Mark Button, Contract, Culture, and Citizenship (University Park, PA: Pennsylvania State UP, 2008), ch. 3. James Tully’s “Governing Conduct” could also fit into this paradigm, since it relies on Foucault’s conception of “discipline.” However, while Tully does see Locke as engaged in a project to perfect the means of social control, it is not to foreclose individuality or freedom, and with respect to habit, he argues that it is primarily intended to induce a “relish” for reasoning, not to reliably program future behavior. Tully, Locke in Contexts, 179-241.
²⁷⁸ Carrig, “Liberal Impediments,” 43.
connection is established between the desire/will of the child and thoughts and actions determined by the father to be good.”

Because habits acquired in childhood form the permanent basis of adult conduct, Locke’s pupil is not free. Parents, themselves in thrall to fashion, custom, and the habits instilled in them by their educations, simply transmit the same opinions to their children, leaving no escape from the web of bourgeois strictures that Locke weaves for them.

This way of parsing the tension between Locke’s liberal politics and his authoritarian education, however, is based on a misunderstanding of both Locke’s appraisal of custom and habit, and his understanding of the nature of freedom. Locke resurrects expansive personal authority within the family after dispensing with personal authority in the state in order to preserve rather than subvert the possibility of individual liberty. Read in light of Locke’s account of will and desire in the Essay, the instructions in Education demonstrate how the child can be trained to judge, sort, and reject his desires in an environment that is at least in childhood relatively insulated from the power of fashion so that he may grow up better equipped to resist this power when he can no longer be insulated. This capacity for the suspension and consideration of one’s desires is, as we saw in the previous chapter, the highest form of freedom possible in society for Locke, and the most difficult to attain, which is why it requires the most intensive sort of education.

The development of human understanding beyond simple ideas relies on language and so must always take place in a society that is constantly curbing intellectual freedom even as it extends the understanding. The Foucauldian reading of Lockean education correctly sees that it

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279 Carrig, “Liberal Impediments,” 52. Baltes puts it this way: “The Lockean (and indeed liberal) subject is deeply disciplined and thoroughly normalized, and as a result, governed more by habitual virtues than rational reflection or autonomous calculation.” Baltes, “Locke’s Inverted Quarantine,” 174. See also Mehta, Anxiety of Freedom, 170.
is intended to instill self-discipline, but what it misses is that this self-discipline is necessary to
develop a capacity for judgment that liberates the individual from fashion and custom. Within
society, where complex ideas are determined by language and language is determined by opinion
and custom, the undisciplined will and unbounded imagination that Mehta, Baltes, and Carrig
celebrate and claim is stifled by Lockean education is not actually free, but rather enslaved to the
law of fashion and reputation, a more thorough despot than the cruelest father or tutor could ever
hope to be.

I. Curbing the desire for dominion

Political society is not guaranteed by nature and requires concerted effort to sustain, and
to do that, it needs some means of combating the two dangerous but natural human tendencies
that threaten it from either end – what Locke calls “willfulness” and “mastery” on the one hand,
and “dejection” on the other. These are, he says, the “the Scylla and Charybdis” of education
(STCE 47), not just for the child himself, but for the political society of which he is a part: the
former, when magnified in politics, issues in tyranny, and the latter in easy submission to tyrants.
In the Second Treatise, Locke ties the need for a substituted will to children’s natural lack of
“understanding” (ST 58), but a defective understanding does not entail an absent or even
defective will, just a poorly-aimed one. Locke does not, in the Two Treatises, tell us at what the
unimpeded childish will aims, but in the Education, he spells out the danger contained in it:

“I told you before, that children love liberty; and therefore they should be brought to do
the things that are fit for them, without feeling any restraint laid upon them. I now tell
you, they love something more; and that is dominion: and this is the first original of most
vicious habits, that are ordinary and natural” (STCE 103).

“Love of dominion” over people and property are the “two roots of almost all the injustice and
contention that so disturb human life” and “the root of all evil” (STCE 105, 110). Locke calls
this passion by several names throughout the *Education*, including “willfulness,” “perverseness,” “mastery” and “obstinacy,” but they all amount to the same desire “to be masters of themselves and others” (and property) which is much stronger in man than any other animal (STCE 35).

Love of dominion can flow either into self-mastery, or the mastery of others, but seemingly not both. Locke’s education is aimed at channeling this desire in the first of these directions, an aim consistent with his account of liberty in the *Essay*, where, as we saw, “the liberty Man has” consists in the will holding desire in abeyance (ECHU 2.21.47). This suspension requires cultivating both a strong will and moderate desires, a delicate two-fold task. If this effort goes astray in either direction, it issues in either a tyrannical or dejected character. Judging by the relative attention Locke devotes to it, tyranny is the more likely outcome, though dejection poses its own political dangers.

There are points at which Locke almost seems to suggest that the desire for dominion is natural – it “shows itself very early…almost as soon as [children] are born” – but it is not among the “innate practical principles” of the *Essay* (STCE 104-105). The desire for dominion is less than an instinct, but something more like a tendency that, while largely thwarted in nature, is encouraged by society. Specifically, it is encouraged by a certain kind of adult-child relationship, one in which adults allow themselves to be “mastered” by infants:

“He had the will of his maid before he could speak or go; he had the mastery of his parents ever since he could prattle; and why, now he is grown up, is stronger and wiser than he was then, why now of a sudden must he be restrained and curbed?” (STCE 35).

This dynamic is only made possible by surplus and even luxury – that is, by the rise of civil society. In Locke’s early state of nature, where the law against spoilage prevails and surplus is impossible, the child, like everyone else, can have no more than what is necessary for him to survive. At the same time, the adults who care for him are constantly called on to provide for their own survival in addition to his and have little leisure to sacrifice to him. If, “in the first
Ages of the World…men were more in danger to be lost, by wandering from their company, in the then vast wilderness of the earth,” then there were few people around for children to dominate (ST 36, 74). An effort to bring nature under their power would meet with some success – a dog can be tamed but not a bear, a tree can be brought to yield fruit but not on demand – but only with requisite labor. Such a childhood stifles tyrannical desires by leaving the child at the direct mercy of nature almost constantly, an experience which teaches him the full meaning of necessity.

Civil society – and particularly the society of the gentry to whom Locke’s *Education* is directed – reverses these natural straits, providing children with staffs of servants tasked with obeying them. Luxury magnifies the natural maternal fondness that ensured bare survival in nature into indulgence in society. It is not then the naturalness of the desire for dominion that makes it a particular problem for us, but the degree to which civil society exacerbates it. Locke emphasizes that individual temperament is variable, but all children raised under conditions where their whims can be readily indulged are to be examined with prejudice for signs of indulgence’s bad effects.

It is precisely the experience of natural necessity that Locke asks parents to replicate in civil society to tame a child’s incipient desire for dominion:

> “The very first thing they should learn to know, should be, that they were not to have any thing, because it pleased them, but because it was thought fit for them. If things suitable to their wants were supplied to them, so that they were never suffered to have what they once cried for, they would learn to be content without it; would never with bawling and

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280 There would, however, be siblings, and Locke is aware of their rivalries, remarking that, “Children, who live together, often strive for mastery, whose wills shall carry it over the rest” (STCE 109). The solution he suggests is to ensure that the sibling who initiates a contest with another always finds himself on the losing end of it. He does not seem particularly distressed about the implications of sibling rivalry, perhaps in part because the relationship is not easily replicable outside the family.

281 Compare this view with Rousseau’s in *Emile* of the way children perceive natural necessity and, once satisfied that things cannot be otherwise any more than a rock can fall up, are disinclined to contest the way they are.
peevishness contend for mastery; nor be half so uneasy to themselves and others as they are, because from the first beginning they are not thus handled” (STCE 38).

Parents are to imitate nature’s resistance by providing exclusively – and by anticipation – for their children’s needs, and denying their whims or “the wants of fancy,” so that they do not come to believe that their wills can command the obedience of others, and to desire this effect.

“That which parents should take care of here, is to distinguish between the wants of fancy and those of nature…Those are truly natural wants, which reason alone, without some other help, is not able to fence against, nor keep from disturbing us…I need not here give any caution to keep within the bounds of doing them good, and to take care, that what children are made to suffer should neither break their spirits, nor injure their health; parents being but too apt of themselves to incline, more than they should, to the softer side. But whatever compliance the necessities of nature may require, the wants of fancy children should never be gratified in, nor suffered to mention. The very speaking for any such thing should make them lose it” (STCE 107).

Earlier, Locke had recommended that, with respect to their physical regimen, “gentlemen should use their children, as the honest farmers and substantial yeomen do theirs” (STCE 4). Such “use” recalls them to the state of nature before surplus, subjecting them to the natural necessity in a way that extends a harmless freedom of movement (by removing restrictive clothing and permitting unrestrained physical activity) often needlessly denied because it runs contrary to genteel manners while restraining their harmful inclination to convert liberty into dominion over others that proceeds from these same manners.

Where the child does exhibit obstinacy or perverseness, however, parents may resort to drastic measures to curb his will. This advice issues in some of the most surprising passages in the Education, passages which have been taken by critical scholars for evidence of the underlying harshness and the depth of manipulation of Locke’s superficially liberal education, but they might be more profitably read in the light of the psychological manipulation which they are intended to counter.282 Amid Locke’s more characteristic protestations against beating and
“chiding” as methods of discipline, there are several passages licensing extreme physical punishment:

“For when once it comes to be a trial of skill, a contest for mastery betwixt you, as it is, if you command, and he refuses; you must be sure to carry it, whatever blows it costs, if a nod or words will not prevail; unless, for ever after, you intend to live in obedience to your son” (STCE 78).

Describing with great approval the “prudent and kind mother” who was “forced to whip her little daughter…eight times successively, the same morning, before she could master her stubbornness, and obtain a compliance in a very easy and indifferent matter,” Locke draws a distinction between this daughter’s crime and other infractions meriting a less punitive response:

“There is one, and but one fault, for which, I think, children should be beaten; and that is obstinacy or rebellion…If there were no sturdy humour or wilfulness mixed with his fault, there was nothing in it, that required the severity of blows…but, if there were a perverseness in the will, if it were a designed, resolved disobedience, the punishment is not to be measured by the greatness or smallness of the matter wherein it appeared, but by the opposition it carries, and stands in, to that respect and submission that is due to the father’s orders; which must always be rigorously exacted, and the blows by pauses laid on, till they reach the mind, and you perceive the signs of a true sorrow, shame, and purpose of obedience” (STCE 78).

The purpose of such beating is clearly to make a deep impression on the child’s psyche, but this is less to reduce him to a clone or unthinking slave of his parents than to replicate the harshness of necessity from which the child has as yet been shielded by the manipulations – the coddling and indulgence – of adults, particularly mothers.

What occasions such obstinacy is a child’s mistaken faith in his own strength, a belief that he is “absolute and independent” that can never be tested so long as he is kept in artificially obliging conditions (STCE 73). The cure for obstinacy is to strip away the façade of obligingness and demonstrate to the child the full extent of the powers arrayed against him in the world and his true weakness relative to it. Parents are consequently instructed to undertake such beatings

not with any apparent zeal – which would be a sign of their own willful passion – but with the kind of passionless resignation characteristic of natural rather than human force:

“I think the chastisement should be a little more sedate, and a little more severe, and the whipping (mingled with admonition between) so continued, till the impressions of it on the mind were found legible in the…child” (STCE 87).

The child will accept parental authority once he sees that it is necessary, and that his manipulative cries and wheedling have no effect. But such severe chastisements cannot be used regularly or even, as Locke seems at times to imply, more than once, or they will lose their effect and lapse into cruelty. The first time is all that should be necessary to reveal to a child the truth of his weakness and need because he finds himself, despite all his imagined strength, totally helpless to prevent this novel and terrifying offense against his desires that resembles no retaliatory reprimand he has ever experienced before.283

That total submission of the child’s will to social power structures is not Locke’s goal is clear from his warnings against inducing dejection in children, for which his Foucauldian interpreters do not fully account. Locke’s childrearing is intended to impress on the child how little he can hope to bend the world to his will, but not that it will not yield at all. To teach a child that his will is entirely ineffectual is as contrary to nature as to suggest to him that it is omnipotent. As we have seen, the picture of nature that Locke paints in the Two Treatises and the Essay is one that requires man to be able to put nature into his service through labor, but, because he cannot hope to understand nature completely, he will fall short of mastery over it. At the same time, it must be possible for men to rule one another, but that rule cannot reach to

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283 A possible contemporary parallel to this kind of punishment is the common practice of parents to pretend to leave a refractory child behind in some public place when he refuses to go home when asked. At first, granted the independence he was so sure he wanted, pride prevents the child from following, but a short time later, the reality of his abandonment to a scary world dawns on him and he feels true and memorable terror. This must account for at least half the playground hysterics I’ve witnessed.
complete mastery either. Such rule as is possible over both property and men is reserved for the
“industrious and rational” and is undermined by what Locke calls “dejection”:

“If the mind be curbed, and humbled too much in children; if their spirits be abased and
broken much, by too strict an hand over them; they lose all their vigour and industry, and
are in worse state than the former. For extravagant young fellows, that have liveliness and
spirit, come sometimes to be set right, and so make able and great men: but dejected
minds, timorous and tame, and low spirits, are hardly ever to be raised, and very seldom
attain to any thing” (STCE 46).

While children must be prevented from thinking themselves capable of absolute dominion, they
should be equally guarded against believing themselves fit only for absolute subjection.

Dejection is not only an obstacle to politics because it depresses the “vigour and
industry” on which Locke’s property regime relies, but more fundamentally, because it distorts
the impulse to execute the natural law on which liberty depends. The eventual goal of all of
Locke’s training of the will by means of obedience to adult authority is to develop “self-denial,”
which requires a strong will capable of silencing desire and a capacity for judgment capable of
redirecting it to more reasonable ends. But both the domineering and the dejected mind follow
from a weak will, the first plagued by strong desires and the other devoid of any desires of its
own. The tyrannical child pursues his desires without limit, while the dejected child does the
same, only with desires supplied to him by others, and so neither can be said to possess “self-
mastery.” The dejected child may appear master of himself to adults, “with his unnatural sobriety
he may please silly people, who commend tame inactive children,” but this is because they
mistake their own desire that children be inactive for the child’s desire to be so (STCE 51).

Locke’s contrast between dejection and dominion points to the delicacy of calibrating the
relationship between will and desire in the child in such a way as to strengthen his own will so
that it can dominate his desires, but without beating his desires out of him so that what appears to
be a strong will capable of self-mastery is really a weak one subject to no desires. And beating
turns out to be the most illustrative of the ways that the will and desire interact, because its exteriority neatly divides outward conduct from inward desire. Regular, superficial beatings produce the desired movements of the will that adults who inflict them intend without producing any change in desire: “The child submits,” but only because he “dissembles obedience, whilst the fear of the rod hangs over him” (STCE 50). Internally, such beatings tend only to undermine the authority of those administering them, because when these adults are “out of sight, he can promise himself impunity, he gives the greater scope to his natural inclination; which by this way is not at all altered, but on the contrary heightened and increased in him; and after such restraint, breaks out usually with the more violence” (STCE 50). Locke calls this conduct “slavishness,” which is odd, since the child does not appear to be enslaved to adults, but on the contrary is actively and effectively conniving against them. What he is slave to, however, is his own desires, which are enflamed rather than moderated by physical suppression, and which quickly outstrip his will, which is the only faculty that is actually stifled by such punishment.

Severe beatings of the sort encouraged for overcoming obstinacy but used too often can finally suppress desire in the child, but without at all strengthening his will. This specifically is dejection:

“If severity carried to the highest pitch does prevail, and works a cure upon the present unruly distemper, it is often bringing in the room of it worse and more dangerous disease, by breaking the mind; and then, in the place of a disorderly young fellow, you have a low-spirited moped creature” (STCE 51).

Such a child has had neither his judgment nor his will improved by this practice, and so comes no closer to the reasonableness demanded of adults. Indeed, emptied of his native desires, he becomes even more dependent on adults, not only to direct his desires, but actually to invest him with them in the first place. His dejection immunizes him against “enthusiasm” and the many intellectual errors requiring a strong will, but renders him entirely susceptible to those which
follow from a weak one – indifference, or “sauntering,” a trait whose cure requires a kind of emergency infusion of desire by means of unapologetic indulgence of whatever the child shows any inclination towards (STCE 126).

II. Some thoughts concerning the education of parents

Navigating between these two poles – love of dominion on the one hand, and love of nothing at all on the other, “to keep up a child’s spirit, easy, active, and free; and yet, at the same time, to restrain him from many things he has a mind to, and to draw him to things that are uneasy to him” – is what Locke calls “the true secret of education” (STCE 46). The means by which this “seeming contradiction” is reconciled is by taking care not to turn the will, or the child’s external conduct, away from his inward desire, but to cause the child to act on some one of his native desires against the others. The most potent of his desires is his love of “esteem,” for which he will voluntarily sacrifice other desires. “Esteem and disgrace are, of all others, the most powerful incentives to the mind…which I look on as the great secret of education” (STCE 56). Esteem is the impetus for imitation and is thus the most educative of desires. But esteem must be esteem from someone, so authority is inevitable in Lockean education.

The difficulty with authority is that it can be confused with fashion. Nearly anyone in a position to dole out esteem and disgrace can exercise it over a child, including servants and other children. But such authority is either irresponsible or malicious: servants are not held to account for the way children turn out, nor do they have a strong self-interest in educating them well. Fellow children are even worse authorities, since they have no understanding of their own to guide their education of one another, and their untrained wills are simply vectors for the transmission of fashion. They submit to it and induce other children to do the same, never
acquiring full control of their power over others because they themselves remain totally ruled by fashion. Such societies are an almost perfect reflection of the pure tyranny of fashion – their rules are arbitrary and constantly changing, but enforced with unrelenting zeal. The possibility of liberty is all but foreclosed in them because reason has so little weight with children. The danger of placing children under such conditions is so great that Locke warns parents against schools because the sheer preponderance of the young in them undermines adult authority and replaces it with the tyranny of other boys:

“Till you can find a school, wherein it is possible for the master to look after the manners of his scholars, and can show as great effects of his care of forming their minds to virtue, and their carriage to good breeding, as of forming their tongues to the learned languages; you must confess, that you...think it worth while to hazard your son’s innocence and virtue, for a little Greek and Latin. For, as for that boldness and spirit, which lads get amongst their play-fellows at school, it has ordinarily such a mixture of rudeness, and an ill-turned confidence, that those misbecoming and disingenuous ways of shifting in the world must be unlearned, and all the tincture washed out again, to make way for better principles, and such manners as make a truly worthy man. He that considers how diametrically opposite the skill of living well, and managing, as a man should do, his affairs in the world, is to that malapertness, tricking, or violence, learnt among school-boys, will think the faults of a privater education infinitely to be preferred to such improvements; and will take care to preserve his child’s innocence and modesty at home, as being nearer of kin, and more in the way of those qualities, which make a useful and able man” (STCE 70).

Locke is the first in a series of early liberals to disavow schooling because of the moral danger posed by other children, and he was followed by Rousseau and Mill, who were concerned with the same threat to liberty arising from fashion and reputation, and identified children as the least capable of resisting this power and the most effective at enslaving others to it.

To prevent the deformations of the will that arise from children’s rule over one another, or from a changing cast of whichever adults happen to be around, authority is to be exclusive to parents and extended at their discretion to those few adults deemed acceptable influences, so that the moral influence that authority exerts is in the first place consistent, but perhaps even more importantly, so that it is purposeful and understands itself as such. Locke flatters parents by
presuming in the *Education* that they are better suited to rule their own children than anyone else is, commending his readers for being “so irregularly bold, that they dare venture to consult their own reason, in the education of their children, rather than wholly to rely upon old custom” in his conclusion (STCE 216). But this is not because he thinks that his readers are necessarily more reasonable than their servants or the neighborhood children, or less susceptible to the delusions of popular opinion. Even conscientious parents are prone to error, but the long duration of the relationship between parents and children offers an inducement to parents to consider the long-term effects of their decisions more carefully. There is simply far more at stake for them in childrearing than for anyone else who deals with their children.

It is necessary “to make [children] in love with the company of their parents,” but this requires that parents enjoy the company of their children, since if Locke’s instructions are to be followed, parents will spend a great deal of time with them (STCE 70). In order to direct their children’s wills, they must first “will for them,” and then as the children grow, parents must serve as constant confidants and advisors to them, fearing nothing more than that their children should desire to confide in anyone *but* them. Everything in Locke’s pedagogy, from his prohibition against swaddling, which immobilized infants precisely so that adults could ignore them, to his encouragement of home education and the employment of fathers as tutors, demands that parents attend more closely to their children than was then expected and that his readers would have desired.

Contrary to the Foucauldians’ conclusion that Lockean education simply recapitulates the fashions and customs of society at large, the sheer amount of time that parents will have to spend with their children to the exclusion of other company ensures that the family will form its own opinions and judgments *against* those of the society at large. Grant points out that the experience
of raising children according to Locke’s pedagogy helps adults “develop the ability to resist, when necessary, this need for social approval which provides the foundational support for the dominion of custom or ‘fashion.’ Bravery is required to challenge prevailing views.” Such resistance is buttressed by the ongoing experience of many years of each other’s company. The Lockean family voluntarily isolates itself from the world and turns its attention inward, imitating the situation of the families of “the first ages of the world” described in the Second Treatise, whose members “were more in danger to be lost, by wandering from their company, in the then vast wilderness of the earth, than to be straitened for want of room to plant in” (ST 36). All this in turn fosters a distinct family culture that diverges from the main currents of fashion and public opinion.

Moreover, children themselves will be partial authors of this family culture, in part because of the insular conditions in which they are brought up, but also because they are to engage in frequent conversation with their parents conducted as if between equals, with a father “advis[ing] only as a friend of more experience,” particularly about matters concerning family life like the management of the familial estate (STCE 96-97). The obedience imposed in early childhood becomes the “reasoning with children” of middle childhood (STCE 81). This admits the possibility of objection and compromise: “You must not expect his inclinations should be just

284 Grant, “Custom’s Power,” 614.

285 Just as Locke hinted in the Second Treatise that the prospect of a greater inheritance was “no small tie on the obedience of children,” so too the prospect of good management of that inheritance is an incentive for parents to good conduct on behalf of their children (ST 72-73). Property inheritance is not fundamental to Locke’s pedagogy, but it has a useful rhetorical function here, where it focuses parents’ attention on the stakes of education and illustrates quite vividly why cultivating familial friendship is desirable, since without it, sons will still inherit, but they will be more inclined to squander. Jacqueline Pfeffer argues that property management is the ultimate goal of Lockean education in both the Education and the Two Treatises, but this is a narrow reading of Locke’s much broader pedagogy, and one that ignores entirely the intimate relationship between Locke’s educational program and his epistemological concern with liberating the understanding from distorting prejudices. Pfeffer, “The Family in Locke’s Political Thought” Polity 33 (2001), 593-618.
as yours…youth must have some liberty, some outleaps” (STCE 97). Consulting an older child in family questions “will not at all lessen your authority, but increase his love and esteem of you” (STCE 97).

Parents in civil society do not incline towards any of this program. On the contrary, his education inverts what he takes to be the more natural, or at least more prevalent, tendency of parents to be “indulgent and familiar [with children] when they are little, but severe to them, and keep them at a distance, when they are grown up” (STCE 40). He asserts in many places that humans and even animals feel natural “inclinations of tenderness and concern” towards their offspring (FT 56, 97; ST 63, 67, 75, 170), and while such tenderness redeems children from certain death in nature in the *Two Treatises*, Locke’s disapproval of “fondness” in the *Education* suggests that an important reversal occurs in civil society (STCE 34-35). Nature directs parents, especially mothers, to coddle their offspring, and while the “first ages of the world” thwart this impulse with scarcity, modern civil society permits affluent parents to indulge their instincts. In this respect, Locke’s pedagogy counteracts nature not merely through exhortations not to spoil children, but by prescribing punishments for spoiled children that also harden the parents who must administer them. This curriculum for parents in appropriate conduct in front of children is the inverse of all of Locke’s recommendations for curbing the “love of dominion” in children, and betrays his understanding that there are and will remain many adults in whom this love was not curbed in their own childhoods, who were badly brought-up, and for whom the experience of childrearing must be an educating and civilizing force, as it was for Hobbes, though to a different end.

The occasion for beatings, for example, is brought about by adults who have overstepped their own offices by treating children as “playthings,” ruling them by passion rather than reason
That the passion inspiring this error is excessive fondness rather than cruelty does not mitigate the outcome: to rule children arbitrarily, even if by arbitrary kindness, is still tyrannical, and its result is a tyrannical child. Accordingly, the burden of such extreme punishment falls on those parents most averse to executing it: the over-indulgent. Upon seeing their fondness backfire and grow into unmanageable obstinacy in their child, indulgent parents find themselves required to deal severely with their child for once if they hope “to get out those weeds which their own hands have planted,” and if they are to be effective in this effort, they must learn to cross their own passions and follow reason (STCE 35).

Locke demands that children respect their parents, but he also demands the reverse: “He that will have his son have a respect for him and his orders, must himself have a great reverence for his son…You must do nothing before him, which you would not have him imitate” (STCE 71). Parents can become authoritative sources of esteem and disgrace for their children only by being admirable to them, and that calls on adults to develop self-mastery as much as their children. Parenting thus turns out to be one of the best ways for “grown men” to “enlarge their understandings,” which is otherwise “seldom done” (CU 6).

In the same way that wanton beatings will teach a child that violence is acceptable and effective, whimsical treatment will lead him to understand his own will as a tool of despotism and that he too may treat people whimsically. Although Locke hopes that parents and the tutors they select will prove better models for imitation for children than the peers or servants whose company he warns against, he cannot guarantee that adults will always be worthy of the authority

286 The classic example of the tyranny of arbitrary benevolence is the account of Pisistratus’ creation of the “tax-free farm” in Aristotle’s Constitution of Athens. A more contemporary example of it in the context of childrearing is depicted in Henry James’s What Maisie Knew.
they must establish and the admiration their children will almost automatically have for them. By manipulating parents as well as their children, Locke sets his sights not only on the formation of children but also the improvement of badly-formed adults, who must be taught how to exercise their authority correctly at least as much as children must be made to submit to it.

Nonetheless, the *Education* does not aim at a society of permanently isolated families living in eccentric worlds of their own disconnected from broader civil society. Locke admits that even “the milder sort of government” which he enjoins on older children is likely to become ineffectual in adolescence, “that boiling boisterous part of life” when boys chafe under even the best parents’ rule, “think[ing] themselves too much men to be governed by others, and yet hav[ing] not prudence and experience enough to govern themselves” (STCE 43, 212). This is the point at which children become most susceptible to fashion because they are most skeptical of the familial judgments that had up to then shielded them.

“What can be hoped from even the most careful and discreet governor, when neither he has power to compel, nor his pupil a disposition to be persuaded; but, on the contrary, has the advice of warm blood, and prevailing fashion, to hearken to the temptations of his companions, just as wise as himself, rather than to the persuasions of his tutor, who is now looked on as the enemy to his freedom?” (STCE 212).

To temper the ill effects of this stage, Locke advises delaying the customary period of travel until the age when “reason and foresight begin a little to take place” so that children are not exposed to “the greatest dangers of their whole life” abroad among strangers, but he nonetheless implies that even at home, adolescents may well choose “the temptations of [their] companions” over the judgments of their parents and tutors (STCE 212). Conflicts between family and fashion require the child to reason through what is good and thus form an important barrier against the force of “prevailing fashion.”

It seems puzzling that for all his emphasis on familial authority, Locke would concede its unraveling in adolescence. But far from conceiving parental authority to be total or even very
effective, Locke is fully aware of the rebelliousness of children. He establishes authority early but acknowledges that there will come a point when the child will prefer his “companions” to his parents and that he must be permitted some “outleaps.” By keeping him out of school and away from the influence of servants and other adults, however, Locke delays the child’s exposure to fashion and custom, supplying him first with a family education that will be a source of dissonance when he does finally enter the broader society. Locke gives him space during adolescence to diverge from his family so that by the time he reaches adulthood, he has both obeyed and resisted, and parental authority is far from absolute. The final element of education – travel – is to be delayed until he can undertake it alone, under the guidance of his own reason for the first time, which he puts into the service now of comparing not his family’s customs to those of his countrymen, but his country’s customs to those of foreigners. “Being thoroughly acquainted with the laws and fashions, the natural and moral advantages and defects of his own country, he has something to exchange with those abroad, from whose conversation he hoped to reap any knowledge” (STCE 212).

III. Contesting the empire of habit

Many readers have assumed that Locke means by habituation that the child is to be made to practice a predetermined set of “liberal” behaviors and opinions until his own “natural” predilections are overcome, and he takes his habituation for his nature, emerging from his

287 Locke also recommends travel for boys in their early twenties rather than early marriage to extend the age gap between themselves and their own children (STCE 213-214). This effort to lengthen the number of years between being a child and having children is of a piece with Locke’s broader effort to reinforce the distinction between childhood and adulthood that is also evident in his emphasis on the sanctity of the legal age of majority in the Two Treatises.
education a kind of liberal gentlemanly automaton. But from the first sections of the *Education*, it is clear that habituation is not as straightforward a matter as the use of adult authority to praise children for whatever is taken for good behavior and blame them for waywardness until they reflexively behave as desired. Locke’s estimation of habit is profoundly ambivalent. In the *Conduct of the Understanding*, written initially to be appended to the *Essay* as a guide to overcoming intellectual errors, Locke warns that:

> “Many men firmly embrace falsehood for truth; not only because they never thought otherwise; but also because, thus blinded as they have been from the beginning, they never could think otherwise; at least without a vigour of mind able to contest the empire of habit, and look into its own principles” (CU 41).

Habit here is plainly the enemy of freedom, and the tension running through all of Locke’s educational and epistemological writings is that the “vigor of mind” necessary to “contest the empire of habit” is itself developed by means of habit. The highest form of freedom that Locke is after, what Neill calls “epistemic freedom,” requires a will strong enough to resist both the importunities of nature and those of society. The cultivation of such a will is the aim of Lockean education.

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288 These scholars differ somewhat in their conceptions of the freedom which they claim Locke denies. Baltes argues that Lockean education permits “liberty,” since the pupil observes norms voluntarily instead of by coercion, but not “autonomy,” since his compliance is pre-determined by habituation. For Mehta, Locke forecloses the freedom of unbounded imagination and “self-expression”: “The attempt to regiment [the imagination], to prescribe and standardize its content, to make it submit to conventional authority… In Locke rationality and the means for its inculcation, such as his pedagogy, function to close off forms of individual self-expression, to raise barriers against the eccentric; they are deployed to construct, consolidate, and impose a norm of ‘normality.’” Carrig argues that “the free mind is one that is purified of external influence,” but given Locke’s empiricism, such insulation from the external world is impossible and all but the most rudimentary sensations require external influence. See Baltes, “Locke’s Inverted Quarantine,” 179, 190-191; Carrig, “Liberal Impediments,” 65-67; Mehta, *Anxiety of Freedom*, 10-11.

289 Both Baltes and Carrig draw on this passage to claim that Lockean education aims to “construct an ‘empire of habit’ governing conduct,” an odd conclusion given that Locke here exhorts the opposite. Baltes, “Locke’s Inverted Quarantine,” 176; Carrig, “Liberal Impediments,” 49.
When we examine the habits that Locke recommends in the *Education* closely, we find that they are actually counter-habits, intended to undo those habits which nature and fashion instill on their own. The goal of early habituation is not to program desirable and foreclose undesirable future behavior, but to inculcate physical and mental flexibility, a combination of skepticism and humility necessary to overcome the countervailing forces of self-love and “obstinacy” and to permit us to continually question and revise our own opinions.\(^{290}\) Lockean habits are neither as substantive nor as subjugating as Foucauldians allege, but rather aim at the paradoxical habit of having no habits. What habituation primarily consists in is the experience of “crossing one’s desires,” which demonstrates to children the difference between their desires and their wills, and the possibility of controlling the former with the latter.

The first sections of the *Education* deal primarily with the instruction of the body and mark Locke’s first engagement with the place of nature in human development. In these sections, Locke suggests that the child can be made maximally flexible by habitual exposure to discomfort: “Our bodies will endure anything, that from the beginning they are accustomed to” (STCE 5). Children are to go out with wet feet in winter, subsist on the plainest food – bread and water gruel (and very little of it at that) – and to have no regular mealtimes (STCE 8, 13-16). While this regimen may seem to aim at accustoming a child to pain and discomfort, Locke recommends two other forms of physical habituation in these sections that would enhance the child’s comfort – a regular sleeping schedule and regular bowel movements to prevent constipation (STCE 21-23). What all these varied recommendations have in common is that they run contrary to the habits a child naturally develops if left to its own devices to pursue pleasures and avoid pains.

\(^{290}\) Tarcov, *Locke’s Education for Liberty*, 85.
Children naturally seek warmth and dryness, tasty and ample food, and they habituate themselves to enjoying them. To counteract this, Locke directs parents to pre-empt and break habits that form from these natural pleasures. By contrast, bowel movements and bedtimes are things that children do not naturally make habitual on their own. They prefer to remain awake for “the unhealthy and unsafe hours of debauchery, which are those of the evenings” and, “being usually intent on their play and very heedless of anything else, often let pass those motions of nature, when she calls them but gently” (STCE 21, 27). When it comes to useful but unpleasant activities that children naturally avoid, Locke demands that parents regularize “motions that were not perfectly voluntary,” as he tactfully describes them (STCE 24). Where habit insinuates itself naturally, Locke directs parents to break it, but where it does not, he enjoins them to introduce it. In both cases, this sort of calculated habit opposes what the child desires. Locke’s habituation is actually counter-habituation, because uninstructed nature instills its own habits.

Moreover, what is striking about Locke’s habituation is that he does not ask parents to inculcate any particular opinion or lifelong behavior in children by means of habit. Rather than being habituated into a specific profession, political conviction, or doctrinal confession, Locke’s pupil is offered the rudiments of a wide range of ideas, opinions, and occupations. He is taught skills otherwise beneath his class like carpentry and gardening, and others like bookkeeping and law that are more suitable for gentlemen (STCE 187, 202-205, 210-211).291 He also and perhaps more surprisingly comes away with few particular political opinions. The Education itself is silent on contemporary political polemics, recommending only that the child be made familiar

291 The exception to Locke’s indifference to vocation is poetry, which he fears will lead the child to squander his state and take up with dissolute “company” (STCE 174). This may betray the venal property-mindedness of which C.B. MacPherson accused Locke, but the concern for the company into which poetry will lead a boy is very much of a piece with Locke’s constant refrain that the child be kept away from the people most infected and governed by “fashion” – other children, servants, and in this case, the debauched and idle gentry. A strikingly similar warning against poetry, complete with cautionary tales, appears in Benjamin Franklin’s Autobiography.
with ancient literature, ancient and modern natural law, and English law. Locke elsewhere recommended political texts, but in the context of a letter to a 36 year-old man rather than a child. There, he included his own Two Treatises, along with Greek and Roman philosophers, modern natural lawyers, Whig histories, and the sermons of tolerationist clergymen. This reading list was broadly Whiggish and unlikely to produce a patriarchal absolutist or a Jacobite, but it inculcates no more specific political doctrine than that, no consistent account of state origins, the best regime, or the ends of politics. This is a notable contrast to Hobbes, who recommended that students absorb primarily the principles of his Leviathan and nothing else, a strategy that is closer to the Foucauldian description of an indoctrinating education than Locke’s nonpartisan suggestions (L,41.31).

Even in religion, Locke skirts doctrine. He recommends that the child be taught a simple axiom about God’s existence and power:

“There ought very early to be imprinted on his mind a true notion of God as of the independent supreme Being, Author, and Maker of all things, from whom we receive all our good, who loves us, and gives us all things: and, consequent to this, instil into him a love and reverence of this supreme Being. This is enough to begin with, without going to explain this matter any farther” (STCE 136).

To ensure that this teaching directs the child towards Christianity, Locke adds that the pupil “should learn perfectly by heart…the Lord’s prayer, the creed, and ten commandments,” but he should not be asked to read the Bible itself or any theology, which will only confuse him (STCE 157). We could object that failing to habituate a child to religious practice and doctrine early on is itself a way of inculcating indifference or even irreligion, but Locke’s caution with respect to

292 John Locke, “Some Thoughts Concerning Reading and Study for a Gentleman” in Axtell, Educational Writings, 397-404.
religion arises from his effort to balance the necessity against the danger of habituation precisely to “prevent the undue connexion of ideas in the minds of young people” (ECHU 2.33.10).

The danger of early exposure to theology is that children’s “yet tender minds should receive early impressions of goblins, spectres, and apparitions” (STCE 191). Once such fears are inspired in a child, they initiate a chain of habitual associations among spirits, the dark, and danger that harden into phobias that are nearly impossible to extirpate, even for those who eventually come to understand, as most people do, that there are no goblins lying in wait for them at night (STCE 138, 191). Becoming a basket-case driven by occult fears is also a kind of habit, but the kind that Locke wants to avoid precisely because it is particular and concrete – it is based on a false chain of mental associations that prevents men from thinking clearly and associating ideas logically (ECHU 2.33.7-10). At the same time, Locke worries that without any introduction to the ideas of God and salvation, children will reflexively lapse into materialism, “because matter being a thing that all our senses are constantly conversant with, it is so apt to possess the mind, and exclude all other beings but matter” (STCE 191). This “prejudice…often leaves no room for the admittance of spirits, or the allowing any such things as immaterial beings…when yet it is evident, that by mere matter and motion, none of the great phænomena of nature can be resolved” (STCE 191). If teaching a child religion in too much detail forms the foundation for his future fear of the dark, or if on the other hand teaching him too little turns him into an unthinking materialist, then he has been habituated in exactly the way that Locke’s education tries to avoid.

293 This example appears also in the Essay in a chapter (2.33.10) which Mehta takes to be exemplary of Locke’s equation of individuality with “madness” and his desire to suppress such aberrant thought processes. What Mehta misses here is that Locke is arguing that such irrational associations are not marks of individuality, but rather acquired mental habits, themselves “normalized.” Mehta, Anxiety of Freedom, 104-118.
This seems paradoxical: habituation is the basic method underlying Lockean education, yet its product is not habituated to do or believe anything in particular. He is taught to be flexible, civil, and accommodating of others, but few ways of life or opinions are foreclosed for him. This is because Locke does not enjoin habituation in the straightforward sense of inculcating fixed conduct for life. It is far from his aim to raise a man who never stays up past dark or enjoys wine or company. The habits he prescribes for children are to be practiced only during childhood; it is their intellectual residue that he hopes will remain with the adult.

The principle governing early habituation is that every habit, whether it counters a natural desire or a natural aversion, contributes to the development of the child’s capacity for “self-denial,” which Locke describes as itself a “habit” that is “contrary to unguided nature” but is “the true foundation of future ability and happiness…to be wrought into the mind, as early as may be, even from the first dawning of any knowledge or apprehension in children” (STCE 45, 33; see also 36, 38, 75).294 Self-denial is not inculcated for its own sake, or for the neo-Stoic goal of minimizing desires, but because the experience of having his desires denied is foundationally educative for the child: it teaches him to distinguish between his desire and his will by showing him that none of his spontaneous desires are strictly necessary, at least not in the sense of requiring immediate gratification. Locke’s detailed regimen for regulating bowel movements, bizarre as it may seem, underscores just how important it is not to assume the necessity of even our most basic physical desires since even these may be amenable to control by the will (e.g., STCE 18, 33,107).295


295 Locke does not deny that natural necessity exists, only that its first appearances are as absolute as children (and “softer” parents) are inclined to believe:

“The pains of sickness and hurts, hunger, thirst, and cold, want of sleep and rest, or relaxation of the part wearied with labour, are what all men feel, and the best disposed mind cannot but be sensible of their
The child who is permitted to follow his earliest and apparently most ‘natural’ desires and aversions misses precisely this experience of feeling his will as a faculty separable from his desire, and so risks mistaking every mere desire for a natural necessity. It is not the behavioral effect of early habituation that Locke is after but rather its intellectual effect. The experience of habituation acquaints us with the possible strength of our wills and the lack of necessity in our desires. The child’s spontaneous nature is not especially bestial or in need of suppression (STCE 63, 107). But spontaneous development usually fails to disclose to us certain equally natural but higher possibilities in ourselves – particularly the capacity of our wills to suppress our desires – and the experience of being habituated and forced to cross our desires reveals them. One fundamental error of the Foucauldian reading is that it presumes that the spontaneous nature of a child is free, and that habituation is “denaturing” (Mehta 1992, 161-164). But Locke thinks that habits that obstruct our liberty creep in as much from spontaneous nature as from conventional sources, and that such habits make our desires appear to us as compulsions more effectively than do the conventional habits that our parents try to instill in us, or that we try to instill in ourselves. Natural habits slip in unnoticed, whereas learning conventional habits is always a painful process. In this sense, Locke’s quip about costiveness that, “people that are very loose, have seldom strong thoughts” is not entirely in jest (STCE 23). The strength of will necessary to

uneasiness; and therefore ought, by fit applications, to seek their removal, though not with impatience, or over-great haste…But yet, the more children can be inured to hardships of this kind, by a wise care to make them stronger in body and mind, the better it will be for them…Parents being but too apt of themselves to incline, more than they should, to the softer side”(STCE 107).

Locke’s technical discussion of voluntariness in the Essay (ECHU 2.21) admits more to necessity than the Education, which tries to counter what Locke perceived as parents’ bias towards “coddling” by presenting children as hardy creatures.

296 Nor was it thought to be by some readers. James Boswell promised in his1763 journal to “from this day follow Mr. Locke’s prescription of going to stool every day regularly after breakfast.” John Dunn, Political Thought of John Locke, 203n2.
control one’s bowels is not altogether unlike that necessary to resist the power of fashion and custom and direct one’s thoughts according to reason instead.

In order to understand why Locke wants children to experience a distinction within themselves between will and desire, and how this experience of dissonance supports liberty, we must recall briefly his account of these faculties in the Essay, and in particular the definition of freedom that consisted in the will’s “power to suspend the execution and satisfaction of any of its desires” (ECHU 2.21.47). As we saw in the previous chapter, it is more common that weak wills give way to strong desires, thereby blurring the distinction which Locke relies on between will and desire, since every act of will appears to us as merely the last in a series of desires, each as uncontrollable as the last. Lockean habituation, which consists in forcing the child to “daily experiment in himself,” is central to demonstrating – experientially rather than logically – that these faculties really are distinct and that one may be strengthened to control the other. Without the intervention of habituation to strengthen the will against desires, we submit our desires to the determination of nature, fashion, and custom.

Since the distinction between will and desire can only be experienced, “whosoever desires to understand what it is, will better find it by reflecting on his own mind, and observing what it does when it wills” (ECHU 2.21.15, 30). “Reflecting on his own mind” is precisely what Lockean habituation forces the child to do by pitting his desire against, at first, the wills of his parents, and later, his own will. Although in principle anyone can suspend and reflect on his desires, “we see men abandon themselves to the most brutish, vile, irrational, exorbitant actions, during the whole current of a wild or dissolute life without any check or the least appearance of

297 This is what Locke means by the odd passage in the Second Treatise where he claims that “whilst [the child] is in an estate, wherein he has not understanding of his own to direct his will, he is not to have any will of his own to follow: he that understands for him must will for him too; he must prescribe to his will” (ST 58).
any reflection,” and this is due to the omission of precisely the kind of education which Locke requires. Such dissolute men are those who

“For their cradles…were never accustomed to reflect but by a constant indulging of their passions have been all along given up to the conduct and swing of their inconsiderate desires, and so have by a contrary habit lost the use and exercise of reflection.”

The power of the will to suspend the desires must be demonstrated to the child early on if it is to be effective.

But observing what we do when we will does not in itself clarify what we should will. As we saw in the previous chapter, Locke argues that only present desires can determine conduct, but raising the pitch of present desires to seek after distant “greater goods” rather than to satisfy current cravings or alleviating immediate pains poses a difficulty for Locke’s epistemology. How can a Lockean pedagogy teach children, by means of habituation, to pursue long-term goods like wisdom, prudent estate management, or salvation by inducing in them an immediate desire for such distant abstractions?

Tully suggests that the aim of Locke’s pedagogy is “to develop an educational practice that would form mental ‘inclinations’ or ‘relish’ to examine and assent in accordance with the probable proofs.” This is the goal for adults, but it is too abstract for children, who are unlikely to desire or even understand rigorous probabilistic inquiry. What they can learn is to question their desires by crossing them, and through the “reasoning” of the Education, eventually to question their parents’ desires as well. They are, in short, to be made skeptical of themselves and eventually of the authorities and conventions around them. Skepticism in the form of doubt that


my convictions are true because they are mine and an openness to correction is a more basic disposition than the more advanced practice of weighing all “probable proofs.”

Insofar as such a disposition becomes a regular mental practice for the child, we may call it a habit that supports reason, following Locke’s warning that “habits [work] more constantly and with greater facility, than reason; which, when we have most need of it, is seldom fairly consulted, and more rarely obeyed” (STCE 110). Nonetheless, it is an exceptional habit, one that wards off conventional habits and the kind of behavioral conditioning of which previous readers have accused Locke. The mature, impartial understanding which Locke exhorts readers to cultivate in the *Essay* and the *Conduct* is based on the extended cultivation of the skeptical disposition in which the *Education* culminates.

IV. **Skepticism and epistemic liberty**

Skepticism – more specifically, *habitual* skepticism – is the primary weapon that Locke offers against the power of habits that arise both from natural pleasures and pains, as well as from those forms of “fantastical uneasiness…which custom has made natural to us.” Such skepticism is a paradoxical habit of having no totally fixed habits, of being radically willing to admit error in oneself and deny authority to others, “to judge himself, and judge unbiasedly of all that he receives from others…Reverence or prejudice must not be suffered to give beauty or deformity to any of their opinions” (CU 3). Absent such a commitment, we contract our opinions from those whose approbation we desire and then hold fast to them, making it “a hard Matter, to persuade any one, that the Words which his Father or Schoolmaster, the Parson of the Parish, of

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300 I use the term “skepticism” loosely here to describe a flexible, self-questioning disposition and an eventual commitment to impartiality in judgment, not to identify Locke with Montaigne or the ancient skeptical tradition. Locke flirted with but eventually rejected such skepticism. See CU 33 and Casson, *Liberating Judgment*, chs. 2-3
such a Reverend Doctor used, signified nothing that really existed in Nature: Which, perhaps is none of the least Causes, that Men are so hardly drawn to quit their Mistakes” (ECHU 3.10.16). Self-love leads to “obstinacy,” “stiffness of mind,” and “pride” – the most universal sort of mental error, and the one which Locke’s education tries above all to pre-empt (STCE 78-80; CU 26, 34; ECHU 3.11.5). A general skepticism towards the validity and goodness of our desires and opinions vitiates our self-regarding tendency to cling to our mistaken judgments in the face of overwhelming contrary evidence (ECHU 4.16.3, 4.20.10).

The pedagogy of the Education trains the will to suspend its desires and invites the understanding to examine them. It inclines the mind towards habitual skepticism and modesty, flexibility and civility, but it cannot guarantee that its product will always judge well among the options, especially when it comes to the complex disputes in politics, religion, and science with which a well-educated adult will be faced. The inclusion of Grotius, Pufendorf, and English law into the curriculum of the Education introduces the child to the natural and civil law which are the prerequisites for Lockean citizenship, though we can only “presume” that he knows these laws by the age of majority (STCE 185-186; ST 59). But Locke’s educational project does not end by satisfying the modest formal requirements of citizenship. A more expansive form of epistemic liberty is possible for those who apply the skepticism inculcated by the Education to the practices of logical association and probabilistic reasoning described in the Conduct and the Essay.

The Conduct, though often read in conjunction with the Education, is in fact a guide for adult mental training.301 There, partiality or bias is the primary intellectual scourge of intelligent

men, and its antidotes continue to be skepticism in thought and modesty in character. “The proudest esteemer of his own parts” must be shown the limits of his understanding so that he might attain “indifferency” with respect to truth (CU 3, 11, 34). To avoid “stiffness of mind,” we must constantly engage in mental battle against calcification, exposing ourselves to novelty and variety:

“I think [men] should be made to look into all sorts of knowledge, and exercise their understandings in so wide a variety and stock of knowledge. But I do not propose it as a variety and stock of knowledge, but a variety and freedom of thinking, as an increase of the powers and activity of the mind, not as an enlargement of its possessions” (CU 19).

Here again is the Lockean strategy of using habit to develop mental faculties capable of undermining habit. Study is not for the most part intended to result in what we would call expertise, but in mental agility (CU 12). To the same end, Locke recommends seeking out variety in conversation, which the city offers to a greater degree than the country, and appropriates even the New Testament to support his skepticism: “Try all things, hold fast to that which is good” (CU 3). In this, the Conduct’s emphasis on exposure to variety begins where the Education leaves off. The child’s social life must be restricted to protect him from fashion, and he is consequently insulated from variety in people and opinions beyond that which he finds in his books, but the Education ends with travel, an undertaking that, in introducing the variety of customs and men, marks the beginning of adulthood.

The Conduct and Essay presume that their reader has left the isolation of childhood and must now constantly contend with the customs, popular opinions, and fashions of civil society. It has been suggested that Locke intended his educational writings to alter the intellectual conditions of society, just as he hoped his Two Treatises would usher in a new political regime. While Locke clearly thought that the particular content of custom, public opinion, and
our own desires could change, there is no evidence that he thought these influences could be extirpated or replaced by universal reasonableness.\textsuperscript{303} His epistemological works do not propose a general mental reform of society, but rather instruct the individual in the means to retain his intellectual independence within a society governed inevitably by custom and fashion, showing him how to understand these forces and use them to his advantage.\textsuperscript{304} “The law of fashion and reputation” is inescapable: all societies have been governed by this law and always will be. But as much as custom threatens to distort our understanding, it also maintains the social order necessary to advance knowledge.

The simultaneous potential of language to expand our understanding and to compromise it demonstrates how fundamentally dependent on opinion even the wisest men are. The purest instance of epistemic freedom comes in our intuition and definition of “simple ideas” – perceptions like hot, blue, or soft – which cannot be defined or perceived on another’s behalf. But this freedom is minimal in practice: we would be limited to a paltry grasp of the world if we relied entirely on the simple ideas we received through our own senses. Since ideas are particular, each blade of grass would be a new and interesting species to us, but “it is beyond the power of human capacity to frame and retain distinct ideas of all the particular things we meet


\footnote{\textsuperscript{304} The Foucauldians are in this sense correct to call attention to Locke’s many \textit{positive} appeals to the use of reputation and fashion in the \textit{Education}. He repeatedly exhorts parents to instill in children the very “love of credit” that threatens their freedom from fashion as adults, and to use this love to manipulate them (STCE 56). The difficulty is that if parents fail to do this, the result will not be a child immune to the pull of esteem, but rather a child either wholly incapable of social life or one wedded to the esteem of people whose purposes in manipulating the child are less salutary than those of Lockeian parents.}
with,” so we must generalize and abstract, entangling ourselves in the distortions that acquiring a pre-existing language imposes (ECHU 2.11.9, 3.3.2-3).305

By entering the world of complex ideas, we subject ourselves to the collective definitional authority of custom or opinion, but because this authority has no identifiable locus, no king to behead, and is instead established “by a secret and tacit consent” of all its subjects, we are complicit in our subjection in a manner not entirely unlike that of the Lockean citizen to his legislature (ECHU 2.28.10). The parallel between political and epistemic liberty in Locke can be pushed farther: just as benefits accrue to the individual from renouncing his “private judgment” to join civil society, the benefit to the individual understanding of giving up the impossibly daunting task of naming every impression one experiences and instead abiding by socially-derived definitions is access to a vast trove of existing and potential knowledge about the world. Inquiring minds want to know, but they can only do so by cooperating with other inquiring minds. Yet the mind that is attached to a will that suspends its desires and an understanding that steps back and examines their judiciousness is also less susceptible to having its thoughts determined by the potentially stupefying effects of language (ECHU 3.2.7). Suspension and examination preserves the basic freedom of intuiting and defining simple ideas within the coercive social sphere of language by preventing us from always substituting words for ideas, and thereby shielding us from the impositions of authorities who would have us believe and espouse things that we don’t ourselves understand.

Just as our renunciation of private judgment in political society nonetheless leaves us some liberty, so too does our entrance into a society governed by custom and opinion. The relationship between ideas and language is a dynamic one in which new ideas are always being

305 Dawson, Locke, Language and Early-Modern Philosophy, 295-298
defined and old ones redefined. It is in this process of originating and redefining especially mixed modes that the imagination is called upon to invent and associate without limit. This category of ideas is extremely broad, encompassing “the greatest part of the words made use of in divinity, ethicks, law, and politicks,” and so offers the most promising realm for invention and reconfiguration since these ideas uniquely lack sensual referents in nature (ECHU 1.22.12).306 Previous scholars have examined Locke’s conception of liberty in light of his concern with the natural law, arguing that Lockean liberty consists ultimately in discovering and living by that law, which permits man’s highest good, salvation.307 But this characterization overstates the extent to which Locke saw the world as a system of static moral precepts, and overlooks the importance for him of an open-ended realm of matters indifferent to salvation but amenable to human ingenuity, and even the mutability of the means to understanding the natural law. “Every one must not hope to be…the incomparable Mr. Newton,” but those who can ascend to that level may discover “new truths, before unknown to the world” (ECHU Epistle, 4.7.11)

It is precisely in this realm of epistemic liberty that it becomes clear why Locke’s education demands such intense self-discipline: to persuade others of the reality and usefulness of one’s new and redefined ideas by argumentation requires the sustained and laborious work of producing a true and compelling logical demonstration. One must engage without distraction or bias in a “chain of reasonings” on the model of mathematical proofs, a capacity acquired by “using the mind to a long train of consequences” (ECHU 3.12.7-8, CU 6-7). Such reasoning faces the possibility of error at every step, especially when it is not mathematics that is being

306 Dawson, Locke, Language and Early-Modern Philosophy, 225-226
307 E.g., Button, Contract, Culture, and Citizenship, 139-150; Tully, “Liberty and Natural Law,” in Locke in Contexts, 296-298.
reasoned about, but “divinity, ethicks, law, and politicks.” In these fields, truth is determined by the internal logical agreement of constituent simple ideas. Even the most strenuous application of the mind to these pursuits only results in attenuated progress:

“All that the greatest part of men are capable of doing, in regulating their opinions and judgments once with care and fairness sift[ing] the matter as far as they could; and that they have searched into all the particulars, that they could imagine to give any light to the question: and with the best of their skill cast[ing] up the account upon the whole evidence; and thus having once found on which side the probability appeared to them, after as full and exact an enquiry as they can make, they lay up the conclusion in their memories” (ECHU 4.16.1-2, CU 7).

All this is only the effort required to accept a probable opinion.308

These dispiriting passages are part of Locke’s rhetorical effort, particularly in Book IV of the Essay, to inculcate modesty in inquiry by emphasizing the limits of human understanding and discouraging “the proudest esteemer of his own parts” from seeking glory in inquiry:

“If we look a little into the dark side, and take a view of our ignorance: which, being infinitely larger than our knowledge, may serve much to the quieting of disputes, and improvement of useful knowledge; if discovering how far we have clear and distinct ideas, we confine our thoughts within the contemplation of those things that are within the reach of our understandings, and launch not out into that abyss of darkness…out of a presumption, that nothing is beyond our comprehension…He that knows any thing, knows this in the first place, that he need not seek long for instances of his ignorance. The meanest and most obvious things that come in our way, have dark sides, that the quickest sight cannot penetrate into” (ECHU 4.3.22).

This modesty against the “presumption that nothing is beyond our comprehension” is the counterpart of skepticism about the tendency of our own opinions to be correct because they are ours.309 It is cold water on the hopes of those who pursue inquiry for the sake of power, a motive which Locke frequently attributes to scholastics (e.g. ECHU 1.4.24, 3.10.9; 2.29.12, 3.10.2, 5-13):

308 On the centrality of probability to Locke’s epistemology, see Casson, Liberating Judgment, passim.

309 Forde, Locke, Science, and Politics, 45.
“Those who have fairly and truly examined, and are thereby got past doubt in all the doctrines they profess and govern themselves by find so little reason to be magisterial in their opinions, that nothing insolent and imperious is to be expected from them” (ECHU 4.16.4).

Locke’s Foucauldian critics charge that these aspects of Locke’s epistemology – the rigorously ordered associating that allows for the creation of new mixed modes – actually forecloses liberty because it narrows the imagination and proscribes spontaneous “individuality” by classing it as “madness.” But Locke’s difficulty with “mad” imaginings is that they are devoid of judgment and even volition, and so are by definition unfree. They cannot be redirected or even silenced, no less systematically conveyed to others. It is the individual capable of understanding complex ideas, re-defining them where a new definition is more illuminating, and potentially persuading others to accept his definitions who can recapture in society some of the freedom he ceded to it by adopting its language. Carrig notes this potential for recovering liberty through language when he remarks that, “he is most free who has the power…to arrange circumstances in such a way that others agree to his usage of terms,” but asserts that this itself subjugates those who accept his definitions. Forde goes even further, asserting that “Locke exhorts us to free ourselves from mental ‘enslavement’ to received ideas, but in reality he wishes only to make us his slaves.” But this charge against him overstates the extent of their power to control the fate of their “terms” once they are in circulation (e.g, ECHU 3.6.45).

Lockean education consequently points pupils to both negative and positive liberty. By inculcating a flexible will and a skeptical disposition, it promises to most pupils the freedom from being intellectually ruled by their own unconsidered passions and by others, and by

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312 Forde, Locke, Science, and Politics, 89-90.
extension, by fashion and custom. This is politically important because ideas, including the laws, cannot be fully understood second-hand, but must be intuited anew by each individual (ECHU 4.18.3). Lockean education orients all pupils away from deferring to authority and towards independent reflection. In addition to this, for those who follow his epistemological writings as adults and train their minds to associate complex trains of ideas logically and rigorously, Lockean education also opens the possibility of a positive freedom to invent and discover. This liberty will only be of interest to a minority, the sort of man who “has a mind to carry his studies farther” and to “penetrate deeper...by his own genius and industry” into those subjects which the Education introduces, but it is nonetheless one at which Locke aims (STCE 195, 94).

V. Authority and liberty

Both the older and the more recent scholarship critical of the Education agree that, either in promoting epistemic liberty or denying it, Locke’s pedagogy will be extremely effective. But this conclusion understates the degree to which Locke sees social life as inescapably constrained by pleasures, customs, and fashions that no one legislates or directs, but that constantly tempt us into submission. Men are malleable, but this makes them vulnerable not only to the directed influence of their parents, but to the undirected influence of anything else that might strike their fancies. Education occurs in the context of the “uneasiness” of the mind, a condition of perpetual dissatisfaction from which it reflexively seeks relief wherever it can find it. It finds it more often in “hot pursuit of pleasure, or constant drudgery in business” than “serious thought,” and pleasure and drudgery are far more effective sources of habituation than education (ECHU 4.20.6). The career of Locke’s own pupil, the Third Earl of Shaftesbury, who developed a theory of the passions critical of Locke’s, should stand as an illuminating example of how little
substantive agreement between teacher and student this education must produce to remain effective.\(^{313}\) It is not then the thoroughgoing effectiveness of education that bears emphasis – the capacity to “indoctrinate” the child or to reliably turn out the “productive subject and good citizen liberal order demands” – but the relative impotence of education relative to the natural and social forces that are simultaneously necessary for and destructive to the understanding.\(^{314}\)

If we aren’t habituated to be skeptically and modestly reflective, we will instead habituate ourselves to be unreflective. A certain kind of habituation is thus a prerequisite for freedom, but it is not a habituation into any particular belief or conduct. It is instead habituation against the too-easy surrender of the will. The child must learn not only to resist the temptation to heed parental and pedagogical authority, which the Foucauldian scholars incorrectly take to be the main threat to his freedom, but also the charms of nature, the customs of his country, and the fashions of his company. He must acquire a strong capacity for self-control to guide the understanding past the traps of distraction, illogic, laziness, and bias into which all minds are prone to fall. Although everyone is obligated to undertake at least some degree of mental self-cultivation, at the very least for the sake of his soul, since “no man is so wholly taken up with the attendance on the means of living, as to have no spare time at all to think of his soul” – and the habitual skepticism and modesty which Lockean education instills are useful for political life, the highest form of freedom which such education unlocks will only be pursued by some (ECHU 4.20.3).

Lockean education is thus more profitably read neither as the introduction of a form of panoptic control over the child that Foucauldian scholars take it for, nor as the straightforward


\(^{314}\) Baltes, “Locke’s Inverted Quarantine,” 176.
program of civic education which earlier generations of scholars saw in it, but rather as an individualistic training of the mind, a hedge against all the other sources of habituation to which the child will inevitably be subjected. John Dunn has argued that Locke’s epistemological and education writings treated their “audience not as a class…but as a set of individuals who might (or might not) genuinely wish to enhance their understanding…The sense in which the candle, which is set up in us, shines bright enough for all our purposes was not that all human beings can now see clearly by its light or that all could ever readily be enabled to do so. It was simply that any human being who cared enough about the goal and took sufficient trouble could reconstruct themselves to do so.”

In its individualism, Locke’s education is oriented towards what we have come to call the private sphere. We can see this most clearly in Locke’s positioning of the family at the center of education and the ways in which his pedagogy itself intensifies nuclear family ties at the expense of civic unity. The skeptical and modest disposition which his education cultivates, and the epistemic liberty at which it aims are quite compatible with the regime of the Second Treatise, grounded as it is in individual consent, but they do not directly channel men into public life, at least not any more than they direct them into science and business.

Locke himself saw no necessary conflict between scientific inquiry and political engagement, and divided his own energies between them, as did his star student. “A gentleman’s calling” is “to be eminent and useful in his country,” and this may require some attention to public affairs (STCE 94, 187). But Locke’s education is not primarily designed to form citizens for the regime, but rather to compensate for the dangerous intellectual conditions which characterize all societies, and in particular for those aspects of his own liberal politics which exacerbate some of these dangers. Locke’s effort to undermine the centralized and concrete

315 Dunn, “Bright Enough,” 143.
sources of censorship that predominated in the early modern period, leaving the government responsible exclusively for the “civil interests” of “life, liberty, health, and indolency of body” and denying it a right in “the care of souls,” left the diffuse social authority of civil society in an even stronger position to determine, by means of fashion and opinion, the substance of men’s beliefs and conduct (LCT, 26). His educational and epistemological writings on habituation and mental training mitigate precisely this aspect of his politics.

In this sense, Locke breaks with sovereignty theorists not only by denying that sovereignty is the organizing principle of state power, but by turning authority itself against sovereignty. If the “law of fashion and reputation” is the most powerful force governing society, then the real threat to individual liberty is not from some trumping power within the government or constitution like the executive or the assembly, but from an extra-constitutional source – the power of custom and opinion to subvert reason. The worst of all possibilities is that this power becomes a kind of centrifugal force that turns civil society into a reflection of a schoolyard, where children rule over one another absolutely and irrationally, all in submission to a fashion that none of them controls or directs. As we have seen, this is not a scenario which Locke thought likely since it is prevented by men’s tendency to form “several societies” within a larger one. This was a tendency which Locke was anxious to encourage because it created barriers to tyrannical uniformity, but the simple proliferation of different fashions and customs does not by any means guarantee that any of them will be good or reasonable.

Education, and in particular, authoritarian education is thus a sort of missing link between Locke’s pluralistic civil and political society and his epistemological commitment to reason, between the basic political liberty which his political theory guarantees and the more arduous epistemic liberty that it holds out to those capable of or willing to pursue it. At first, parents
“substitute” their wills for their child’s and cross his inclinations. Then they make themselves sufficiently admirable to him that he prefers to do what will win their approbation instead of following the alluring example of servants and other children. In adolescence, the family’s coercive power recedes while its opinions and customs stand as an alternative to the fashions of civil society. And finally, as he enters adulthood, he must confront the hallmark of skeptical argument – the diversity of customs – on his own. The arc of education is the move from being mastered by authority to partial self-mastery guided by the love of authority, to full control of the desires by one’s own strengthened will. Familial authority is a necessary counterweight to the habits that arise from submitting to nature and fashion, and it must consciously preserve the child from easy acquiescence to those pleasures.

Locke demands of the family that it transform itself into an insular society within society dedicated to cultivating the wills of individuals, one which must over time develop its own customs and opinions that necessarily differ from those of the society they’ve temporarily left behind. The process of guiding the child’s will between the poles of dominion and dejection and turning it towards self-mastery requires the full attention and even the reformation of parents themselves. This is true for ill-bred and well-bred parents alike, since every child is different and requires an individualized upbringing that cannot always be harmonized with prevailing childrearing customs, which are always general, whether they are the customs of the vulgar or the refined. Parental authority creates the experience of dissonance in children – both within themselves through habituation that forces them to question their desires, and between themselves and the society which they must eventually enter when their love for and loyalty to their families comes into conflict with the prevailing opinions of that society. But parents too are changed by the experience, since the discipline of their children’s wills hinges on the correct
orientation of their own wills, and the indulgent or whimsical parent is rapidly punished by a tyrannical or despondent child.

Like Hobbes, Locke tempts parents with broad authority to rule their children, and, like Hobbes’s parental authority within society, Locke’s is entirely pedagogical. But for Locke, there is no other legitimate authority except pedagogical authority. Beyond that lies only civil power. Every political philosopher from Plato on asserted that rule must be for the good of the ruled, but Locke enforces this edict, if only in the highly circumscribed context of the liberal family. If parents fail to rule children for their good while they are young, by treating them indulgently or cruelly or even indifferently, they will “when grown up, weary of [them]; and secretly to say within themselves, ‘When will you die, father?’” (STCE 40). Locke’s political constitution gives children an absolute right to both leave their parents behind and inherit at least part of their property, so that when they misuse their patrimony, parents will have no further recourse. The only hope of parents lies in good childrearing.

All of this, however, is oriented at an end far more individualistic than the good of the family as a whole. Locke’s promise of “absolute authority” to parents is ultimately temporary. Parents may set themselves up as the highest objects of their children’s esteem in order to better satisfy children’s desire for praise – a natural desire for authority – than any alternative source of such praise would. But all this authority necessarily diminishes over time, both because the natural temper of adolescence undermines it, and because authority is ultimately only a means for Locke to the higher end of liberty and independence.

In a broad sense then, the older reading of Lockean pedagogy as an “education for liberty” was right, but it elided the individualistic, epistemic nature of this liberty. This result may never satisfy the most thoroughgoing disciple of Foucault, who will insist that even a mental
discipline intended to combat the normalizing forces of nature and society is, after all, still a kind of discipline, a habit of rational self-control is still a habit, and rationality itself is a construction. Yet even if all this is conceded, it remains inaccurate to accuse Locke of using education to subvert the liberty he himself held out in the Two Treatises and the Essay. Both major scholarly approaches to the Education have understood it as a kind of blueprint for creating the subjects required by the commonwealth of the Second Treatise, with the private education of the family reproducing the customs and opinions of society at large. But the obstacles to a particularly intellectual kind of freedom that arise from the power of fashion and opinion appear not in the Second Treatise but instead in the Conduct and Essay, where “he is certainly the most subjected, the most enslaved, who is so in his understanding” (ECHU 4.20.6). It is these obstacles – not created by Lockean politics but exacerbated by them – that Locke’s pedagogy addresses. Lockean education is thus more accurately understood as a corrective for the excesses of liberalism than as an assembly line for compliant subjects. The urgent goal of self-control at which Locke’s education aims is easily reconciled with liberal citizenship, but it is also designed to lay the foundation for intellectual liberty, and in the possibilities for invention and discovery that it opens, that liberty is capable of supporting but perhaps even transcending liberalism.

316 Mehta, Anxiety of Freedom, 170; Tarcov, Locke’s Education, 104-105.
Despite the leap required to move from Locke and the English Civil War to the last decades of France’s old regime, Rousseau is in many respects the most appropriate bookend to a study of early modern authority. He gives it one of the most sustained and direct treatments of the pre-Revolutionary period, taking up both public and private – sovereignty and education. Like Locke, Rousseau takes them up separately, following Locke’s lead not only in denying any congruence between the government of the family and that of the state, but also in depicting the family as a distinct institution whose pedagogical influence can counteract the dangerous elements of state authority. And both fasten on the particularly the corrupting influence of fashion in civil society. At the same time, his political writings respond directly to Bodin, Filmer, Grotius, and Hobbes, simultaneously criticizing modern sovereignty and natural-law theory while extending and radicalizing it.

Precisely because Rousseau was both a partisan and a critic of this tradition, and because his criticism was as often delivered by extending the logic of Hobbes’s or Locke’s principles to demonstrate their contradictions as by straightforwardly objecting to them, it is often difficult to discern Rousseau’s own positions. Across his works, he offers often-conflicting advice for establishing, maintaining, and perfecting a variety of regimes – primitive tribes, ancient and modern republics, modern commercial states, and even the regime of the individual soul – and every one of these possibilities has been taken for Rousseau’s ideal by one or another school of his readers. My interest here is not to intervene in this longstanding debate directly, but to examine these alternatives from the perspective of Rousseau’s relatively consistent view of the nature and place of authority. While Rousseau recommended different permutations of authority for different regimes, the necessity of intervention by an outstanding figure commanding a form
of personal authority for the formation and regulation of mores (*moeurs*) is a common thread running through all of his political and pedagogical writings.

“Morals, customs, and above all opinion” are “the State’s genuine constitution” and “a part of the laws unknown to our politicians but on which the success of all the others depends” (SC, 81). By elevating mores at least to a level with positive law, Rousseau’s account of law, especially in the *Social Contract*, thus marks an important shift in sovereignty theory, whose previous exponents, following Bodin, tended to treat sovereignty as either wholly a matter of positive law (Grotius), or to treat custom as a species of positive law to be legislated (Hobbes). In this respect, Rousseau’s conception of law is closer to the Greek *nomos*, combining law and mores, than the Roman *lex* distinguishing them, but Rousseau is still compelled to distinguish mores from laws.317

In Rousseau’s state of nature, neither opinion nor authority are natural, but once natural man becomes social, mores emerge even before laws, growing out of the opinions of individuals to govern their conduct without their feeling coerced. As soon as man is capable of comparing himself with others, he angles to dominate them and also to win their approval. In the *Discourse on the Origins of Inequality*, the capacity for comparison is Rousseau’s analog to original sin, the moment at which man ceases to be “naturally good” and becomes instead “social,” acquiring desires beyond what he can satisfy with his own strength and ability. These desires quickly become needs and render him dependent on others for their satisfaction – internally inharmonious and unhappy.318 A society with virtuous mores and prudent laws can restore him to

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317 Jason Maloy suggests that this elevation of mores above positive law in a state’s constitution has its origins in Plato and Machiavelli. The more obvious and proximate source of this position for Rousseau would be Montesquieu, and moreover that the relation between the two is more reciprocal than Rousseau allows in this passage (see for example SC, 141), but Maloy’s discussion nonetheless bears consideration. Maloy, “The Very Order of Things: Rousseau’s Tutorial Republicanism,” *Polity* 37 (2005), 239-240.
a new equilibrium by limiting the growth of his needs and fulfilling those which he has already irreversibly contracted. The specific mores and laws required will depend on the people in question, including their particularities of climate and geography, but also how far their desires have advanced towards luxury and transformed into a dependence on “fashion” (FD, 7n; see also E, 340-346). In every particular case, however, mores will always be regulated by some kind of personal authority; what will differ is what form this authority takes: that of a father, lawgiver, censor, public educator, or private tutor.

However, the necessity of personal authority poses a special problem for the early modern sovereignty tradition, which from Bodin through Locke was substantially directed towards depersonalizing political authority. As we have seen, Bodin’s original statement of sovereignty pointed in two possible directions: Filmer’s patriarchalism, based on Bodin’s logic of congruence, and Grotius’s natural law and contractualism, growing out of Bodin’s legalism. While forms of patriarchalism gained enough traction in seventeenth-century England to deter even Hobbes from directly challenging it, a constitutionalism grounded in natural law and contract was ultimately the more influential direction taken by early modern sovereignty theorists, including of course Hobbes. In his own account of the origins of right, Rousseau dismisses Filmer as a charlatan and situates himself among the descendants of Grotius, Hobbes, and Locke. But he was not entirely comfortable in their company either, complaining of them that, “The Philosophers who have examined the foundations of society have all felt the necessity of going back as far as the state of Nature, but none of them has ever reached it” (SD, 132). By criticizing the inconsistencies in his predecessors, we might say that Rousseau perfected their accounts of political origins, natural right, and the logic of sovereignty. However, perfect

sovereignty turns out to require on the one hand, the total suppression of private interests and the discovery of an even more impersonal source of legislation than an office of the sovereign representative – the general will – and, on the other hand, the highly personal intervention of individual legislators and censors.

Although Rousseau, like Hobbes and Locke, affirms that “no man has a natural authority over his fellow-man,” he rejects the Hobbesian assertion that all relationships of obedience, including those of children and parents, can be traced to some original contract (SC, 44). Locke at least made an exception to contractualism for children, and grounded paternal authority in children’s natural and naturally limited need of care and, in civil society, education. He admitted the existence of other forms of personal authority in civil society – there would always “some learned doctor, or otherwise approved writer” to whom men would be tempted to defer, but that sort of authority was lamentable and to be avoided in favor of one’s “own opinion” (ECHU 4.17.19). But Rousseau made exceptions to contractualism everywhere and did not lament them, since for him, personal authority was as foundational to politics as contract. No one contracts with the Lawgiver. It is possible to describe their submission to him as consensual in the sense of voluntary, but it is sub-rational at best – they are somehow “persuaded,” but not “convinced” by arguments. Moreover, as he argues in Emile, we do not merely submit to such authority when we happen on it, but desire it and seek it out. There at least, combatting intellectual bias is not a task that necessitates the eventual rejection of all personal authorities.

Rousseau’s interest in forming and regulating mores rather than just resisting their ill effects draws him into a more positive view of public personal authority than Locke admitted, since in virtuous states, like those described in Rousseau’s republican writings, exemplary men demonstrate and reinforce what everyone aspires to. The same examination of the government of
opinion also draws him into an even sharper distinction between public and private than Locke had drawn, especially in Lockean – modern, commercial – regimes. In such regimes, the division between politics and what would come to be called culture (though not by Rousseau) is much more marked than in Rousseau’s depiction of ancient republics: in Paris, culture flourishes while politics languishes (E, 339-341). The formation of taste and the regulation of opinion in such societies takes place almost completely within the domestic sphere, where it is controlled by women. It is to the reform of this sphere, and the way that women use their private authority, that Rousseau directs his attention in those of his works concerned with rehabilitating modern, commercial states, like the *Letter to D’Alembert*, *Emile*, and *Julie*.

Although Rousseau has often been read as a “bipolar” thinker who elaborates two forms of human perfection - the solitary and the total citizen – and prefers one or the other as the best resolution to man’s present “disharmony,” or perhaps, on Shklar’s reading, he cannot choose between them, his bipolarity is overstated. A number of scholars have begun to consider whether Rousseau may have actually endorsed certain forms of commercial republicanism and directed his attention to improving them without necessarily transforming them into something else. Because the *Letter*, *Emile*, and *Julie* emphasize the possibilities for virtue within modern societies, along with Rousseau’s characteristic criticisms of these societies, they are appealing sources for such a reading. Rousseau by no means abandons his critiques of modern,

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319 Judith Shklar, *Men and Citizens* (Cambridge: Cambridge UP, 1985); Allan Bloom, “Introduction,” *Emile*; Jonathan Marks, *Perfection and Disharmony in the Thought of Rousseau* (New York: Cambridge UP, 2005), 7-12. Marks actually takes the primary poles in Rousseau to be savage and citizen, but that’s a bit far-fetched since no serious reader of Rousseau has concluded that he exhorts us to return to savagery as depicted in the *Second Discourse*, only that his solitude is potentially an improved version of that state.

commercial societies in these writings, and it remains clear that he does not regard them as the highest human possibilities. Nonetheless, they do offer a ‘middle way’ between ancient republicanism and modern solitude that is not so distant from Lockean liberalism, using private life and private authority (particularly where salutary sovereignty has broken down) to inculcate resistance to worst tendencies of bourgeois societies and avert over-reliance on fashion. These modern alternatives are not intended to perfect men, but they can improve them.

Rousseau’s accounts of public and private authority are central to this improvement. In the Discourses and the Social Contract, he takes on Bodin, Hobbes, and the tradition of contractarian sovereignty theory, demonstrating that Hobbes’s own logic requires a rigorous form of popularity sovereignty but denying that such sovereignty can be a representative authority and that it can eliminate the personality of authority in politics. Like Locke, Rousseau sees opinion as the emperor of men’s minds, and personal authority as the means by which it acts on us. The subject of this chapter is how such authority works in Rousseau’s political thought, and in the next chapter, I will turn to Emile, which does to Locke’s Education what the political writings do to De Cive, simultaneously criticizing and extending its premises.

I. Authority and the government of opinion

Rousseau’s most sustained discussion of the nature of public opinion appears in what he describes as a “long digression” in the Letter to d’Alembert, in response to the latter’s suggestion that the introduction of a theater could, with proper political oversight, improve, or at least not

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321 An expanded version of this study would include Julie as well for this reason, but here I will limit my analysis to the Letter and Emile.
harm, Geneva’s mores. Against this proposition, Rousseau elaborates the relationship between
the laws on one hand and public opinion on the other.

“By what means can the government get a hold on morals? I answer that it is by public
opinion. If our habits in retirement are born of our own sentiments, in Society they are
born of others' opinions. When we do not live in ourselves but in others, it is their
judgments which guide everything. Nothing appears good or desirable to individuals
which the public has not judged to be such, and the only happiness which most men
know is to be esteemed happy” (LA, 67).

Because he concedes that government can “get a hold on morals,” Rousseau’s estimation of the
power of opinion falls somewhere between Hobbes’s hope that a sufficiently powerful sovereign
can shape public opinion by decree, and Locke’s despair of governing opinion by any concerted
political effort at all. For Rousseau, there are “only three instruments with which the morals of a
people can be acted upon: the force of laws, the empire of opinion, and the appeal of pleasure,”
but these instruments are not equally effective, since “matters of morals and universal justice are
not arranged…by edicts and laws; or, if the laws sometimes influence morals, it is when the laws
draw their force from them” (LA, 22, 66). Under certain circumstances, then, public opinion can
be directed to some pre-determined end, but such direction is not, as Hobbes maintained, the
province of the sovereign, nor can it result in rapid or complete success. Most strikingly, the
authority required to direct any premeditated change in public opinion must be very personal
since the public’s judgment of virtue and vice arises out of its admiration for particular men who
demonstrate it. “It is useless to draw a distinction between a nation's morals and the objects of its
esteem; for all this follows from the same principle and necessarily converges” (SC, 141).322

322 As Pamela Jensen puts it, “The essence of mores, as of taste, is an opinion about the beautiful or estimable.” In a
certain way, this makes Rousseau’s conception of opinion appear narrower than Locke’s, but it is actually just more
Rousseau refuses to describe “the choice of instruments proper to the direction of public opinion,” offering instead to give an example of such an instrument: Louis XIV’s seventeenth-century tribunal du point d’honneur, established “to change public opinion about duels” (LA, 67). The tribunal failed because it was poorly constituted, and founded on an incorrect understanding of the nature of opinion, so Rousseau reconstructs it as it should have been arranged in the first place: as a court independent of the sovereign, presided over by “judges of great authority” – in this case, marshals who were “old soldiers with honorable titles who had grown gray with their laurels” – who punished by means of “honor and disgrace” rather than coercion and violence (LA, 67-68).

The “long digression” explaining how the king should have gone about bringing an end to duels offers a description and almost a definition of the conception of authority that is often presented only sketchily or in passing in Rousseau’s other writings. The marshals are a relatively banal example among what Shklar calls Rousseau’s “images of authority,” at least compared with the divine legislator of the Social Contract and the omniscient tutor in Emile, who are entirely self-abnegating, perfectly foresighted, and called up in rare moments of first foundation, when their influence is greatest. But the marshals represent the sorts of authorities that are possible in existing but not yet completely corrupt states, like the Social Contract’s censors and the public educators of the Discourse on Political Economy and the Considerations on the Government of Poland. They are virtuous men, but not perfectly so, and only relative to the standards of their countries. They know their people and its prejudices, but have not necessarily seen very far beyond them. They are willing to forego immediate praise for their efforts, but can

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323 Duelling is also the example Locke gives to demonstrate the discrepancy between fashion and natural law in the Essay (2.28.15).
usually still hope to be recognized in their own lifetimes. By eliciting our admiration, such figures serve a critical political function by counteracting the worst results of *amour-propre*. As Christopher Kelly argues, our admiration of such authorities provokes a desire to emulate them: “Hero worship draws people outside of themselves…While most people are dominated by the weakness that leads to vice, emulation of heroes gives them the strength that is the foundation of virtue.”

Authorities channel our individualistic comparative and competitive impulses into common ideals, at least where the authority is a public one.

Rather than establishing a uniform prohibition on dueling, the marshals should have been left to exercise their discretion to sanction it in some cases, in order to demonstrate their independence from the sovereign and to encourage challengers to submit their cases to the tribunal’s adjudication rather than fighting in secret to avoid punishment. With time, as the tribunal “acquired authority over the opinion of the people by the wisdom and weight of its decisions, it would little by little have become more severe until the legitimate occasions had been reduced to nothingness, the point of honor had changed principles, and duels were entirely abolished” (LA, 70-71).

The key to this ideal tribunal would have been to imitate the “effects that public judgment naturally has” by means of a political institution that had the “support of the supreme authority”

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324 Kelly, “Rousseau’s Case For and Against Heroes,” *Polity* 30 (1997), 355. Kelly refers here to heroes, whom Rousseau does not simply equate with authorities, but there is enough overlap in this context to merge them.

325 Benjamin Storey breaks down the psychological effects of admiration in the following way:

The first of these reactions is love, in which we imagine our being extended as we merge with the beautiful person for whom we feel a need. Second, there is emulation, as we imagine ourselves in the place of someone we admire and imitate them in an effort to live the fuller life we imagine they enjoy. Third, admiration can…lead to obedience: we sometimes imagine that an admirable human being such as Mahomet or Rousseau’s legislator might have the wisdom we find lacking in ourselves and might be able to show us how to live well. Finally, we can enjoy the sentiment of admiring beautiful or excellent human beings—and imagining ourselves with them or in their places—for its own sake, as we do in reading novels or watching plays.

(LA, 72). Eventually, by successful imitation of “natural” public opinion, the tribunal would acquire sufficient authority to move it. That is, it would not attempt to extirpate dueling by ignoring or suppressing the love of honor that inspired it in the first place (“no man being able to live civilly without honor”), as Louis XIV’s tribunal had done. It would instead “draw its force” from prevailing morals by disgracing offenders in the eyes of an honor-loving people. If even the king were subjected to its judgments, this tribunal would completely mimic and then determine public opinion, governing honor by means of honor.

In order to understand what kind of authority Rousseau believes successfully manipulate the power of opinion, we must first clarify what kind of authority cannot. This depiction of an ideal “Court of Honor” is in the first place a direct attack not only on Hobbes’s assertion that a sovereign can straightforwardly form or alter the opinions, judgments, and mores of his subjects, but it is even more fundamentally an attack on the entire Bodinian position that the sovereign is the final, indivisible power in the state. The tribunal must never appear to execute the will of the sovereign because “nothing is more independent of the supreme power than the judgment of the public,” so “the sovereign ought to have taken care in all things not to mix his arbitrary decisions in with the decrees meant to represent and, what is more, to determine this judgment” (LA, 68). There is a sense in which the tribunal is subordinate to the sovereign: it was created by him and pursues a purpose – the abolition of dueling – determined by him. However, to achieve this purpose, the sovereign must change the public’s “prejudices,” a feat which can only be achieved by first subjecting himself to these prejudices. In the end then, “opinion, queen of the world, is not subject to the power of kings; they are themselves her first slaves” (LA, 74). This seems to

326 Maloy takes this admission to indicate Rousseau’s hopelessness about regulating opinion in an existing state, but the government of opinion is only very difficult, not impossible. Maloy, “Rousseau’s Tutorial Republicanism,” 245.
be an even more extreme denial of the possibility of sovereignty than Locke’s, since Locke only argued that even the most extensive political power was insufficient to change the ideas in people’s minds, not that Augustus was himself enslaved to the ideas of his subjects.

However, Rousseau does not deny that sovereignty is possible because opinion is “queen of the world.” The possibility of monarchical or aristocratic sovereignty in the legal terms in which Bodin and his successors described it is called into question by this depiction of the tribunal, since it is clear that the king’s power does not extend to the government of public opinion, and in fact is even weaker in this realm than the influence of the marshals. But the main effect of this passage is actually to distinguish authority from power, and to demonstrate that wherever the sovereign exercises one, it cannot also exercise the other. Authority in this depiction is exclusively the exercise of judgment, while power is the exercise of violence and coercion. The marshals are “judges of great authority” because they command the voluntary respect and admiration of the people, and their judgments “acquire authority over the opinion of the people” when they accord with the people’s own judgments long enough that the people voluntarily allow the marshals’ judgments to substitute for their own. Because this respect and compliance must be voluntary, the marshals can never resort to force. They consequently have supreme authority in the state, but no coercive power.

327 The sexes of these metaphorical monarchs are not coincidental: the rule of women is, at its best, informal, whereas the rule of men is visible and formal. See also Joel Schwartz, The Sexual Politics of Jean-Jacques Rousseau (Chicago: University of Chicago Press, 1984), 45.


329 The regulation of honor was an important function of the French constitution as it was understood in the seventeenth and eighteenth centuries, not a frivolity or an overreach. Rousseau’s concern with it mirrors Seyssel’s and Hotman’s, and the later Bodinian jurist Charles Loyseau (see, for example, the 1610 Traité des ordres et simples dignités), who all devote substantial space to describing in painstaking detail the rights and privileges of the orders and offices in their commonwealths, even though many of them were merely ceremonial.
That at least is how Rousseau depicts an effective tribunal, but what actually happened was that the king presumed that the admiration in which his subjects held him gave him sufficient authority to determine their judgments. But he overstepped his bounds, since “if the whole people has judged that a man is a poltroon, the king, in spite of all his power, can declare him brave all he wishes and no one will believe a bit of it” (LA 68). Moreover, in doing so, the king undermined the authority he did have: “for having wanted to mix force and laws in matters of prejudice and change the point of honor by violence, the royal authority has been compromised and laws which went beyond their power rendered contemptible” (LA 73). To wield authority over the “empire of opinion” thus requires one to cede power over it; authoritative judgment cannot be enforced by coercive punishment. There is an implicit threat in Rousseau’s treatment of authority in the *Letter*: if the sovereign tries to enforce his judgments by force – that is, to support his authority by the use of power, he will lose first the former, and then probably the latter. The same trade-off between authority and power is demanded of all of Rousseau’s authorities, even those who are not capable of inciting revolution.

Against Locke then, Rousseau admits the possibility of an authority sufficient to direct even the “empire of opinion,” but this authority hardly resembles the Bodinian tradition’s omnipotent sovereign whose command is the highest law. In the first place, Rousseau’s authority is highly personal and possessed of qualities that command admiration, like the demonstrated valor of the “old soldiers” who served as marshals. The people will not surrender its prejudices about honor and disgrace to an impersonal office tasked with determining honor based on some set of objective criteria any more than it will accept the king’s elevation of a “poltroon” by force

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330 This pronouncement recalls Locke’s about the power of Augustus.

of will. Authorities must themselves demonstrate the qualities that they seek to inculcate in a people. They must also possess both patience and foresight, since any effort to change mores requires both a subtle understanding of the prevailing prejudices and a great deal of time to slowly recalibrate them. If that is so however, then it also follows that authority cannot act from a desire for immediate personal distinction, since a people cannot praise anyone who robs it of the objects of its love until it has already ceased to love them, and the French would hardly have relinquished their love of dueling overnight.

In addition to these demanding personal requirements, authority is constrained in how much it can hope to achieve in the government of opinion. Its interventions can be neither frequent nor total. Rousseau evinces no desire or hope for a more rational society where prejudice is subordinated to reason. But this is not because he believes, like Locke, that fashion and opinion are simply too powerful and irrational to be controlled. He instead insists elsewhere that any effort to purge public opinion of prejudices and set it on a foundation of reason will only succeed in liberating the passions from all restraint but that of coercion: “the slightest change in customs, even if it is in some respects for the better, invariably proves prejudicial to morals. For customs are the morality of the people, and as soon as the people ceases to respect them, it is left with no rule but its passions, and no curb but the laws, which can sometimes keep the vicious in check, but can never make them good.”

Opinion underpins custom, the social analog of law, and frequent alteration in custom has the same effect as frequent revision of the law: it diminishes respect for custom itself. This in turn diminishes the scope for authority, which derives its influence from the people’s prejudices – the things to which they voluntarily submit because they esteem them – rather than law or force. Without moral consensus, which is always

332 Preface to “Narcissus,” in The Discourses and Other Early Political Writings, 102-103. Also LA, 74.
grounded in custom and prejudice, there can be no moral authority. Eroding one, even for the sake of improving it, consequently undermines the other.

Finally, even the most carefully self-limited effect of authority can never be total. Even the most revered figure or body of men in the country can never win its objective completely, since it always compromises with existing prejudices in order to change them, and in the process compromises itself.

“If government can do much in morals, it is only in its primitive institution; when once it has determined them, not only does it no longer have the power to change them without itself changing, it has great difficulty in maintaining them against the inevitable accidents which attack them and the natural inclination which corrupts them” (LA, 74).

Public opinions are fed by many tributaries so that, “although so difficult to govern, are nevertheless in themselves very mobile and changing” (LA, 74). Political efforts to change opinion like the tribunal du point d’honneur are necessarily limited both in who can attempt them and in how far they can hope to succeed.

There is a final type of authority which Rousseau also brings up in the Letter, as well as nearly all his other major works, and that is private authority. This is for the most part, though not exclusively, the authority of women. Women are in every society the most direct arbiters of mores, “on whom men’s way of thinking largely depends” (LA, 72; also FD, 19; SD, 121; E, 357-366). Under certain political circumstances, Rousseau approves the authority of women because it facilitates a kind of reciprocal subjugation of husbands and wives that replicates the power/authority distinction in politics: men rule women overtly by legislating to them, while women rule men covertly by governing their opinions (E, 360). However, while the influence

333 See also Schwartz, Sexual Politics of Rousseau, 4-6. Shklar describes this as Rousseau’s “all-attracting, but also subtly hateful portrait” of women. This is a mercifully concise way of pre-empting the reams of outraged feminist criticism which read Rousseau primarily to “exemplify the general patriarchal bias of political theory,” as Susan Moller Okin put it. Shklar, Men and Citizens, 144; Okin, “Rousseau’s Natural Woman,” Journal of Politics 41 (1979), 393-416.
of women is salutary while it remains limited to the private sphere of the family, it becomes pernicious when it replaces the influence of male authorities in public life (LA, 82-92).

The ascent of women to public authority – in salons and the arts – is an unmistakable sign of corruption, since “fashion” has replaced morals and public opinion, which as we have seen, Rousseau regards as at least a neutral and often a positive force. In the First Discourse, he laments, for example, that

> “His contemporaries’ praise is the most precious portion of [every artist’s] reward. What, then, will he do to obtain it, if he has the misfortune to be born among a people and at a time when the learned, having become fashionable, have placed frivolous youths in the position of setting the tone; when men have sacrificed their taste to the tyrants of their freedom [women]?” (FD, 19).

The public authority of women does not have the same effect as men’s. Men defer to women from lust rather than admiration; they do not seek to please a woman out of a desire to be like her so much as to win sexual access to her. But this aim cannot be generalized and made communal in the same way that admiration can – that is, many men and even an entire nation can try to emulate the same hero, but an entire nation cannot be invited into the same woman’s bedroom. They may all fantasize about her together, but because they imply exclusion, such fantasies can only exacerbate jealousy and public discord.

Though both men and women can wield public authority, they cannot, according to Rousseau, wield it with identical results. Consequently, the moral influence of women must be limited in such a way as to allow individual men due reward for their submission: it must be contained within the family. When it is so contained, it can strengthen public virtue, but more than that, in an already-decadent and corrupt society, the redirection of female authority is the sole means that Rousseau offers for moral regeneration. But we will revisit this situation, and Rousseauian private authority more generally, in the next chapter. Aside from the case of the corrupt modern state however, public authority for Rousseau is male authority.
II. Public authority in the sovereign state

Faced with sovereignty’s inextricable connection to absolutism, Locke rejected the sovereign conception of state power and opted instead for a divided and limited government. Rousseau chose instead to purify and perfect the arguments advanced by Bodin, Hobbes, and Grotius, in order to produce a more logically consistent account of sovereign power in what might be called his republican writings: the Second Discourse, the Discourse on Political Economy, the Considerations on the Government of Poland, and especially the Social Contract. Rousseauian sovereign power is in itself perfectly absolute, indivisible, and impersonal, but the difficulty is that it turns out to be insufficient to constitute a state. In order to avert the Hobbesian difficulty with a social contract that is majoritarian and therefore disadvantageous to the minority, Rousseau constructs a sovereign capable only of affirming a constitution, but not creating one. A personal authority in the form of the Lawgiver must then be imported to buttress the sovereign so that a state may come into being. Once the state has been brought into existence, moreover, there remain certain elements of its constitution – namely, mores – which neither an impersonal sovereign nor an impersonal government can effectively regulate. These necessitate the establishment of a kind of Lawgiver in miniature, the censor. Rousseau’s state theory thus poses a serious challenge to both Locke and the sovereignty theorists, arguing that no arrangement of political power can be wholly impersonal, or subsist without an element of personal authority.

334 These essays all describe republics as the best possible regime, but as Kelly points out, Rousseau’s concern in them goes beyond the legal establishment of civic liberty that traditionally defined republics, and into the creation of a complete political community, a patrie, characterized by both political and social unity. See Kelly, “Rousseau’s Case For and Against Heroes,” 356.
Rousseau’s perfected sovereignty begins from the accusation that previous sovereignty theorists erred first by failing “to disentangle what is original from what is artificial in man’s present Nature” (SD, 125). Rousseau rectifies the mistake by advancing an alternative genealogy of political society in which the impetus for politics is not a Hobbesian fear of death or a Bodinian or Grotian natural sociability or even a foresighted concern for property, since natural man neither fears nor recognizes his species, and does not even reason (SD, 135-138). What fundamentally pushes him into society is the gradual accretion of human desires that tips the natural balance between need and power into individual dependence. When Hobbes described the “wicked man” as a “sturdy child” in *De Cive*, he erred in presuming that wickedness arises from strength without reason, “improperly including in Savage man’s care for his preservation a multitude of passions that are the product of Society” (SD, 151). It is his dependence rather than his lack of reason or any natural perversity that makes the sturdy child wicked, whereas “being sturdy and being dependent are two contradictory assumptions in the state of Nature” (SD, 151, also E, 67). The individual dependence that develops gradually in nature as man acquires language, family, and the capacity to draw comparisons between himself and others is magnified in the species at large as inequality:

> “Since ties of servitude are formed solely by men’s mutual dependence and the reciprocal needs that unite them, it is impossible to subjugate a man without first having placed him in the position of being unable to do without another; a situation which since it does not obtain in the state of Nature, leaves everyone in it free of the yoke, and renders vain the Law of the stronger” (SD, 159).

Although much of man’s bestial original nature falls away as he is socialized, the balance between need and strength that permitted his original independence remains the source of his


336 See also Kelly, “Rousseau’s Case For and Against Heroes,” 352-353.
happiness even after the “first revolution” of settled family life that opens him up to *amour propre* and its ensuing evils (SD, 164).\(^{337}\) The innovation of Rousseau’s political anthropology is to make the artificial restoration of this natural balance, rather than the preservation of life or property, the aim and measure of political society.

This political anthropology also has the effect of rendering the family quite inert as a natural model for the state. Strictly speaking, the family is even less natural for Rousseau than it was for Hobbes, since the Rousseauian family in “pure nature” lacks even the bonds of fear and coercion which hold together Hobbes’s natural family, and relations between the sexes last “for one night only,” while those between mother and child continue until the child wanders off to provide for itself and the passage of time brings mothers and children to “the point of not even recognizing each other” (SD, 145). Once man is no longer solitary, the family becomes his first “society,” and as such, the context in which “the sweetest sentiments known to man, conjugal love, and paternal love” develop (SD, 164). The primitive family was not simply an idyll, since “jealousy awakens together with love” and “intentional wrong became an affront” requiring “bloodthirsty and cruel” vengeance (SD, 164-165). Still, due to the dispersion of population and natural abundance, this was not a war of all against all. Instead, it was a triumph by cunning of weak and crafty woman over strong and independent man: she employed “the modesty and shame with which nature armed the weak in order to enslave the strong” to draw men into the first, family-based civilization (E, 358).\(^{338}\)

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\(^{337}\) A detailed discussion of the relationship of *amour propre* to our social problems which also emphasizes its “plasticity” and the possibility of putting it to good use may be found in Frederick Neuhouser, *Rousseau’s Critique of Inequality* (New York: Cambridge UP, 2014), ch. 2.

This stage of civilization was the “happiest and most lasting” not because the family was a model of authority, but rather because, lacking agriculture and metallurgy, it was the last moment before the division of labor introduced interdependence. Political society cannot be the family writ large because paternal power itself is a legal convention: “instead of saying [as Filmer does] that civil Society is derived from paternal power, it should, on the contrary, be said that this power derives its principal force from civil Society” (SD, 177, also PE, 5).339 Fundamentally, the reason that paternal authority cannot be a model for Rousseauian political authority is that legitimating authority is not the purpose of politics, legitimating power is.

Since the purpose of political society is not the consolidation and centralization of legislative power or protection of the individual against the predation of his fellows but the restoration of independence (or equality of dependence), the structure of sovereignty cannot be Bodinian, Grotian, Hobbesian, or even Lockean.340 The goal of Rousseau’s sovereignty is to replicate the independence of man in nature, but since it cannot reverse the development of _amour propre_, “in the perfect republic _amour propre_ is channeled from personal to public ends. Patriotism reorients vanity, but it does not destroy it.”341 Rousseau extends the principle of popular sovereignty first suggested by his predecessors into the perfectly absolute, indivisible, and impartial legislative will of the entire people. Although Rousseau dismisses Filmer out of hand, his general will is effectively an answer to Filmer’s criticism of Grotius and Hobbes: if political society is founded on a compact of all citizens but is actually governed only by the

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341 Shklar, “Rousseau’s Images of Authority,” _American Political Science Review_ 58 (1964), 919.
majority, why would the minority ever agree to renounce their natural liberty in order to subject themselves to a government that will never reflect their will or benefit them? The general will resolves this difficulty by identifying the individual with a whole that transcends the majority. Correctly organized, the general will can only will the common good, so that the common good is the fundamental law and the constitution of the state. It transcends in principle (if not entirely in fact) the division between majority and minority, permitting “each, uniting with all” to “nevertheless obey only himself and remain as free as before” (SC, 49-50).

The only kind of sovereignty that can achieve such generalization is popular. Monarchical and aristocratic sovereignty elevate the officers of sovereignty above the law while subjecting others to their wills, but in order to recapture natural equality and independence, the law must be such that it can be said of the citizens that “they obey and no one commands, that they serve yet have no master” (PE, 10). Unlike Hobbes’s abstract solution to this difficulty, which was to declare all the people authors of the laws by virtue of having once consented to be ruled by the will of a sovereign, Rousseau’s subjects continually author the laws to which they submit, and their wills cannot be represented by agents acting on their behalf. Moreover, Hobbes’s mere advice to the sovereign against partiality becomes for Rousseau a condition of sovereignty itself – the sovereign can never legislate about individuals without sacrificing its generality (SC, 62-63).

Finally, because Rousseau’s sovereignty is individual self-rule projected onto a nation so that every fundamental law is inclusive, impartial, and unerring, there can be no justification for

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342 This does not mean that Rousseau is straightforwardly a democrat, since his theory rests on a sharp distinction between sovereign and government, and while a democratic sovereign is a universal requirement, a democratic government is susceptible to abuses and only suitable under certain circumstances (SC, 90-91). See also Tuck, The Sleeping Sovereign, 2-9.
reserving any rights to the individual after his admission into political society, since he no longer has anything to fear from the sovereign.\textsuperscript{343} Such reservation was common to Locke, Hobbes, and Grotius in somewhat different ways, and even Bodin gestured at an inviolable private sphere of property and family rights which the sovereign could not penetrate, though he could not justify the enforcement of such protections. But Rousseau rejects even such unenforceable disclaimers; he makes no mention of the possibility that a sovereign may violate natural or divine laws, as Bodin does, or even, like Locke, that a dissatisfied individual barred from disobedience nonetheless retains a right of exit. The sovereign is absolute and no individual rights of property or person can be claimed against it (SC, 53, 56, 64-65).\textsuperscript{344}

Rousseau’s infamous remark that, “whoever refuses to obey shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free” would be tyrannical if made by his predecessors, whose sovereignty theories were intended to secure relative individual protection from the treacherous world beyond the state or greater adherence to the natural law than was possible there, because it must be the case that some individuals really would be better off in a state of nature (SC, 53). But in Rousseau’s political anthropology, strength and private domination do not issue in anything but greater dependence on one’s subjects, as Hobbes’s natural father learned. No private independence is possible, at least not

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\textsuperscript{343} McAdam, “The Friends of Despotism,” 13-16.

\textsuperscript{344} Rousseau seems to admit reserved rights when he says that, “Each person alienates through the social compact only that part of his power, goods, and freedom whose use matters to the community,” but he quickly follows this with the disclaimer that “the sovereign alone is the judge of what matters” (SC,61). Some scholars take these passages to constitute a defense of private life in the ideal republic: for example, Marks, \textit{Perfection and Disharmony}, 79-81. However, the absence of any discussion of the role of the family or any other partial association in the \textit{Social Contract} should cast doubt on his interest in defending a robust private sphere, at least in the best regime. The effort to expand the public sphere is consistent with his other “republican” writings – the \textit{Political Economy} and the \textit{Constitution of Poland}. 

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within the bounds of a society, once the comparative and competitive impulses of amour-propre are unleashed:

“The Savage lives within himself; sociable man, always outside himself, is capable of living only in the opinion of others, and so to speak, derives the sentiment of his own existence solely from their judgment” (SD, 187).

Only “giving each Citizen to the Fatherland” – that is, identifying his private interest as much as possible with that of his country – “guarantees him against all personal dependence,” whether or not he personally grasps this truth or would choose Rousseau’s sovereignty over his predecessors’ flawed but apparently more individually liberating alternatives (SC, 53).345

There remains one crucial shortcoming with this otherwise perfectly generalized sovereign will: it has no content. In order to maintain their generality, acts of sovereignty cannot be the outcomes of a typical popular assembly where proposals are advanced, debated, and concluded by majority votes. Such assemblies leave the people at the mercy of “private interests which some few skillful men succeed by their reputation and eloquence to substitute for the people’s own interest…Athens was in fact not a democracy, but a most tyrannical aristocracy governed by learned men and orators” (PE, 8). To avert distortion of the general will, assemblies should be arranged so that “the Citizens [have] no communication among themselves,” and only affirm or deny propositions put to them (SC, 60). Where then can the propositions, or the substance of the state’s constitution come from? This is the point at which Rousseau’s system of perfectly impersonal sovereignty requires an assist from personal authority in the form of the Lawgiver. This Lawgiver’s office “is not magistracy, it is not sovereignty,” but rather something

345 Shklar, “Rousseau’s Images of Authority,” 920.
outside of both which determines the mores that set these legal institutions in motion; he is “the mechanic who invents the machine” (SC, 69).\textsuperscript{346}

Rousseau’s depiction of the legislator in \textit{The Social Contract} repeats every quality of the moral authority described in the \textit{Letter to d’Alembert} four years earlier, only on a grander and more mythic scale. The legislator, like the marshals tasked with turning the public against dueling, exercises his authority outside the formal structures of law, “for just as he who has command over men ought not to have command over the laws, so neither should he who has command over the laws have command over men” (SC, 69). He must meet the people where they are, since “the wise who would speak to the vulgar in their own rather than the vulgar language will not be understood by them” (SC, 70). Like the marshals, he has no recourse to coercion or argument, but can shape public opinion only by the force of admiration for his character (his “great soul”) and the authority of his example. He is to “rally without violence and to persuade without convincing” (SC, 71). His authority is also constrained by time and circumstance, and, although his goal is to “change human nature,” he cannot make any people into anything but must fit his instruction to the physical circumstances in which the people finds itself (SC, 69, 72-80). Finally, he must be self-effacing in the extreme, someone who works “in secret” and “whose happiness was independent of us and who was nevertheless willing to care for ours…who, preparing his distant glory in the progress of our times, could work in one century and enjoy the reward in another” (SC, 81, 68-69). Such self-denial is far greater than the delayed gratification of the marshals adjudicating duels.

\textsuperscript{346} “To be truly effective public authority must penetrate to the very heart. To do this requires more than law, it depends on continuing education. Secondly, laws do not grow spontaneously in society. A great legislator must not only invent them, but create the moral climate that is needed for their acceptance.” Shklar, \textit{Men and Citizens}, 156.
What makes the legislator’s task more obscure than that of the marshals is that his authority does not modify existing mores and opinions but creates them out of nothing, for a people in whom not even language is fully developed. Shklar suggests that such authority works mainly by a mystical “force of personality,” but with vague recourse to “non-verbal symbols.”

Kelly develops this line of thinking further, pointing out that there are two “languages” available to the legislator which bypass rational argument and speak directly to the passions, allowing the people to “feel” and to “imitate” the legislator’s soul: music and symbolic gestures, like Brutus’ execution of his sons.

“What the two methods of persuasion have in common is their appeal to feelings and consequent use of a middle road between coercion and rational argument. It is the abandonment of this middle road that Rousseau regards as a decisive mark of the defects of modern politics. ‘I observe that in the modern age men no longer have a hold on one another except by force or by self-interest; the ancients by contrast, acted much more by persuasion and by affections of the soul.’”

This is Rousseau’s constant criticism of his predecessors: by reducing political authority to impersonal legislative command, they overlook the power of public opinion to thwart the sovereign, either by active opposition or simply by an absence of support. A state is more than the aggregate self-interests of its people, and “neither enlightened self-interest nor rational calculation can serve as the foundation of a community.”

Bodin and Grotius had almost nothing to say about prejudice, custom, fashion, and opinion, Hobbes thought the sovereign could will correct ideas into his people, and Locke, who appreciated the intractability of opinion,


348 Christopher Kelly, “’To Persuade without Convincing’: The Language of Rousseau’s Legislator,” American Journal of Political Science 31(1987), 321-335. Tracy Strong also suggests that music and musical languages create man’s first experiences of harmonious unity; they “provide the model of what commonality is for Rousseau.” Strong, Rousseau and the Politics of the Ordinary, 60-64.

349 Kelly, “Rousseau’s Legislator,” 331.

350 Kelly, “Rousseau’s Case For and Against Heroes,” 359.
hoped to combat it by diffusing sovereignty and educating children in skeptical reason, grounded in self-interest. But they were either wrong to believe that positive law alone could govern opinion, or that permitting the proliferation of competing opinions would ensure civic freedom. If liberty is to be found in the “silence of the laws,” as Hobbes said, Rousseau points out that laws are most silent in the presence of moral consensus: "The smaller the ratio of...morals to laws, the more does the repressive force have to increase" (SC, 84). Where moral consensus breaks down, laws crowd in to coerce what citizens once did voluntarily. The personal authority required to form moral consensus may seem repressive, but so are the laws in the absence of such consensus.  

We might hope that the threat to perfectly impersonal sovereignty posed by the personal authority of the legislator is limited to the moment of political foundation, but that once established, the state impinges no further on the promised freedom and independence of citizens. Rousseau quickly demolishes that hope. Although he says that “peoples, like men, are docile only in their youth…once customs are established and prejudices rooted it is a dangerous and futile undertaking to try to reform them,” we have already seen in the Letter that customs and prejudices can be guided (SC, 72). Personal authority in politics is not limited to the

351 Although this is a somewhat limited encapsulation, Shklar suggests that, “Freedom…was for Rousseau not a matter of doing as one pleases, but of not being compelled, either from within or from without, to do what one does not wish to do…To Rousseau it did not appear that genuine authority limits freedom. The real tension was between authority and equality. Personal authority is not merely compatible with freedom, it creates it.” Shklar, “Rousseau’s Images of Authority,” 931.

352 Tracy Strong, for example, insists on Rousseau’s egalitarianism and claims that the legislator actually serves as a warning against authorities like himself by appearing as so overblown and inhuman that readers will be disgusted and wary of any present claims to such authority. The legislator’s “presence in political society is one of absence.” But this hardly accounts for the problem of mores, and moreover entirely overlooks the continuation of the legislator’s task by the censor. Strong, Rousseau and the Politics of the Ordinary, 109, 159-160. Other scholars intent on reading Rousseau as a thoroughgoing egalitarian similarly diminish Rousseau’s comments about the legislator and neglect even to mention the censor. For example, Joshua Cohen, Rousseau: A Free Community of Equals (New York: Oxford UP, 2010), esp. 26-38.
extraordinary moment when a nation is first constituted by a great-souled lawgiver, but continues in more attenuated form in the office of the censor, which is in essence the generic name for the ad hoc task assigned to the marshals in the Letter – the regulation of opinion within the boundaries of existing mores. “Public opinion is the kind of law of which the Censor is the Minister” but “far from being the arbiter of the people’s opinion, the censorial tribunal does no more than declare it” (SC, 141). Rousseau repeats the example of dueling in the Social Contract to illustrate the nature and limits of the censor’s office, warning again that state power over opinion is not total: “the Censorship can be useful in preserving morals, never in restoring them” (SC, 141-142).

The other continuous form of personal authority that in Rousseau’s writings on ideal republics is that of public educators. Though oddly absent from the Social Contract, public education has a central place in both the Discourse on Political Economy and the Considerations on the Government of Poland. Even the Social Contract prepares the way for Rousseau’s radical program of public education, however, by quietly eliminating the family from the state.353 The goal of the ideal republics is to channel amour-propre as individual self-interest into a prevailing concern for the common good, so that citizens come “never to look upon their individual self except in its relations with the body of the state, and to perceive their own existence as, so to speak, only a part of its existence” until they finally “identify with this larger whole” (PE, 20). Public education is the exemplary institution through which this generalization of the will and the “denaturing” of men into citizens is brought about.354 “It is education that must give souls the national form, and so direct their tastes and opinions” (GP, 189).

353 Rousseau describes the family in the state of nature briefly in Bk I, but as soon as he reaches the point in his discussion where men enter society, no further mention is made of the family, and fathers become fatherlands.
Like the office of the censor, public education relies for its effect on the same model of admirable personal authority that compels emulation which we find across Rousseau’s works. The “magistrates chosen to preside over this education…which is surely the most important business of the state” must be those who had “worthily discharged all the other offices” and for whom instructing the young would constitute “the honorable and sweet repose of their old age, and the culmination of all their honors” (PE, 22). Only such men can convey lessons “backed by authority” and instill a desire for “emulation” in young (PE, 22). In the more concrete case of Poland, these teachers must be Poles “distinguished for their morals, their probity” (GP, 190).\textsuperscript{355} In both essays, however, Rousseau emphasizes the danger of “turning teaching into a profession,” since it should not be the office which lends the teacher his authority, but rather the admirable personal qualities of the teacher which lend his office authority (GP, 190). Once children obey their teachers merely because they are in positions of power over them rather than because they love them, authority has degenerated into coercion.

A call for universal public schooling by admirable, morally exemplary teachers strikes a pleasant note in modern liberal democratic ears, but the other element of Rousseau’s public education is perhaps less congenial: it replaces the family.\textsuperscript{356} In quite stark contrast to Bodin’s and Locke’s insistence on the right of parents to educate their children, and even to Hobbes’s ham-handed assertion that fathers be permitted “to institute their children as they themselves think fit,” Rousseau warns that, “The education of their children ought even less to be abandoned


\textsuperscript{355}Storey points out that this Polish-centric education must come at the exclusion of a classical one: “Rousseau deprecates the ‘usual studies directed by foreigners’ and does not suggest that the Poles read the stories of Greek and Roman heroes in Plutarch that he read as a child, for admiring such figures might stretch children’s imaginations beyond Poland.” Storey, “Problem of Admiration,” 741.

\textsuperscript{356}Shklar, “Rousseau’s Images of Authority,” 929.
to their father's lights and prejudices” (PE, 21). Instead, children are to be “raised in common in the midst of equality...surrounded by examples and objects that constantly remind them of the tender mother that nourishes them, her love for them, the inestimable benefits they receive from her, and what they owe in return” (PE, 21). Under this arrangement, “there can be no doubt that they will learn from this to love one another as brothers, never to want anything but what the society wants” (PE, 21).

In Poland, where an aristocratic hierarchy was already established, Rousseau’s recommendation is less drastic but aims at the same end. He asks that the children of the gentry be educated together with those of the poor, and short of that, that places be set aside in elite academies for promising poor children, and that these scholarship students be called “children of the State,” and “distinguished by some badge of honor that would give them precedence over other children...including even the children of the Great” (GP, 190). Where the most honorable position is to be a child of the state, being a child of the great will soon lose its status, and even those parents who wish to keep their children to themselves rather than seeking such honor for them are constrained to send them to play “all together and in public,” since private play is to be prohibited (GP, 191).

This sketch of an education which abolishes the family and, with it, the entire private sphere, is unmistakably Platonic, but what is perhaps less obvious is that it is also an extension of Hobbes’s logic of sovereignty. As we saw, for Hobbes, the family in the civil commonwealth

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357 If the sovereign will is to be regarded as a universal mother, the government is the father: “If, by taking the fathers’ place and assuming this important function, the public authority acquires their rights by fulfilling their duties, they have all the less reason to complain of it, as, strictly speaking they do no more in this respect than change names, and under the name "citizen" they will have in common the same authority over their children which they exercised separately under the name fathers, and will be obeyed no less well when they speak in the name of law, than they were when they spoke in the name of nature” (PE, 21).
generated loyalties that potentially competed with obedience to the sovereign. As a result, natural families must give way to the supremacy of the sovereign at the moment that the commonwealth is instituted. Hobbes’s sovereign is in principle free to organize society as it prefers, abolishing all associations that might breed sedition, but he presumes it will continue to tolerate private families for the useful education in resentment that they provide. But Rousseau has no use for an education in resentment; his sovereign does not rule by fear or primarily for the sake of self-preservation, so its subjects do not need to overcome their natural distaste for it by experiencing an even more distasteful alternative. Once its distinct pedagogical function is removed, the private family serves no purpose in Hobbes’s commonwealth, and becomes only one more “worm in the entrails” of the sovereign. Rousseau’s abolition of the family in a perfect sovereignty extends Hobbes’s state theory to its logical conclusion: all authority ought to be conventional, with nothing “natural” left to recall us to our former, private selves.  

III. The limits of public authority

The purpose of Rousseau’s republican writings is to offer a civic corrective to the dependence that man has developed, a dependence which drives him to constant comparison and competition with others and presses him to enslave them in pursuit of an always-elusive satisfaction with himself. A well-organized state can avert this by channeling love of self into love of country, and erasing as much as possible of the self in the process. Rousseau’s political theory does not restore independence to individuals by making them capable again of satisfying their needs and desires with their own strength, but instead offers to merge them into a robust

358 Other private associations suffer the same fate in the Social Contract – abolition or reformation for civic purposes. See Sungho Kimlee, “Rousseau on Partial Associations,” if he ever gets around to publishing it, which is looking less likely with every passing year.
state which is (nearly) capable of achieving such independence for its people as a whole. Sovereignty is the means by which the corporate will of this whole can be conceptualized and articulated. That had been the case for Bodin, Grotius, and Hobbes as well, though none of them had understood it in quite that way, suggesting instead that sovereignty represents the sum of the individual wills of authorizing subjects, or of the majority of them, or of the prince who embodies the whole state. But in all of these configurations, sovereignty always aimed at establishing an impersonal state. Rousseau’s innovations only brought out what was always implicit in his predecessors.

Only, Rousseau argued, sovereignty alone – the combination of force and legislation – would not suffice to reach that end. Conquering the internal divisions within the state and turning self-interest into public interest requires the creation of common opinions and mores, whose spring is quite different from the source of laws. It is possible to come to understand oneself as essentially a part of the whole Polish nation, but not by means of laws which command it. One must come to love Poland, to know what it is specifically, and to want to sacrifice for it, and these passions can only be inculcated and maintained by personal authorities who exemplify them. Rousseau revives personal authority both because it fills a logical gap in the sovereignty theories of his predecessors, who fail to account for any way of creating or holding together a people beyond legislating positive laws, but also because it follows from the political anthropology which he counterposes to those offered by his predecessors.

Civilized man is not essentially a terrified calculator of self-interest but rather a competitive seeker of esteem. He is not satisfied simply to be preserved from death, and more than just preferring himself to others, also “demands others to prefer [him] to themselves” (E, 214). Any state to which he devotes himself must appease his impulse to compare himself to
others, and so requires exemplary models of comparison: authorities. Thus, as Storey puts it, “The opposition between a society of credulous, hero-worshipping nationalists and a society of rational, autonomous individualists is a false opposition: social men are always hero worshippers of one kind or another.”\(^{359}\) There need be, according to Rousseau, no conflict between personal political authority and an impersonal state.

Indeed, there is no political life without such authority, since both in its foundation and its subsequent life, the state relies on this extra-legal element – the interplay between outstanding virtue in leaders and admiration for that virtue in the people – to create and maintain common mores. Shklar even goes so far as to suggest that “the conflict between the ideals of personal authority and of impersonal law was resolved in Rousseau’s mind by making law the subordinate one.”\(^{360}\) This is not quite right, since as we have seen, personal authority and law reciprocally reinforce each other – personal authority comes first and creates the common customs and opinions that constitute a people, then law hems in the subsequent authority of moral censors, and law and opinion continue to reinforce one another. This balance is maintained by a division of ruling into two functions: power and authority. Formal government exercises power when it executes laws by means of force, while moral authorities regulate customs and opinions informally and uncoercively. Like Locke, Rousseau depicts all legitimate authority as essentially tutorial or educative influence, capable of touching souls but not bodies.

\(^{359}\) Storey, “The Problem of Admiration,” 742. Shklar also emphasizes how much Rousseau’s idea of authority is grounded in his view of people’s moral needs: “[The perfectly realized authority figure] draws them to himself because they long for his approval, and to be at one with him.” Shklar, \textit{Men and Citizens}, 134. This marks him out in well-known Romantic ways from the natural-law tradition under discussion, which tended to view authority in formal legal terms (Bodin, Grotius, Hobbes) or as serving some constitutional purpose like education (Locke).

However, Rousseau’s elevation of personal authority in politics begins to edge towards Max Weber’s category of “charismatic authority,” with all its demagogic insinuations. Out of fear of just such a result, Locke had denied any legitimacy to personal authority in politics, and Hobbes had insisted that the authority of the sovereign is representative rather than personal, and so issues unproblematically in most cases in impersonal law. Although monarchical sovereigns ostensibly do no more than incorporate the principle of the Lawgiver into the constituted state, Rousseau disparages such Hobbesian regimes as tyrannies for failing to transition from the rule of men to the rule of law (SC, 95). Rousseau’s Lawgiver and censors expose the metaphysical fiction of representation in Hobbes’s constitution, and the incompleteness of Locke’s purely formal and legalistic account of state origins. But the man so admired for his virtue that the people are willing to fall in line behind him is also the man who might lead them off a cliff.

Rousseau understands these dangers but insists that personal authority is both desirable and necessary for a healthy polity. As Kelly frames the trade-off,

“It is his argument that the dangers to democracy posed by heroes can be avoided and that the advantages they bring are indispensable. The dangers can be avoided if heroes are not given any personal authority; for example, the heroic legislator must not be a part of the community he founds. The advantages are indispensable because sound politics depends on the strength of soul imparted by the emulation of heroes.”361

The legislator is the most flamboyant of Rousseau’s images of authority, and such a flagrant violator of sovereign impersonality must be immediately removed from the community after he exercises his influence. But other, more subdued forms of personal authority, like censors and women, remain behind. Rousseau thinks the danger from the former may be contained as well, not by expelling them, but by the nature of public opinion itself, which evades government by force and which always rules those who try to rule it. In a healthy republic, public opinion is a

361 Kelly, “Rousseau’s Case For and Against Heroes,” 357.
positive force, and the personal authority of censors is limited to reinforcing it by exemplifying
the mores that the people already recognize to be virtuous. The threat of modern politics is not
from such authorities and their circumscribed influence, but from the growth of luxury and the
ascent of “fashion,” which redirects public admiration away from men and towards women, who
increasingly emerge from the home and family and into public life – especially in the artistic and
cultural realms governed by “taste.”

Once the delicate balance of interdependencies which characterize Rousseau’s perfected
republic of the Social Contract is undermined and the general will gives way to government by
particular wills, the reciprocal relationship between law and public opinion also comes apart. But
where the sorts of public authorities that Rousseau elevates in his republican writings – the
Social Contract, the Constitution of Poland, and the Political Economy – have lost their
influence, as they had in eighteenth-century France, authority itself nonetheless remains in
private forms. In his writings which dwell on private life in modern societies – especially Emile,
Julie, and the Letter to D’Alembert – that Rousseau examines how such authority works, both to
undermine public virtue and, in some instances, to replace and even possibly to reconstitute it.
Rousseau’s republican writings offer images of ideal political communities and effective public authorities from the past or the hypothetical future, but leave us with the problem that, at present, “public instruction no longer exists and can no longer exist, because where there is no longer fatherland, there can no longer be citizens” (E, 40). With the erosion of citizenship, there is no longer a place for the opinion-shaping public authority described in these writings either, since “fashion” has replaced the authority of figures like the censors. This is the context for which *Emile* is written, to describe the way to “live an honest life even when surrounded by the pressures of a corrupt society,” in contrast to the other works which “deliberately ‘denature’ human beings but allow them to live a satisfying communal life.”

Or, as Kelly describes the purpose of *Julie*, a work in this respect like *Emile*, “[Rousseau’s] agenda consists of ennobling private life in a corrupt world rather than reinstituting the healthy politics of antiquity.”

Although the requirements of authority are the same, its function is necessarily different in this context. Authority always regulates opinion, but the quality of public opinion differs radically between the regime of the *Social Contract* and that of eighteenth-century France. Where virtuous mores prevail, authority’s function is to attach individuals to them, to imbue them with respect for public opinion, and to reinforce their desire to conform to it and to seek its approval. But where tastes have already been corrupted, as in the Paris which is repeatedly

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364 In Poland, in order to “accustom them from early on...to seeking public approbation,” Rousseau asks that children be constantly enrolled in public competitions, whose winners are to be determined by “acclamation...of the spectators” whose “judgments can always be trusted to be just” (GP, 191).
recalled to the reader’s mind as the alternative to Emile’s secluded country life, the imperative of authority is to turn men against public opinion and to cultivate in them a capacity to resist fashion and the approval of society. This can only be accomplished by private authorities – that is, parents and tutors.

If this sounds very similar to Locke’s goal in the Education, that is no coincidence. Locke is Rousseau’s modern foil in Emile, much as Hobbes was his stalking horse in the Second Discourse and Social Contract. Some scholars have argued that Rousseau’s pedagogy repudiates Locke, but the relationship between these works is more complicated than that. Despite some protestations to the contrary, Rousseau educates the same pupils as Locke – the intellectually average children of rural landowners. Rousseau sets Emile against the same political backdrop as Locke’s Education – a modern, commercial state whose urban society has embraced luxury as well as the arts and sciences. Forms of government – whether France’s


366 In fact, there has been very little comparison of the two pedagogies except by (mostly superficial) historians of education. Bloom claims that Emile “represents the great modern alternative” to Locke’s Education, and that Rousseau “defines his position as over against that of Locke” (E, 481n4). Marks also sees the relationship between the two as largely oppositional. However, there are some arguments on the other side. One of Rousseau’s contemporaries went so far as to accuse him of plagiarizing Locke’s Education in Emile. See Dom Joseph Cajot Bénédictin, Les plagiaits de M. J.J.R. de Genève sur l’education (La Haye and Paris, 1766), ch. 5. Somewhat more recently, Tomaselli has suggested that Rousseau owed much in his pedagogy to Locke, though they ultimately diverge in their purposes: Locke intended his Education as a model for use, while the Emile was too hypothetical to be seriously intended a practical curriculum. That is true as far as it goes, but we should not assume that because it was meant to be implemented, Locke’s curriculum was not also a philosophical argument about human nature, or that because it is primarily an argument about human nature, Rousseau’s is devoid of practical recommendations.
absolutism or England’s parliamentarism – play little role in either work. The focus remains on the individual and his relation to civil society. The First Discourse and the Letter to d’Alembert depict the moral hazards of this relation more vividly than Locke’s comparatively muted statements in the Essay and the Conduct. Rousseau warns that “Among us…Socrates would not have drunk the hemlock; but he would have drunk from a cup more bitter still, insulting jeers, and the scorn that is a hundred times worse than death,” whereas Locke only laments that reason is often sidetracked by fashion and other kinds of social biases (FD, 14). But the fear driving these complaints is the same: independence is threatened by the social conditions of the modern state, which induce men to enslave themselves to fashion and public opinion.367

Although Rousseau makes it a point to distinguish his project from Locke’s in several places, his broader political purpose is not to offer an alternative to it so much as a corrective – a disentanglement of “a man raised uniquely for himself” from Locke’s “civil man” in order to more clearly show how one becomes the other (E, 39-41). Like Locke, his idea of personal authority is a pedagogical authority, and the political intent of the work is to build up the nuclear family as a refuge from and source of resistance to the tyranny of fashion that reigns outside it. Emile’s education is, on its own terms, a failure. Emile cannot be a citizen, but neither can he be a “man for himself.” He is a man for his family, which re-emerges in Emile as the symbol of the private sphere which serves for Rousseau as the modern alternative to both citizenship where there is no fatherland, and to solitude for those whose sociability is intractable. Rousseau is thus a friendly critic of Locke, and on the political question of education and authority in the modern state, he is ultimately Locke’s ally against Hobbes, Bodin, Grotius, and the rest of the early modern sovereignty tradition.

367 Shklar, Men and Citizens, 148.
Emile was enormously influential in European educational philosophy despite suffering from the seemingly substantial shortcoming that its pedagogy is impossible and its pedagogue imaginary. The tutor is Rousseau’s most perfect model of private authority, just as the Lawgiver is the idealized public authority, but Rousseau does not hide his doubt that such “a rare mortal” as Emile’s tutor could really exist (E, 50). Those of the tutor’s qualities that ensured he was right for the job, his complete renunciation of his own desires to the best interest of his pupil, require him to be the very type which Rousseau calls “impossible”: the man who prefers another to himself (E, 214). Because he exists to take as much interest in us as we do in ourselves, the tutor fulfills the deepest wish for recognition of our amour-propre, but he also defies Rousseau’s own definition of man. It would be foolish therefore to take the depiction of private, pedagogical authority in Emile as Rousseau’s straightforward recommendation for the education of children in modern states in the way that Locke’s Education more or less is. But if it is not that, then what is the purpose of such an elaborate pedagogical fable?

The most common reading of the purpose of Emile is that it exemplifies the education of a citizen of the regime of the Social Contract, or offers a program of reform that would allow for the foundation of such a regime. At the other end are readers who argue that Rousseau had no political or reforming purpose at all in writing Emile, but used education as a “convention” through which to “survey the entire human condition,” as Bloom put it, and to depict its two internally coherent alternatives – solitude and citizenship – as they develop out of human

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nature. A third group of readers have suggested that, instead of corresponding to the *Social Contract*, *Emile* corresponds more closely to other “third ways” that Rousseau prefers to both total solitude and total citizenship – the rustic Swiss depicted in the *Letter to d’Alembert*, or the “moral individual,” a kind of cosmopolitan humanist. This comes closer to the book’s practical purpose, but even the remote, sparsely-settled Swiss are a more distant possibility than what Rousseau aims at here.

The difficulty with reading *Emile* as an education for republican citizenship is that the intensely private education Emile receives is antithetical to the demanding communalism – including the public education – of Rousseau’s republican writings. Moreover, although Emile receives some political education during his travels, he is never depicted practicing anything resembling citizenship, and the book ends somewhere in the French countryside with no *patrie* in whose general will Emile could be said to take part. The passage often thought by scholars to demonstrate that Rousseau intended his pedagogy to radiate its effects outward and reform the whole state is his claim that, by means of his advice, “*Morals will reform themselves, nature's sentiments will be awakened in every heart, the state will be repeopled. This first point, this point alone, will bring everything back together*” (E, 46). But Rousseau actually proposes this as the grand effect of mothers nursing their own children! It is not the result of Emile’s education by Jean-Jacques, which commences only when Rousseau’s addressee *refuses* to nurse her child and her husband perversely insists on a tutor to replace himself. Moreover, when applied to Emile’s

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369 Bloom, “Introduction,” (E,28).


education, it is a preposterous proposal, since giving every French boy such an education would require the impressment of nearly every French man into tutorial service.\textsuperscript{372}

\textit{Emile} does encourage a kind of social reform, but it is the reform of private life. It takes place in – and takes for granted – an absolutist regime where the progress of inequality has resulted in the rise of a fashionable elite in Paris whose influence now threatens the mores of those parts of Francophone Europe (and indeed, beyond, since Rousseau mentions English mores in several places) that had previously been relatively insulated from it. We are not told precisely where Emile is raised, only that it is somewhere outside of Paris but within its sphere of social influence. We have already noted the absence of formal political authority or sovereignty from the book, despite Rousseau’s great attention to this problem in other writings. In \textit{Emile}, Rousseau expresses no interest, reformist or otherwise, in the French monarchy, its laws, or its institutions. His entire interest in French society is in inoculating children \textit{against} its customs and fashions. The only institution we encounter that contributes to this is the family. \textit{Emile} is in this respect analogous to Locke’s \textit{Education} – it is an account of the way that, in the absence of any legitimate moral authority in modern politics, private, pedagogical authority must intercede to preserve individuals against the social tyranny of fashion. For Rousseau, unlike Locke, there remain potential alternatives to modern politics, but though \textit{Emile} gives us glimpses of them, it does not quite urge them on us. It instead elevates the private sphere – especially the private sphere of the sentimental family – over both citizenship and solitude under political conditions where the former is not possible and the latter cannot satisfy.

\textsuperscript{372} “To be the perfect tutor of a single child is a lifetime's work…Nothing less than a full-time tutor for each child can bring about the regeneration of civilized men through education.” Shklar, \textit{Men and Citizens}, 146.
I. The education of mothers and the reconstruction of the family

The first suggestion that Rousseau’s purpose in *Emile* is neither fully civic nor fully philosophical is in his addressees: mothers. Rousseau explains that the book “was begun to gratify a good mother who knows how to think,” echoing Locke’s description of his intended readers as parents “so irregularly bold, that they dare venture to consult their own reason, in the education of their children” (E, 33). “Always speak preferably to women in your treatises on education,” he then advises (E, 37). The exhortation to nurse children that makes up much of the first half of Book I follows from the suggestion that the book is written for mothers, and the exhortation to fathers to devote themselves to the job of tutor continues to appeal to parents.

Then a remarkable discontinuity in the argument occurs. Rousseau suddenly presumes that he has failed to convince his reader to nurse her child, and her husband to serve as the child’s governor, and aborts the whole project. In its place, he proposes to describe the education which a fictional version of himself, improved after a previous failure as a tutor, would give a hypothetical child, Emile. Unlike Locke’s tutor, who is introduced only after parental authority has already been established and who complements it, Rousseau presents the family and the tutor as mutually exclusive authorities: either his parents will govern Emile, or Jean-Jacques the tutor will, but responsibility cannot be shared (E, 52, 57).

This abrupt change of course has not received much consideration from scholars, who tend to read the initial exhortation that parents educate their own children as giving way logically to the invention of an imaginary child and the substitution of Jean-Jacques for Emile’s parents, since this contrivance is necessary for Rousseau to unfold his own philosophy of education. Rousseau’s initial claim to be writing for mothers is assumed to be either superseded with the introduction of a tutor, or consistent with the education he describes, as though there is no
substantial difference between Emile’s tutor and French mothers, and that it will fall to these mothers to engage a tutor like Jean-Jacques, or to implement his program themselves. But these two educations are fundamentally irreconcilable, since the mother who agrees to nurse her own child and the father who agrees to educate him must do so out of love and will not be satisfied either to have their beloved child kidnapped by a tutor in his infancy and brought up a complete stranger to them, or to bring him up themselves to be incapable of returning their love.

However, given Rousseau’s admission of the practical impossibility of Emile’s education and his comments in *Emile* and other writings on the particular influence of women over public opinion, we ought to take his initial claim to be writing for mothers more seriously. It may be fruitful to consider *Emile* as having two different audiences – women and men – as well as two different purposes – a political argument for the reformation of the family and a philosophical “study…of the human condition” (E, 42). There has been no shortage of scholarship on the latter, but while it is frequently considered together with *Julie* because of its subject-matter and date of composition, *Emile* is less frequently read as itself a moral novel for women. When it is examined in this light though, it follows straightforwardly from Rousseau’s concerns in the *Letter* and the *Discourses* about the hidden way that women rule men by regulating mores.

Although he often disparages the ways women use this private authority, it is not the authority itself that is the problem:

“I am far from thinking that this ascendancy of women is in itself an evil. It is a gift bestowed upon them by nature for the happiness of mankind: better directed, it might produce as much good as it nowadays does harm. We are not sufficiently sensible to the benefits that would accrue to society if the half of Mankind which governs the other were given a better education” (FD, 19).\(^{373}\)

\(^{373}\) In the dedicatory letter to Genevans in the *Second Discourse*, he clarifies that this power is salutary when “exercised in conjugal union alone” (SD, 122).
To the extent that *Emile* is a critique of prevailing opinion, it is especially a critique of the opinions of women about motherhood and family life. As Schwartz puts it, “Because women educate men, Rousseau attempts (through the depiction of his fictional heroines Sophie and Julie) to reeducate women.”

To do this, he must first detach them from their own reliance on fashion, so that they might in turn detach their husbands and sons from it. He (like Locke) hopes to make of his female readers “young persons of a good nature who dare to brave on this point the empire of fashion, the clamors of their sex” (E, 46).

These two different purposes – reform of the family and philosophical investigation of the human condition – correspond roughly to, first, the contents of Books I and V, which describe the defects of the modern bourgeois family and reconstruct a virtuous version of it with Sophie and Emile at its head, and second, the contents of Books II-IV, which describe the education of man for himself and then for society. There are not one but two educations in *Emile*: Emile’s education, and the more practical family education suggested and abandoned in Book I but reintroduced as Sophie’s education in Book V. The latter is the real alternative to Emile’s ideal education, a less rigorously natural and self-consistent but more affectionate upbringing in a sentimental family. But it is also the education that Rousseau expects modern women to resist because it demands that they withdraw from the public sphere and restrict their lives to their homes, so he undertakes to both argue and illustrate how damaging their resistance will be to them.

Family education is initially advanced as not simply an equal alternative, but superior to any education by a tutor. It is more natural, since “from the correction of this single abuse [the refusal to nurse one’s children] would result a general reform; nature will soon have reclaimed

all its rights” (E, 46). The requirements for success are also much lower for parents than for tutors: “As the true nurse is the mother, the true preceptor is the father…He will be better raised by a judicious and limited father than the cleverest master in the world, for zeal will make up for talent better than talent for zeal” (E, 48). Family education is in the interest not only of the pupils, as tutorial education is, but also the parents: “It makes the father and mother more necessary, dearer to one another; it tightens the conjugal bond between them. When the family is lively and animated, the domestic cares constitute the dearest occupation of the wife and the sweetest enjoyment of the husband” (E, 46). If even after Rousseau’s allowances for their errors, parents still refuse the responsibility of bringing up their own children, they will be hard-pressed to find a suitable replacement, since “to make a man, one must be either a father or more than a man oneself” (E, 50).

Family education may be the “best counterpoison for bad morals,” but if his female readers remain unpersuaded, as Rousseau presumes they will, the rest of Emile illustrates the consequences of their neglect. He offers them a fictional depiction of the brilliant, internally consistent and rigorously natural education under a tutor who is “more than a man.” It is an apparently tempting offer but the cost of his services to parents is quite high. From the perspective of Emile’s mother, Books II-IV depict her son being raised to be cold, selfish, and incapable of loving her. The result of his education is that “he knows no attachments other than those of habit. He loves his sister as he loves his watch” (E, 219). His mother thus loses him entirely, first to the tutor, then briefly to Sophie, and finally, if we consider the sequel, to pirates and a desert island. To the extent that Emile is capable of love, it is reserved for Sophie, the half-imagined vessel for his adolescent lust, and his tutor, without whom it later turns out he cannot function. The “friendship” of eventual equals which both Locke and Rousseau hold out as a
reward for conscientious fathers appears to be a relation that Emile does not have with anyone, and certainly not his parents.

Emile’s trajectory vis-à-vis his family is only a dramatization of the logic of the bourgeois family. Without Jean-Jacques, the result would be essentially the same for parents who follow prevailing fashion: “The children, sent away, dispersed in boarding schools….will take the love belonging to the paternal home elsewhere…they will bring back to the paternal home the habit of having no attachments” (E, 49). Since “the voice of blood is not strengthened by habit and care, it is extinguished in the first years,” mimicking by means of neglect the lack of attachment which is assiduously cultivated in Emile (E, 46-47). This kind of family is the object of Rousseau’s reform effort in Emile.375 In such a family, “one does not reside in one’s family; habit does not strengthen the blood ties. There are no longer fathers, mothers, children, brothers, or sisters. They all hardly know each other. How could they love each other? Each thinks only of himself” (E, 46). So Emile is a child raised to thrive under such conditions, to really think only of himself, with none of the ambivalence of the bourgeois who “float[s] between duty and inclination” (E, 40). Bourgeois self-interest in itself is unstable; it can stabilized either by solitude – the full realization of living according to one’s inclination – or the development and enlargement of the sense of duty to some end. Absent one or the other, the bourgeois thinking only of himself in society is actually imagining only how others think of him; he is a slave to fashion.

Emile’s education read from a disinterested perspective is an instruction in overcoming the modern contradiction of the bourgeois, but from the perspective of his mother, it is harsh

375 Weiss and Harper suggest that Rousseau actually has two targets in mind: the bourgeois family of alienated individuals and the noble family that serves a purely economic, inheritance-conserving function, against which he seeks an alternative sentimental family. Weiss and Harper, “The Sex-Roled Family,” 95-97.
medicine, depicting a world in which neither her children nor, by extension, her husband will need or care for her. Of course, given that she had little interest in raising her son in the first place, she might be little moved by his indifference to her. Rousseau seems to think that this is unlikely – modern women are as desirous of approval as everyone else. But the long-term threat that Emile poses is not as her indifferent son, but as a man educated to be uninterested in and unmoved by women – that is, as her potential husband.376 Perhaps then it was better to follow Rousseau’s initial advice, which after all also promised a way out of the bourgeois malaise. And just when it seems that Emile is effectively lost to society and better off a solitary, he is rescued, first in imagination and then in fact, by a woman, Sophie, who happily embraces the conjugal and maternal duties which Rousseau’s modern female reader rejected.377 She re-establishes the salutary sexual balance of power with a man whose need of women has very nearly been suppressed and sublimated out of him, and she convinces him to do precisely what Rousseau exhorts in Book I, to educate his own son (E, 480). Sophie thus shows the reader the way out of the crisis into which Rousseau leads her.

There is also another way in which Emile looks different when divided between Books I and V, and Books II-IV. The middle books demonstrate the kind of education that nature demands and the threats to it from society, but the first and last books reveal that this demand cannot fully be met in society and show why natural education will fail. Emile’s “first education” – his prepubescent curriculum – teaches him to be truly self-interested and impervious to fashion, but since he is to live among people, this lesson cannot last. The “second education” of

376 On Rousseau’s logic of sexual interdependence, see Schwartz, Sexual Politics of Rousseau, ch. 3. “The open predominance of women makes men less dependent upon them. Sexual similarity is not so much the product as the negation of sexual interdependence, because true sexual interdependence rests on the differentiation of the sexes.” Schwartz, Sexual Politics of Rousseau, 67.

377 There is an interesting parallel here with the plot of Rousseau’s early play Narcissus.
his adolescence accommodates this necessity by developing a sense of duty in him, attached to Sophie and his children. But the second education cannot take root in the soil of the first one. Emile is unable to manage his family without the tutor’s help, and in the sequel, with the tutor gone, he abandons his duties to pursue his inclinations outside of society, where no more duties can be imposed on him. The frontispiece of Book I foreshadows the project’s failure: Thetis dipping Achilles in the River Styx is not just a metaphor for the physical rigors required to raise a sturdy man, as Rousseau informs us, it is also a reminder of the futility of such preservatives, which Rousseau fails to mention (E, 47). Like Achilles, Emile is exemplary but ends badly. His education is not intended as a model for imitation in a modern commercial society. To the extent that it is anything more than a “study of the human condition,” it is a warning to women to redirect their private authority towards their families if they wish to retain it at all.

Since, as we saw in the Second Discourse, the natural differences between the sexes are minimal for Rousseau, the highly sex-differentiated sentimental family idealized in Emile requires an artificial exaggeration of these differences. It requires women in particular to embrace this exaggeration as Sophie does, through training and, if we take novels like Emile to constitute part of women’s education (and Rousseau does), due consideration of the alternatives. Sexual differentiation makes the now-irreversible sexual dependence that developed from man’s entrance into sedentary life at least apparent to both sexes. It holds out to women the opportunity to exercise their authority more effectively than in public life, where it is diffuse and, Rousseau warns, likely to facilitate men’s independence of women and consequently the eventual erosion of female influence. By reducing both sexes into complementary parts, the family also makes it apparent that, outside of the primeval state of nature, it is the smallest possible whole, and not the bourgeois individual who mistakenly believed himself to hold this title but is a mere “fractional
unity dependent on the denominator” (E, 39). Schwartz suggests that, “Rousseau presents the family, or the sexual interdependence of bourgeois men and women, as the only practical solution to the bourgeois phenomenon of narcissistic individualism.”

To actually put this solution into practice, he must persuade women to abandon the public status they had attained in salons and in the arts, and to voluntarily dedicate themselves to domestic life with the same zeal instead (LA, 103-105). For this sacrifice, they will be handsomely compensated:

“The woman who is at once decent, lovable, and self-controlled, who forces those about her to respect her, who has reserve and modesty, who, in a word sustains love by means of esteem, sends her lovers with a nod to the end of the world, to combat, to death, to anything she pleases. This seems to me to be a noble empire, and one well worth the price of its purchase” (E, 393).

In exchange for abandoning the uncertain quest for public admiration, Rousseau guarantees women honor if they make themselves publicly unavailable (by means of “reserve and modesty”) and turn their imperial ambitions to the family. This would not strictly be a return for such women, since they never governed their families in the way Rousseau desires in the first place – the nobility had traditionally delegated childrearing to others, and the poor lacked the wherewithal to resist the corruptions of modern life or to educate their children to resist them. Rousseau, like Locke, tries to create a new sentimental family from the lower gentry and the commercial middle classes.

378 Schwartz, Sexual Politics of Rousseau, 93.

Sophie is thus a new kind of woman made from a new class of people. She is not the Spartan mother so devoted to her city that she applauds her sons’ deaths in battle, nor one of the rustic Swiss wives so exclusively engaged in useful domestic labor and so ignorant of distinction and adornment that the chief magistrate’s wife is indistinguishable from the schoolmaster’s (E, 40, 382; LA, 63). She is a woman for whom care has been taken to “cultivate her mind and her reason,” who does not fall into her domestic role by custom or narrowness of circumstance or ignorance of the alternatives (E, 383). Though the rule of women is supposed to be hidden, Rousseau does not hide it from his readers. They are shown the trade-offs Sophie – and by extension they – will face between public and private life, as well as her complex role in the government of opinion. Because they are unconstrained enough to choose domestic life, and to “brave on this point the empire of fashion,” Emile, with its combination of threat and flattery, is an argument to them for making this choice.

II. Educating girls to educate boys

When Rousseau says that parents have the advantage of “zeal” rather than “talent” over tutors, he admits that children educated by their families will not get Emile’s education, but something less thorough. Because he abruptly drops the possibility of parental education in favor of the tutor’s program, we are left in the dark about what this zealous parental education would entail, beyond the unilluminating assertion that it should not “follow the established practice” (E, 34). However, if we recall that Emile offers two different curricula – Emile’s and Sophie’s – then

Schwartz makes the interesting point that, “While Rousseau criticizes modern society, in which women cause men to resemble women…he also criticizes an ancient society in which men caused women to resemble men. The good society is based instead upon sexual differentiation, entailing the mutual dependence of the two sexes.” This also suggests that Rousseau has a new role in mind for women, although Roman women came closest to this private ideal. Sexual Politics of Rousseau, 47.
we find that Sophie’s education in Book V satisfies the criteria for home education set out in Book I. It is Sophie rather than Emile who is raised at home by her own parents and brought to feel the “filial tenderness” which Rousseau promises will issue from family education (E, 46). It is not even the education of Sophie the fictional character that is described for much of the book, but that of girls in general (E, 357-393). And what is most notable about this education, a contrast set off particularly by the extreme and improbable control and self-abnegation required for Emile’s, is that it is so practicable. Without being the “what is done” that Rousseau disparages in his preface, it is nonetheless what could be done, requiring no extraordinary authority or superhuman teacher. Moreover, with respect to the fundamental issue of moral development, it is very like what Locke recommends be done.

Sophie’s education is morally the inverse of Emile’s, and that is what makes it like Locke’s. Emile’s tutor works assiduously to retard his moral development, to prevent him from perceiving that other people have wills that can run contrary to his, and to avert his dependence on others and especially on women until the latest possible time. But girls are to be taught from the outset to seek esteem and approval, to obey authority, and “above all to conquer themselves” (E, 364-369). Because such early subjection to the opinion of others has the potential to be morally damaging, “one can see how important – even more so than for boys – is the choice of persons who are going to be near them and have some authority over them” and they are to be kept home and out of the convent schools (E, 382, 388).381

Girls are to be raised to negotiate public opinion and understand the nature of reputation because their adult happiness will depend on these skills: “when a woman acts well, she has

381 Girls are also taught Locke’s simplified theology, from which all abstract disputes are abolished and according to which God is defined as a power that is always watching them (E, 381).
accomplished only half of her task, and what is thought of her is no less important to her than what she actually is…Opinion is the grave of virtue among men and its throne among women” (E, 364-365). But although Rousseau approves the coquettishness and even duplicity of girls and pronounces that “in her conduct woman is enslaved by public opinion,” their education is aimed at teaching them to resist that power over their minds (E, 377). Before exposing them to the theatrical displays of society, Rousseau warns parents to “arm these girls well against the illusions of vanity…oppos[e] the empire of public prejudices” (E, 388). This goal is no different from what the tutor wants for Emile, only it is accomplished in the opposite way: to girls, it is admitted that “public prejudice” is a permanent and omnipresent feature of society and they are forced to confront and understand it in order to overcome it, whereas its existence is hidden from Emile for as long as possible so that he never develops any desire to appease it. Girls are to be gratified in their desire to attend the theater but “armed” against its sentimental seductions – that is, they are to be made capable of suppressing their desires, of Lockean self-denial (E, 387-388). Emile is not to develop desires requiring denial in the first place, and so is not permitted to attend until he is already grown, and even then, he is required to ignore its appeal to the passions and study only its aesthetic qualities (E, 222, 344).

In short, girls are to understand both themselves and how they appear to others, to understand themselves in relation to others, while boys are to understand only themselves and remain indifferent to others. Assuming that these girls become mothers under the same social conditions in which they were educated, they are in a much stronger position than their male counterparts to inoculate their own children against the seductions of fashion, since it is Sophie and not Emile who understands how fashion works on men. She is the one who has studied “the source of human judgments” and “the passions determining them,” and has learned them to
weigh “the opinions of others” against “her own conscience” (E, 383). The opinions of others have little weight for Emile, but his very indifference makes him insensible to the authority that opinion has over others and incapable of recognizing the urgency of educating his children against it (E, 339). Indeed, the shortcomings of Emile’s education as a basis for governing and teaching his own children is made apparent when, upon learning that he is to become a father, he implores the tutor to “remain the master of the young masters. Advise and govern us…As long as I live, I shall need you” (E, 480). Since Sophie’s education is oriented towards society and motherhood from the beginning, she seems to have no comparable need of lifelong tutelage.

By contrast with Emile’s extraordinary education, Sophie’s appears to be merely “conventional.” But if we consider it from the perspective of Rousseau’s requirements for education in Book I, it meets them. There, Rousseau sought an education that would permit the child “to be in agreement with himself” by harmonizing his experience of men and things with his nature, and Rousseau defines nature as individual dispositions before they are “corrupted by our opinions” (E, 38-39). Nature is an individualized standard with which each child is born and against which his education is to be measured. Rousseau’s famous instruction to “prevent anything from being done” does not mean leaving education to spontaneous impulse, but conforming education to the child’s individual disposition rather than determining the child’s disposition in advance by reference to the “calling” or civic role which has been selected for him (E, 41). The family is called on to shield children from the distortions of fashion, to “[keep] the nascent shrub away from the highway and [secure] it from the impact of human opinions” (E, 383).

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383 Despite this exhortation of Rousseau’s, Emile actually has no individual character; he is nothing more particular than an average boy. See also Shklar, Men and Citizens, 147.
38). Sophie’s education achieves all these ends, and although its presumption of girls’ early sociability runs counter to Emile’s early protection from social attachments, Rousseau insists that this is simply what follows from the distinct natures of the sexes.

While a division of education into male and female is consistent with Rousseau’s arguments across his writings about sexual difference and its social and political consequences, it is less clear why one education is impossible while the other requires little more than sufficient material resources and a conscious desire on the part of parents to achieve. It is also interesting that, given his criticisms of Locke in the earlier books, Rousseau finally endorses a Lockean education, but only for girls and only at the end of his work, while the bulk of it is occupied with inverting Locke’s pedagogy for boys.

The most straightforward way to understand this is the way that many generations of education reformers inspired by Rousseau have understood it: while Emile’s education may be difficult to replicate, it is nonetheless necessary to try, both because it is the more compelling and progressive one, and because the education of boys is the more pressing sociopolitical concern. At the other end, readers who recognize the impracticability of Emile’s education and take the work to be intended only as a study of the human condition emphasize the sexual philosophy behind Sophie’s education and overlook its practicability. But if we follow the possibility that the book has two audiences — “tender mothers” and students of the human condition — then what we might call the implementation gap between Emile’s and Sophie’s educations may point to a different reading. It is, after all, mothers and not students of the human condition.

384 We might make an exception for his brief and fragmentary works on women. See Schwartz, Sexual Politics of Rousseau, 55-61.

385 Cf, John Dewey, Democracy and Education (1916). How “chimerical,” by Rousseau’s standards, these progressive efforts were may be discerned from the fact that they all relied on schools to implement, despite the fundamental incompatibility of Emile’s curriculum with institutional education.
condition who desire a pedagogy and curriculum that they can apply to their own children, while students of the human condition desire instead to be shown how the natural in man may be disentangled from the social. Rousseau answers both desires: in Books I and V, he gives practical, Lockean rules for education, and in Books II-IV, he gives an extended critique of Lockean education. This division of purposes does not fully resolve the question of practicability, since mothers (or parents generally) must educate sons as well as daughters, yet the only practicable education Rousseau offers seems to be intended only for girls. By assigning Locke’s education to girls, Rousseau mocks its effeminacy, but by assigning it to anyone at all, he also admits its value in confronting the modern problem. The education he assigns to girls – a moral education at home focused on cultivating self-mastery against the fashions of a corrupt society – can in a broad sense also be given to boys. But because it is a denaturing education, Rousseau never endorses it (or any other recommendation he makes) wholeheartedly.

III. Rousseau’s case against Locke: will and desire

Emile’s education begins with the same first crisis that Locke describes: the most basic care of infants puts them in danger of developing tyrannical tendencies. The “love of dominion” that the Lockean pupil contracts from being coddled by his parents and nurses is, in Emile, “the idea of empire and dominion” which arises “from their own weakness, which is in the first place the source of the feeling of their dependence” (E, 66). Like Locke, Rousseau denies that this idea

386 Susan Shell, for example, notices that Sophie’s education is much easier than Emile’s to effect but suggests that the whole work is nonetheless only a mental exercise: “The guiding idea of [Emile] is to mentally recover and improve on man's ‘golden age,’ on the basis of a “philosophy and experience” that was not available to the men and women who enjoyed living in that age. Specifically, Rousseau aims both to overcome the inherent vulnerability of that age - made manifest in the susceptibility of contemporary savages to the conquests of an enlightened Europe - and to preserve its goodness while allowing for a more complete development ‘of all men's faculties.’” Shell, “Nature and the Education of Sophie,” 279.
arises spontaneously in infants: “The movements and the cries of the child who has just been born are purely mechanical effects, devoid of knowledge and of will” (E, 61). It instead comes from the way in which adults almost universally respond to their needs. “The first tears of children are prayers. If one is not careful, they soon become orders. Children begin by getting themselves assisted; they end by getting themselves served” (E, 66). Locke’s solution to the infant’s tyrannical will was to “substitute” an adult will in its place which could anticipate the infant’s needs and deny his desires. Whereas Locke would deny an infant its whims, Rousseau offers the following instruction for a child who indicates a desire for something: “Carry him to the object slowly and with small steps” (E, 66). Fundamentally, the difference between Locke and Rousseau comes down to the value of self-mastery: the Lockean child must experience opposition from contrary wills from the beginning in order to better learn to master himself. Rousseau sets out to show that, to the contrary, mastery and slavery are never necessary, not even in relation to oneself.

Although the effect of Rousseau’s solution reduces the child’s early sense of his omnipotence just as Locke’s does, it is based on fundamentally different assumptions. Locke argues that the desire for dominion in children grows out of their perceived strength relative to adults, who by coddling them, appear to them as slaves. Childrearing should show him how exaggerated his self-estimation is, but it cannot abolish the desire to rule in him. It must instead redirect his desire to master others into a desire to master his own desires, and this imperative includes the desires arising from nature as much as those arising from artificial sources, since both are sources of early habituation. Rousseau instead points to weakness and dependence as the cause of tyrannical desires, and so directs adults to shield him from the human sources of his dependence. He negates other people’s wills while giving free exercise to the child’s.
“As long as children find resistance only in things and never in wills, they will become neither rebellious nor irascible…Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices” (E, 66, 85-87).

The Rousseauian child is to be prevented from feeling his own or others’ wills, while the Lockean child is to learn to use his will to master his desires. The result is that the Lockean child has a strong will capable of stilling unruly desires, whereas the Rousseauian child has no excessive desires that require a self-denying will.

Rousseau’s objection to Locke over the development of the will is most apparent in the question of corporal punishment. Locke’s concern with decisively establishing parental authority trumps his ambivalence about corporal punishment, whereas Rousseau rejects beating as the ultimate demonstration of arbitrary willfulness, capable only of awakening the amour-propre which the whole of Emile’s education is attempting to keep at bay as long as possible (E, 92).

When Emile demonstrates “obstinacy,” he is simply to be ignored until he feels the inconvenience or pain of his conduct, no matter how destructive it appears to adults (E, 69, 93, 100, 120-124). When the situation is inverted and the child must be induced to do what he doesn’t want rather than stop doing what he wants, Rousseau similarly avoids revealing to the child that adult wills determine his conduct. Locke overcomes the child’s natural resistance to lessons through educational games, but the child nonetheless knows that the games are a compromise between his desires and those of adults. Emile’s studies are made appear to him as direct emanations of his own needs and desires, a means of filling “a real and present advantage in either pleasure or utility” (E, 116). Learning to read for Emile is not an essentially unpleasant

387 There is one exception to Rousseau’s prohibition on force: if Emile strikes someone, he is to be hit back by him “with interest” (E, 97).
burden enjoined on him by adults but lightened by play, but rather a means of obtaining custard, enjoined on Emile by no one (E, 117).

A thoroughly natural upbringing should not presume the child’s sociability, and consequently could not introduce moral notions as early as Locke does. It is a great error of “parents who live in the civil state” that they “transport their children into it before the proper age” (E, 84). Men’s wills introduce the child to morality, which Locke wants to impose first of all, but Rousseau waits until puberty to introduce. Rousseau allows Emile to exercise his will only in relation to a world Emile perceives as being constituted by necessities so that, when his requests are denied, “he will not say to himself, ‘I have been refused,’ but will say, ‘It was impossible’” (E, 161). By removing the spurs of obstinacy, Rousseau obviates the need to impose authority (and force) over the child as Locke did. The tutor arranges Emile’s environment so carefully that, although he constantly governs Emile, Emile never feels anything but the illusion of freedom despite his weakness: “Let him always believe he is the master, and let it always be you who are. There is no subjection so perfect as that which keeps the appearance of freedom…Doubtless he ought to do only what he wants; but he ought to want only what you want him to do” (E, 120). This is a kind of authority, but not the kind Rousseau approves, since it rests on Emile’s weakness rather than admiration or the desire to emulate which legitimizes his other authorities. Nor is Emile’s compliance really voluntary so much as unwitting. Although his control over Emile is total, the tutor’s authority appears to Emile as mere

388 Marks, “Rousseau’s Critique of Locke’s Education,” 702.

389 To emphasize that the tutor should not be mistaken for an authority over the pre-moral Emile, Rousseau even suggests that he “would want [the tutor] to be a child himself if it were possible” (E, 51). Even demonstrations of love in his caretakers are unnecessary, since “caresses will not cure his colic” (E, 68).
companionship rather than a source of either approval or command, moral concepts with which Emile is as yet unfamiliar.

It is at the end of this first “education of nature” and of “things” that Emile achieves autonomy. At that point, “not only is he self-sufficient, he has strength beyond what he needs. It is the only time in his life when this will be the case” (E, 165). As soon as Emile’s desires outstrip his needs, as they must if he is to live among men, he leaves this moment of harmonious self-sufficiency behind. This is the case despite the impressive powers of reason he has developed. By the end of Book III, Emile has developed powers of deduction and a grasp of the natural world that would be the envy of many scientists, but these skills have no bearing at all on social or political life. All they amount to is an ability to grasp the concept of refraction in water by examining a partially submerged stick and determining that it is not really broken (E, 206-207). At 12, Emile is at the peak of both his autonomy and his reasonableness, but he has no attachments to others and few moral notions. And it is precisely the development of these attachments and moral notions that will subsequently undermine both his autonomy and reasonableness.

IV. Rousseau’s case against Locke: adolescence and self-mastery

Autonomy understood as the balance of desires and faculties is the aim of Emile’s early education, with authority occurring only behind the scenes. In response to “the crisis of adolescence,” however, authority takes center stage. Once he is capable of attachments, Emile is capable of framing the moral notions and experiencing the passions necessary for authority as Rousseau had described it elsewhere: he can both perceive the extent of the tutor’s personal sacrifice for him and feel love and gratitude for it, as well as admiration for the tutor’s own
virtue. Because he can now reason about it, he can accept the tutor’s authority voluntarily. If the first three books of *Emile* constitute Rousseau’s criticism of Locke’s departure from a truly natural education, the last two are his critique of Lockean authority. On Rousseau’s account, Locke gets authority completely backwards when he imposes it on the amoral, unreasoning child and diminishes it over the passionate, intemperate adolescent.

The demands of Emile’s education—constant study of the child’s character and temperament, elaborate orchestrations of all his social encounters, perpetual vigilance and manipulation—can only be fulfilled by a tutor capable of repressing his own *amour-propre* and sacrificing his life to direct Emile’s. These burdens increase with time, as the tutor learns after the incident with the magnetized ducks, when he promises Emile that he will protect him from such embarrassments by extending his purview farther into the future: “everything must be foreseen very far ahead of time” (E, 175). To maintain Emile’s fragile confidence at this stage, the tutor must “share his faults in order to correct them. Take on the burden of his shame in order to efface it” (E, 246). Rousseau even encourages the tutor to monitor Emile in bed, so that he may not have the opportunity to “trick his senses and to find a dangerous substitute for the opportunity of satisfying them” (E, 334). If such a person has selfish or vulgar tendencies, he would be hard-pressed to find an opportunity to express them. What he demonstrates to Emile is an apparently boundless capacity for self-abnegation and concern only for Emile’s interest.

All this is necessary because the “second birth” of adolescence signals the inevitable birth of the passions (E, 212). Emile will now perceive not only the tutor’s actions but also his intentions, and the tutor must purify these as well as his conduct in order for Emile to love him, since “we seek what serves us, but we love what wants to serve us” (E, 213). But we are now fully in Locke’s sociable civil society, where a boy who is not brought under the influence of
virtuous authority will instead come under the less wholesome influence of servants or other boys. These influences posed no danger to the younger Emile “so long as he loved nothing, he depended only on himself and his needs. As soon as he loves, he depends on his attachments” (E, 233). The adolescent Emile now wants to be approved by others, and so finds himself in the same position as Locke’s young pupil among the boys at a boarding school, newly susceptible to the power of fashion that governs those who have “set themselves above the alleged prejudices of their fathers” in order to “enslave themselves to those of their comrades” (E, 331-332):

“Take a young man soberly raised in his father’s home in the country, and examine him at the moment he arrives in Paris and enters society. You will find that he is right-thinking about decent things and even that his will is as healthy as his reason…Consider the same young man six months later. You will no longer recognize him. The easy talk, the fashionable maxims, the jaunty bearing would cause him to be taken for a different man…New ways of thinking have by themselves produced these differences. His heart is still the same, but his opinions have changed” (E, 330).

Locke had been preparing his pupil for this difficulty all along by teaching him to suspend and cross his own desires, so that when faced with the temptations of adolescence, he would have the intellectual resources to resist even in the absence of his father or tutor. Rousseau suggests that Emile’s education has also inoculated him against these “seductions”: he is not given to imitation and “instead of jokes, he has to have reasons” (E, 331). But it is finally “the voice of a true and faithful friend” – the tutor’s – that is needed to “drown out the cries of…seducers” (E, 331).

Lockean authority relaxes in adolescence, but the tutor’s authority becomes everything for Emile at the same time.

Having reached the point where sociability can no longer be naturally delayed, Rousseau nonetheless exhorts the tutor to “prolong innocence” as long as possible (E, 218-220). The boy is not to be exposed to sexual knowledge, his desire for friendship is not to be satisfied directly but rather channeled into the development of compassion so that his social interactions are not with equals but with objects of pity, and he is constantly to be reminded through his studies of the
advantages of solitude and the moral perils of society. He learns how to conduct himself in polite society while being exhorted to disdain it. And finally, when his sexual desires can no longer be suppressed, he and the tutor embark on a multi-year project of channeling his imagination into the image of a perfect wife. This sort of temporizing (combined with a judicious regimen of nocturnal surveillance) can keep a man in sexual innocence until at least the age of 20, Rousseau insists, and perhaps even into his 30s, which would be all the better (E, 317, 333).

While the tutor temporizes with Emile, he also makes speeches to him ostensibly rationalizing the authority Emile must now understand and affirm, since “up to now, you got nothing from him except by force or ruse…He had to be constrained or deceived to make him obey you” (E, 316). These new speeches are not quite deceptions, but they are certainly rhetorically calculated to appeal to the “new chains you have put around his heart” – “reason, friendship, gratitude” – at the expense of other, potentially more rational appeals (E, 316).

“Instead of narrowing his soul by always speaking of his interest, I shall now speak of mine alone, and I shall thereby touch him more…I shall press him to my breast and shed tears of tenderness on him. I shall say to him, ‘You are my property, my child, my work. It is from your happiness that I expect my own. If you frustrate my hopes you are robbing me of twenty years of my life, and you are causing the unhappiness of my old age’” (E, 323).

By this means, the incomplete authority of the tutor in childhood is completed to form a domestic parallel to the Social Contract’s lawgiver, who “persuades without convincing” by appealing to sentiment.

This speech evokes a remarkable request from Emile to be, like the citizens of the Social Contract, forced to be free:

“O my friend, my protector, my master! Take back the authority you want to give up at the very moment that it is most important for me that you retain it. You had this authority up to this time only due to my weakness; now you shall have it due to my will… I want to obey your laws; I want to do so always…Make me free by protecting me against those of my passions which do violence to me. Prevent me from being their slave; force me to be my own master and to obey not my senses but my reason” (E, 325).
There may be reasons for authority, but it is clear from this impassioned speech that obedience to authority is not entirely the work of reason, but rather the deferral of reason, and moreover, the renunciation of the will. “Always begin by obeying, and then ask me for an account of my orders,” the tutor instructs Emile (E, 326). Rousseau admits that these speeches are set-pieces of manipulation by which Emile “comes by himself to the point where I want to lead him” (E, 325). Though this is the age at which Emile “is your friend, he is a man,” he is nevertheless not your equal (E, 316). “It is true that I leave him the appearance of independence, but he was never better subjected to me; for now he is subjected because he wants to be” (E, 332).

This is Rousseau’s primary criticism of Locke’s use of authority: the Lockean pupil could never have been said to want his subjection, it was simply imposed on him. And because Locke’s authority erroneously begins in coercion, it loses its influence just when its influence is most necessary, when the “fire of adolescence” puts the child most in need of a reasoning guide. This is not to say that Emile’s subjection was ever voluntary, or as Hobbes sententiously suggested about children’s submission to parents, consensual. This is not Rousseau’s aim. He agrees with Locke that parental and pedagogical authority over children is always a necessary imposition, but corrects Locke’s contradictory reliance on force by showing that imposition by deception is a more effective means to the same end, since the child will more reliably come to love the adults who have governed him if he (falsely) believes he had a choice in the matter.

Marks claims that this criticism of Locke demonstrates how “[Locke] fails on his own terms, that he does not secure even Lockean freedom.”390 Because Locke’s education imposes authority by force at the outset, the semblance of reasoning and autonomy in the child is nothing

390 Marks, “Rousseau’s Critique of Locke’s Education,” 696.
more than a calculation to gain rewards and avoid punishments. By contrast, Emile submits out of love, and

“it seems perfectly reasonable to suppose…that a rhetoric of tenderness and love deployed at the cusp of adulthood to establish voluntary obedience, where a habit of relying on one’s own reason has already been established, is much less likely to incline one to submit to arbitrary decrees than is a reliance on fear and awe at very nearly the beginning of childhood.”

But this conclusion rests on a misreading of Locke, and a strange elision of the problems in Emile’s “second education” into a hopeful surmise that Emile’s love for the tutor transforms his total and indefinite submission to him into a form of autonomy.

Marks defines the freedom at work for both Locke and Rousseau as submission to reason rather than arbitrary commands and thereby neglects the central place of the will for both thinkers. The freedom Locke is, as we have seen, the ability of the will to suspend its desires, while Rousseau’s freedom consists in the “equilibrium” between desire and power: “The truly free man only wants what he can do and does what he pleases” (E, 80-84). Locke imposes authority early in order to pre-empt the formation of habits – natural or social – that threaten to determine the child’s will before he can reason about them, and gradually relaxes this authority as the child learns to engage in self-denial after having his desires denied by others. On this basis, Locke’s education at least stands a chance of securing freedom, whereas Rousseau admits that his freedom is an artifact of pre-adolescence, while everything that comes after is a matter of subjection to better or worse authorities. But in trying to understand Rousseauian education in terms of an elusive autonomy rather than as the development of the will, Marks overlooks what Rousseau himself describes as the conclusion of his education: Lockean self-mastery.

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391 Marks, “Rousseau’s Critique of Locke’s Education,” 700.

392 Marks, “Rousseau’s Critique of Locke’s Education,” 703.
For Rousseau, self-denial is a moral goal introduced at the end rather than the beginning of education, because learning to “impose laws on the appetites of your heart” can only follow on the development of these appetites, which are not present at birth but which crowd in after adolescence (E, 443). Nonetheless, in the end, “the virtuous man…is he who knows how to conquer his affections,” the tutor tells Emile before he asks him to leave Sophie for two years (E, 444). Melzer suggests that this conception of virtue is Rousseau’s “political solution” to the disequilibrium between desire and power that inevitably arises in society:

“Through will, men can forcibly repress their inevitable selfish desires in the name of duty or moral obligation. Such moral self-conquest through force of will Rousseau calls ‘virtue’ or ‘moral freedom’…Hence the moral man can fix his identity above the flux and conflict of his desires…Through virtue, then, the citizen attains a forced and self-imposed unity that replaces the spontaneous harmony of inclination he has irretrievably lost.”

Not only is Emile first ready to develop this virtue only at the end of his education, but that is also the point at which he first requires it: when he is on the cusp of marrying and starting his own family, which will for the first time put him in a position to be depended on by others. Where, for Locke, self-denial is the means to individual intellectual liberation from the more invidious aspects of civil society, for Rousseau, self-denial is primarily moral rather than intellectual, but its role in fortifying the individual against fashion is not dissimilar.

Locke assumes the sociability whose development Rousseau demonstrates, which is why he devotes so little attention in the Education to describing his promised adult friendship between fathers and sons, or how it is that the pupil comes to love his father and tutor again after his adolescent rebellion against them burns out. Unlike Rousseau’s indifferent natural family in which affection develops by the unnatural imposition of sedentary living, the Lockean family in the Two Treatises is naturally affectionate and tied together for at least the length of a child’s

minority. In civil society, the early establishment of parental authority is required by Locke to restrain parents – especially mothers – from spoiling their children by being too affectionate, and to direct the child’s approval-seeking impulses towards parents rather than the other potential sources of esteem in society. Approval-seeking itself is a practice whose origins Locke fails to specify, but which Rousseau, with his much greater concern with original unsociability, is at pains to reconstruct.

This difference is what accounts for the sentimental speechifying through which Emile begs for the tutor’s authority and which so impresses Marks, but the distinction between Emile’s voluntary adolescent submission and Locke’s early coercion is less marked and has a different long-term effect than Marks claims. Emile was, by manipulation and naïveté, subject to the tutor from the beginning, and he remains subject to him at the end. On learning that Sophie is pregnant, Emile asks the tutor to “remain the master of the young masters” (E, 480). There is simply no point at which Emile, if he must live in society, can be free from authority. The “fear and awe” of the Lockean infant makes his subjection apparent to him, and it issues either in friendship and equality with parents, or, if they refuse him this, a right of self-determination enforced by the legal age of majority. Parental and pedagogical authority need not be hidden according to Locke – it will universally and necessarily be applied by someone, and the only question is by whom and how to apply it well. The more apparent it is to children, the more they will be inclined to try and make themselves independent of it, to grow out of it, as it were, and

394 The inversion of childhood and adulthood parallels Rousseau’s inversion of modern society, which is like a perpetual childhood compared with the robust adulthood of the pre-civil state: “Children, even in the state of nature, enjoy only an imperfect freedom, similar to that enjoyed by men in the civil state. No longer able to do without others, each of us becomes in this respect weak and miserable again. We were made to be men; laws and society have plunged us once more into childhood” (E, 85).
this is Locke’s goal. The natural resentment at being ruled which Rousseau takes extreme
measures to avoid provoking in the child is exploited by Locke to facilitate individual liberty.395

V. Real and ideal authority

Rousseau accuses Locke of inconsistency in unfolding his purportedly natural human
development, and what he offers in the education of Emile is a corrective: a truly natural
education which does not presume sociability and, since moral ideas arise from relationships of
dependence, delays the introduction of moral notions until nature makes such relations
necessary, with the onset of puberty. This inversion requires Rousseau also to invert Locke’s
view of parental authority, since a child with no moral ideas cannot grasp why he ought to obey
anyone except in matters of physical necessity; this is how all matters requiring obedience are
made to appear to the pre-pubescent Emile. He can neither admire and love his tutor, nor can he
feel gratitude for the tutor’s service to him. These sentiments are necessary to establish the kinds
of salutary authorities Rousseau depicts in his other works; so Emile is to be prevented from
understanding his tutor as an authority until he can feel these sentiments. By these standards,
Lockean pedagogical authority, with its early and insistent imposition on the child, is an arbitrary
despotism.

Rousseau’s critique does not simply discard Locke so as to set up a superior alternative.
Emile’s natural education is a critique of Locke, but his social education is a concession to him.
Natural education cannot be sustained because Emile’s independence cannot be sustained, and
with dependence comes even Rousseau’s admission that self-mastery is in fact the foundational

395 Schwartz, Sexual Politics of Rousseau, 77.
virtue which education must cultivate. Self-mastery is necessary only in society, which is why Sophie is taught it first of all. Because she is destined for society from the outset, there is no reason to shield her from the reality of dependence and moral ideas. Her whole moral education aims only to strengthen her ability to resist the seductions of popular opinion. Emile, because he is a “natural man,” must be raised in a way that forecloses no possibility, including a life of solitude. In Emile, he is depicted in society, but in the sequel, Emile and Sophie, he leaves society behind for solitude and, perhaps finally for an isolated family life. As effeminate as Sophie’s education is, with its emphasis on adornment and coquetry, in its deeper treatment of the will and authority, it is Emile’s adolescent education, only begun in childhood. If Emile were a real boy, or the son of the books first addressees, the “tender mothers who know how to think,” he would be as much destined for society as his sisters, and the elaborate orchestration by which Jean-Jacques keeps him ignorant of contrary human wills would not be necessary, since his education would be motivated by his parents’ affection for him and thus be moral from the outset.

396 Schwartz suggests that there are exemplary men – like Rousseau himself – for whom complete human independence can be sustained because they are capable of overcoming sexual desire, but that Emile is not intended to depict such men. To the extent that Rousseau contemplates the analogous case of the exemplary woman, it is presumably the “girl like Sophie” who falls in love with Fenelon’s Telemachus and commits suicide for want of a living equivalent (E, 404-405). Schwartz, Sexual Politics of Rousseau, 75, 83, 98-102.

397 This possible ending from Rousseau’s notes, according to which Emile takes a wife on his island and Sophie returns to him, is in fact much closer to the recapitulation of the “golden age” of isolated, affectionate families described in the Second Discourse that Shell suggests the original Emile aims at and ends with. Shell does not extend her analysis to the sequel, but this latter-day polygamist family eking out a living in isolation hardly looks like an “enhancement” of the primitive original. See Shell, “Sophie’s Education,” 293. For a discussion of the evidence for Rousseau’s intentions in the sequel, see Schwartz, Sexual Politics of Rousseau, 96-97.

398 In Emile and Sophie, Emile says that his tutor, having stayed on with them, “helped me to prepare an education similar to my own for my own son,” but what this could mean is uncertain since Rousseau is clear in Emile that a tutor cannot share his charge with even the boy’s parents. Emile and Sophie, in The Collected Writings of Rousseau, vol. 13, eds. Roger Masters and Christopher Kelly (Lebanon, NH: Dartmouth College Press, 2010), 687.
Is it possible then that Rousseau’s education of girls is intended for boys as well? That seems to be the practical conclusion of the work, narrow though such a conclusion may be. Or, to put it another way, Emile’s education represents an ideal and an unfolding of a philosophy of nature, while Sophie’s represents the best kind of private authority possible under modern social conditions, where salutary public authority has lost its influence and public opinion has become a vector for vice. That is not to say that sex doesn’t matter – Emile could not be a girl, but precisely because men are open-ended or capable of determining their own ends while women are only “very skillful at finding means for getting to a known end,” Sophie could, with minor modification, be a boy (E, 377). Such a boy would not dwell on dolls and adornment, but it is not much more difficult for parents to enact the early physical education of boys that Rousseau describes in Books I and II than it is for them to practice Locke’s education, from whom Rousseau explicitly borrows his Emile’s physical regimen. But the education of his will and his orientation towards his parents – particularly his mother – would be Sophie’s.

This is the ordinary education in the sentimental family, in which even Emile’s extraordinary education issues, since he and Sophie, in raising their own incipient family, will have to be like the “tender mother who knows how to think” and the “judicious and limited father” who are first exhorted to forego nurses and tutors and raise their own children. Their own sons will not be Emiles but rather male Sophies, with a limited independence of mind constrained by the competing social imperatives of civility and reputation, rather than Emile’s maximal independence of spirit which permits him to leave all social imperatives and society

399 One the openness of men vs. women, see Shell, “Sophie’s Education,” 283.

400 If we turn back to the Letter for guidance on the question of male education, Geneva’s “circles,” which Rousseau praises as sex-segregated counterparts to the home where masculinity is developed, offer a model of association that sustains (manly) virtue in a social world otherwise dominated by (feminizing) family life (L, 98-111).
itself behind with no regret. This does not mean that the education depicted in Books II-IV is purely abstract and bears no relation to reality. On the contrary, insofar as *Emile* takes the form of a didactic novel whose purpose is to go against the grain, then Kelly is right to suggest that:

“Rousseau's novel can make its readers more like Emile by using their un-Emilian tendency to identify with characters in books, i.e. by making Emile their hero much as Robinson Crusoe is Emile's hero. Such people need an imaginative support for a life of independence. They must be able to imagine themselves to be someone like Emile in order to keep from imagining themselves to be someone who is less independent... Although such imitators of Emile cannot be expected to have a strength of soul equal to his or to that of heroic citizens, they may have enough to meet the reduced demands of the new type of unheroic citizenship of a country rather than heroic citizenship of a fatherland.”

The education of the sentimental family represented by Emile and Sophie is a more fragile solution to the problem of modern man and his contradictory *amour-propre* than citizenship and solitude, which eliminate these contradictions by generalizing amour-propre to the republic, or eliminating the sources of dependence which fuel the desire to dominate.

Moreover, as a solution to the bourgeois phenomenon, the sentimental family governed by women like Sophie is not the road to re-establishing Sparta, or even the regime of the *Social Contract*. Neither Emile nor Sophie long for such a regime; they are not educated to be revolutionaries who overthrow the modern commercial state, but hardy plants who thrive alongside it. In this sense, *Emile* corresponds to the *Letter*, which contrasts a socially-dissipated Paris with no civic life not to a classical republic or an idealized modern one, but to Geneva, a recognizably modern French alternative with hardly more political autonomy than Paris, but which has nonetheless maintained decent mores by means of a social life concentrated on the family and private fraternal associations. The modern sentimental family is not, as many scholars have claimed, a precursor for wholesale political reform for Rousseau but a *substitute* for it:

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401 Kelly, “Rousseau’s Case For and Against Heroes,” 364-365.
“The love of humanity and of one's own country are the sentiments the depiction of which most touches those who are imbued with them, but when these two passions are extinguished, there remains only love, properly so called, to take their place.” (LA, 117).

Notwithstanding his paeans to rustic Swiss mountain men and isolated Corsicans, Rousseau’s practical reformist hope for Paris – and by extension, all of modern Europe – is the cultivation of the sentimental family, with its inward-looking domestic life that is unaffected by political corruption and able to turn away from decadent society. In “countries where the moeurs are so bad…they would be only too happy to be able to raise themselves back up to the level of love” (LA, 118). This marks a certain acceptance - limited and conditional, but nonetheless real – of modern commercial states on Rousseau’s part, an acceptance which scholars like Helena Rosenblatt and Istvan Hont have begun to highlight in other aspects of Rousseau’s thought, but which also comes through in his understanding of education and the family.

Since all social life requires personal authority, including the social life of the modern commercial state whose public authorities have degenerated, Rousseau posits the possibility of replacing them. Rousseau’s depiction of private authority in Emile is like his images of public authorities: the tutor’s perfect but impossible authority should be in basic respects analogous to some imperfect but possible authority which already exists, as the censors are to the Lawgiver. Real children can have no wholly self-abnegating authority like Jean-Jacques over them, but some degree of self-abnegation is a condition of all authority for Rousseau. To the extent that the tutor’s self-abnegating benevolence is capable of occurring anywhere in modern society, the only people willing to sacrifice their interests even occasionally and unevenly to someone else are in fact parents. Another condition of authority for Rousseau is that it govern opinion. If parents are to play in private life the role that censors played in a republic, then their primary role as authorities is to provide a tempered version of Emile’s rather intemperate education, to regulate their children’s mores within the limits imposed on them by the social conditions in which they
find themselves rather than, like the Lawgiver, bringing the social conditions into being. Parents can do this because their authority, like all Rousseauian authority, is based on their children’s voluntary submission to what they admire.

All this amounts to a family very like the one Locke sought to build in his *Education*, and a parallel account of the role of private, pedagogical authority as a counterweight to the influence of “fashion” in a political society where sovereignty effectively does not exist and public opinion has taken its place. But there is an important difference in Rousseau’s account: for him, it is not paternal authority (generalized into parental authority by Locke) that plays this role, but *maternal* authority. It is women who can, by changing prevailing mores, “bring everything back together,” because they govern the private sphere, which includes not only children but also men insofar as they are husbands and fathers. However, that authority, while as voluntary as the other Rousseau’s other images of authority, is supposed to be hidden, while that of the others is quite open. It is true that no one ought to resent submitting to the admirable example of exemplary men, but to view oneself as submitting to one’s wife does not have the same effect – which is what permits Rousseau to mock as effeminate the men who submit to women’s tastes in the arts. Rousseau himself is hardly concerned to keep the secret of women’s rule, and exposes it (to men) constantly across his works. But given the not strictly rational nature of personal authority, which “persuades without convincing,” Rousseau’s exposure of what he claims are the secret mechanisms of women’s rule does not apparently undermine these mechanisms.402 *Emile*, along with Rousseau’s other works dealing with family life, thus marks a significant and influential

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402 If Rousseau’s description of the reciprocal rule that men and women exercise over another is in fact an intractable outcome of the logic of each sex’s desire that will not be overcome simply by being rationally explicated, then men may find Rousseau’s proposal to women to retreat to domestic life worth demanding for themselves as well, since at least no one else can see their submission to their wives at home.
correction to Locke’s argument for the urgency of pedagogical authority of parents in the modern state by addressing this project primarily to women and assigning them the limited and constrained authority that, at the outset of the modern sovereignty project, had been unlimited and exclusively in the hands of fathers.

Shklar raises a final, important question in the context of Rousseau’s uses of authority when she points out that, “Of all his images of authority the Great Legislator is the least genuine, the most wooden and one-dimensional figure.”\footnote{Shklar, Men and Citizens, 155.} That may be so, but more to the point, we might ask whether any of Rousseau images of authority are “genuine”? Emile’s tutor is a “rare mortal.”\footnote{I do not consider Julie here in any detail, but the character of Wolmar also fits into this Rousseauian tendency to perfect in imagination the imperfect conduct of even the best men. See Shklar, Men and Citizens, 134-138.} Sophie too, despite her ordinary upbringing, is so nearly perfect that even her failings are creditable. Even the venerable old marshals of Louis XIV’s tribunal, who were indisputably real, have to be perfected by Rousseau’s imagination, since in reality, they failed at their task. These ideal authorities reflect back to us what we need and long for in personal authority, but what we really get (and settle for) is much greater imperfection, though we often choose to overlook it. Locke is the one who really gives us a “convincing” authority in his father-tutor, who is no more than an educated, prudent, and well-bred fellow, but Rousseau shows more clearly why – politically and especially psychologically – he is necessary in impersonal modern regimes.

VI. Rousseau’s ambivalence about authority
I have emphasized the ways in which Rousseau is Lockean in his endorsement of the insular, nuclear family as an antidote to the corruptions of modern commercial societies, and the role that the intensely personal authority of parents-as-pedagogues plays in protecting individuals from the degenerate public authority of fashion. But to read Rousseau as a straightforward, unconflicted Lockean liberal is a foolish endeavor. Liberalism is a contested concept, but Rousseau is a liberal in important respects by any definition – his political contractualism, his effort to build political principles on a foundation of natural equality and minimal natural right, and above all his concern for individual liberty. The great obstacle he poses for straightforward liberalism is that he found the prospects for this liberty to be grim. As a result, all his proposed ‘solutions’ to the problem of man’s modern dependence and weakness are ambivalent at best, full of his own caveats and disclaimers, and this is no less true of his idealization of both the family and personal authority.

The family – especially the nuclear family linked by direct ties of love – is a larger whole than the individual, but it is a far more mutable whole than a republic, one that even in the best circumstances dissolves within a single lifetime. And the risks of devoting oneself wholly to a unit so small are great, as Emile and Sophie demonstrates when the untimely death of just one member – their daughter – suffices to unravel all the years of arduous preparation for one another which the characters underwent. The family is not a permanent or thoroughgoing solution to

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405 Disputes over the definition of liberalism are not worth wading into here. For an overview, see Duncan Bell, “What is Liberalism?” Political Theory 42 (2014), 682-715. Tracy Strong suggests that Rousseau’s thought is so expansive that it is both liberal and more than liberal, which seems about right. Strong, Politics of the Ordinary, 77. Marks asserts that he cannot be a liberal because he is concerned with virtue and willing to limit freedom for its sake, whereas presumably more standard liberals prefer to limit virtue for the sake of freedom. The difficulty with Rousseau is that, if we do divide his concerns into two kinds – depicting ideal regimes in his republican works, and proposing correctives to real ones in works like Emile, Julie, and the Letter to d’Alembert, then it is easier to see how in the latter group works, he avoids state-enforced virtue just as much as Locke. Marks, Perfection and Disharmony, 81.

406 Rousseau, Emile and Sophie, 688.
the incoherence of the modern self that Rousseau depicts everywhere, but it is at least a way out of the moral and intellectual slavery of fashion that arises in centers of luxury and commerce.

Not just the sequel but also the ambivalent ending of the main text of *Emile* merits consideration. Even if Emile’s education represents only an abstract consideration of perfect authority, so that his unwillingness and even inability to get on without his tutor as an adult is a problem that no actual child will encounter under the less perfect tutelage of his parents, the very fact that Rousseau does *not* claim that perfect pedagogical authority issues in autonomy ought to give us pause. Locke takes adulthood for granted. Childhood should be made pleasant enough, but Lockean children will still feel its constraints and desire the freedoms of adulthood, a desire that is clearest in the adolescent’s resentment of his tutor. The child is promised from the start that his restraints and preparations will pay off later, in the form of reason, self-sufficiency, property, and equality with those he admires. But Rousseau criticizes the “belief that…as soon as someone is grown up, he ought to renounce everything he did when he was young” (E, 432). He points out that a happy childhood is all the more difficult to leave behind, and the more likely to open us to nostalgia and ambivalence: “The emptiness of ripe age, which has made itself felt in me, retraces for me the steps of the sweet time of an earlier age. In getting old, I become a child again, and I recall more gladly what I did at ten than at thirty” (E, 135). The Lockean child has some reason to *want* to outgrow childhood and put it behind him, but Rousseau calls attention to the contradiction in this position, since even a childhood under a less totalizing and less selflessly devoted authority than Emile’s tutor comes with substantial pleasures of protection and care, and does not clearly motivate a desire for the vigorous intellectual independence of adulthood for
which Locke hopes. Why not continue to rely on the good and benevolent judgments of one’s
father, long past childhood, especially given the difficulty of making one’s own?

Rousseau depicts authority as both liberating in the way that Locke does – it can preserve
us from falling victim to all the other potential sources of intellectual and moral slavery – and
enslaving in itself. The most perfect authorities – the tutor Jean-Jacques, and the Lawgiver – are
so compelling as to make it undesirable, if not altogether impossible, for those under their sway
to achieve or even desire independence from them. Shklar’s reading is one of the most sensitive
to this contradiction:

“Rousseau never forgot that authority meant submission. Even the most self-liquidating
forms of authority involve subordination, and that is in itself the essence of evil.
Rousseau therefore doubted whether authority could accomplish its true ends. It might
cure and palliate, but once men needed a master, they would never be able to do without
one. Authority may keep them from evil, but it does not liberate fully or permanently.”  

Rousseau’s concern to rehabilitate private, personal authority against the power of fashion is not
therefore quite as optimistic as Locke’s. Locke too had doubts about the power of human reason
and the number of people who possessed it, as we have seen, but he was at least relatively
sanguine about the possibility of protecting the epistemic freedom of those devoted to reason
through his pedagogy. Rousseau could not, it seems, even endorse himself that far. In his
ambivalence, he

“helpfully shows us that the pertinent question for the character of our political and social
lives is not whether we have heroes, but what kind of heroes we have…At the same time,
and less helpfully, Rousseau radically undercuts admiration because he…consistently
holds out the possibility of a transmoral perspective in which admiration has no role to
play…For Rousseau, there is no such thing as rational admiration.”  

407 Shklar, Men and Citizens, 129.

Its basis in a fundamentally non-rational passion is what presses Rousseau to recognize and elevate personal authority rather than hopefully suppressing it, as previous sovereignty theorists had done, but it is also what prevents him from embracing it unconditionally as a solution to the social problems of dependence and dividedness.

Rousseau offers positive accounts of both public and private authority, but these accounts are often paradoxical. On one hand, public authority turns out to be essential to a healthy polity in Rousseau’s political writings, but a healthy polity may be unattainable. On the other hand, private authority is the antidote to a corrupt polity in Emile, but the prevalence of such a polity’s corruption may overwhelm the countervailing pedagogical efforts of individuals. The solution, to the extent that there is one, lies somewhere between the two extremes Rousseau often posits – the selfhood-annihilating, totalizing state at one end, and the society-denying radical autonomy of solitude at the other – and it relies on the private authority of women. This solution is the partial society of the family in the modern, commercial state, which neither demands totalizing loyalty nor allows for complete independence. What it allows is, like Locke’s family, a standpoint from which to see both one’s society and its distortions, as well as the two alternatives abutting it from either side.

Ultimately, Rousseau does not decide for us which of the solutions to our dividedness that he offers is best – that of the complete citizen, the complete solitary, or the family man. The first two are the most fully self-consistent. The third is the most attainable. Or, if Storey is right, there is no best option at all:

“Rousseau’s system is coherent, but that its coherence is the coherence of a tragedy—it is a ‘sad but great system.’ Neither Rousseau himself nor a truly serious student of him can help being enchanted by the contradictory possibilities of wholehearted sociability or
self-sufficient solitude that his system celebrates. His meditation on bourgeois dividedness thus finally leads us to see just how intractably divided we are.\footnote{Storey, “The Problem of Admiration,” 745.}

Just as the best form of government for a people depends on where and how they happen to live, the best way of life for an individual may depend on his disposition. In a way, that makes the question easier for each of us to answer for ourselves than in the abstract: if total citizenship appeals most to you, try for it. If total solitude does, retreat into it. If both these options horrify you, then go home to your wife and children.
I. The history of authority

The constitutional thought of the sixteenth century found the source and limits of political authority in a variety of places, from national history to natural law, but it was not until the articulation of the theory of sovereignty that regular authority was held to be absolute, unitary, and final, modeled on the natural (and naturally absolute) power of fathers. This conception of authority as power, or command, was advanced by Bodin in order to rationalize government, rendering it less dependent on those independent constitutional elements like the nobility and the clergy on which Seyssel and Hotman had relied. The result was on the one hand a centralization and concretization of power and authority in the monarch’s office but also the depersonalization of that office, a combination that would follow sovereignty through the next three centuries, especially as the democratic potential of sovereignty theory was increasingly admitted and the sovereign came to be conceived as a perfectly impersonal people.

Bodin insisted that distinctions between concepts like power, authority, command, and force were merely semantic, but he did not fully circumvent these distinctions either. Natural and divine law remained an authoritative standard above the sovereign against which he could be judged and potentially challenged. Bodin of course denied anyone’s right to express or act on such challenges, but by acknowledging a natural law that stood apart from the sovereign’s will, he in fact encouraged subjects to conceive them. Bodin’s followers resolved this difficulty in different ways. Grotius subordinated sovereign command and elevated natural law as a binding imperative, explicating it and transforming it into an enforceable legal code. Filmer argued that God had from the outset of human government sanctioned the absolute power of all legitimate
sovereigns, but this still left the problem of sorting the true heirs of Adam from the numerous imposters.

Hobbes went in the other direction, reducing natural and divine law to the sovereign’s will. This resolved Bodin’s difficulty with setting out to consolidate all political authority in one head but winding up with it distributed across several: sovereignty, divinity, and paternity. But it also went farther by undermining any external standard against which to challenge the sovereign. Bodin had outlawed resistance, but Hobbes saw that so long as the desire to resist remained and could be spread, legal prohibitions would not suffice to prevent it. Subjects had to be prevented from entertaining even the opinion that the sovereign was unjust. This meant that the sovereign’s power had to extend beyond the laws and to opinions. Hobbes tried to make this possible by means of “sovereign authorization,” whereby sovereign power is legitimated by the consent of its subjects and transformed into authority. This required a redefinition of authority to pre-empt anyone but the sovereign from claiming it, especially from God or nature. But such redefinition is only one example of what the sovereign would be expected to do with all moral terms that can be construed to threaten his power. At the same time, Hobbes set up fathers within the family to teach every subject by experience how little good is to be had from naturalistic conceptions of authority, and how much better it is to submit to a distant, conventional sovereign. Hobbes recognized the great danger from public opinion, that it was often more authoritative a rule than any law promulgated by the most absolute monarch, and oriented his sovereignty theory around neutralizing it.

Bodin had tried, unsuccessfully, to consolidate authority from the various places within (and outside) of the constitution where it had been lodged, and Hobbes tried to expand Bodin’s sovereign authority to capture the realm of opinion as well. Locke began from this Hobbesian
hope, since he saw early on that opinion was more influential than any political authority. But he came to doubt whether it was possible for any person or office to exercise such control of opinion. If sovereign control of public opinion was not possible though, then sovereignty itself was of little use, since by the mid-seventeenth century, it had repeatedly proven incapable of suppressing the civil strife it was designed to prevent. So Locke rejected it, and in his mature writings reconceived legitimate political power as the legislation of a consensual government, an impersonal and limited constitutional arrangement, and one that was not especially strong in the face of uncontrollable contrary opinion. Locke’s political authority was highly circumscribed but, like Hobbes’s, ultimately grounded in consent.

However, Locke admitted one particular form of personal authority which Hobbes had rejected, and that is paternal authority. This authority, though still limited in its reach and duration, is nonetheless extensive within these bounds. Locke dispenses with the absurd Hobbesian assertion that paternal authority is legitimated by children’s consent, converts it to parental authority and renders it entirely pedagogical. Hobbes too had in effect gestured in this direction in his account of paternal authority within the commonwealth, which is sustained by the sovereign for its educational benefits, and even Bodin justified his expanded paternal authority because it educated subjects about the character of sovereign power. But Locke turns education into the sole justification for personal authority, and his justification is more or less our rationale for deference to parents: they act in the best interests of their children so that their children may eventually act for themselves. Parental authority has, for Locke (and for us), become pedagogical authority.

This remains true for Rousseau, despite his apparently Hobbesian insistence on the child’s consent in adolescence to his tutor’s authority. Emile’s submission to the tutor is
technically consensual, but this consent is orchestrated by the machinations of a tutor who has effectively had absolute control over him since birth. That control was also justified on pedagogical grounds, since according to Rousseau, the only way to educate a child completely according to nature is by giving him over completely to the artificial rule of another person. In Sophie’s education, however, we see a more straightforward Lockeanism – Sophie is never required to consent to her parents’ rule, but follows it from the same impulses as Locke’s pupil, admiration and the desire for their esteem.

Where Rousseau diverges from Locke and his predecessors is in his assertion that not only is personal authority in the family salutary, but so also is personal authority in the state. The sovereign is a perfectly impersonal power, and so for the most part is the government. But both of these require personal authority to come into being. There can be no state without civic exemplars, both at the founding and, on a less mythic scale, in every subsequent epoch. The realm of mores is necessarily the realm of personal authorities for Rousseau, since it is these people who form and govern opinion. Such authorities cannot be legitimated by any legal process like sovereign authorization or even effectively limited by being constitutionalized, as Bodin hoped that arbitrary princes might be by his sovereignty theory. They’re limited in other ways, by the nature of public opinion as Rousseau understood it, but these limits cannot be formalized. Rousseau’s objection to the entire sovereignty tradition is that it neglects the strength of man’s desire to admire and emulate and even simply to submit, not to a law or a duly-authorized representative, but to a particular individual (including, notably, a woman) whom he longs to please and be personally approved by.

Where one goes from Rousseau’s account of personal authority is quite open. It contains both the seeds of the “authoritarianism” – that is, fascism and rule by strong-man dictators – that
postwar liberals feared, and a moderate (and tenuous) liberal balance between informal personal authority in the private sphere and public rule of law. This latter is an essentially Lockean compromise, one which accounts for both the general illegitimacy of personal authority in a liberal regime premised on civil equality, and the need for limited instances of such authority to hold off the overwhelming power of fashion and opinion in a regime where civil equality lends great, even oppressive, weight to the opinion of the majority.\footnote{This is of course Tocqueville’s insight into the psychology of democratic public opinion: Thought is an invisible and almost intangible power that makes sport of all tyrannies. In our day the most absolute sovereigns of Europe cannot prevent certain thoughts hostile to their authority from circulating silently in their states and even in the heart of their courts. It is not the same in America: as long as the majority is doubtful, one speaks; but when it has irrevocably pronounced, everyone becomes silent and friends and enemies alike then seem to hitch themselves together to its wagon. The reason for this is simple: there is no monarch so absolute that he is able to unite in his hands all of the strength of the society and defeat resistance, as can a majority vested with the right to make laws and execute them.}^{410}

II. The logic and illogic of congruence

Because they saw authority as varied in kind and lodged in many places in the constitution, sixteenth-century constitutionalists had little need of the logic of congruence. While it was common enough to imagine that the first political rulers were fathers of families, this history was not taken to be decisive for modern politics. To describe the authority of fathers and political rulers as arising from different sources and having different ends posed no difficulty. It was only when Bodin proposed to consolidate all power and authority into one office that both the basis of such an office and the remaining legitimacy of other traditional forms of authority became problematic. Bodin sought to diminish other authorities where possible, and following his example, Hobbes sought to crush these competitors outright. But there remained the problem of justifying the sovereign, and for this, Bodin turned to the primal authority of fathers.

After Bodin, we see the argument for absolute sovereignty attached to an argument for congruence between the family and state over and over again, especially as civil war crossed the Channel to England. It takes its most infamous form in Filmer’s works, but even Hobbes, who wanted to make all politics conventional and undermine the appeal of patriarchal politics, built on the logic of congruence and refused to deny it outright. The reason then that early liberals like Locke and Rousseau were so adamant in rejecting this congruence was that it was an illiberal, absolutist principle.

In rejecting congruence, they were returning in part to the pre-sovereignty comfort with simultaneous and even overlapping sources and kinds of authority. Indeed, Locke begins the Second Treatise by recapitulating Aristotle’s distinction between the authority of a father, a master, and a monarch. Despite his debt to Aristotle, Locke could not simply insist that the family and the state were two different associations with different purposes and different structures, so that one permitted absolute authority and the other did not, as Hooker and even Grotius had. Congruence had become too compelling by the end of the seventeenth century, and arguments for limited royal authority alongside absolute paternal authority no longer stood up to the far simpler absolutist claim that the family is a little state, and the state a large family. So in addition to denying congruence, Locke placed extreme restrictions on paternal power to pre-empt future efforts to derive absolutism from paternity. Nonetheless, within these restrictions on its duration and its reach, Lockean paternal authority is all but absolute, while his political authority is diffuse, impersonal, and limited. For Locke, the most stubborn threat to liberty is not from government but from nature, fashion, and opinion, and it is to counteract this power that he strengthens paternal authority.
For Rousseau, congruence is equally untenable, but the alternatives are more numerous. In the best republics, congruence is impossible because the family itself is minimized, and education is a thoroughly public undertaking. In modern states, where there is no public education, congruence is equally undesirable, since the family serves as a tenuous last bastion of virtue to which to withdraw from a corrupt society. But in both cases, the task of governing opinion within the family falls to women, in their roles as mothers and wives. This is an inversion of our starting point in Bodin’s effort to elevate fathers to absolute power over their families in order to mirror the power of the sovereign. Rousseau finally breaks down the logic of congruence not only by denying that the state and family may take the same form or be governed in the same way, but by assigning different rulers to each, so that if his sexual politics is accepted, no one who rules a family may partake in the rule of the state, and vice versa.

Of course, when contemporary theorists propose that the school and family be made to resemble the state, they have in mind a state that looks quite different than a seventeenth-century absolutist monarchy. Their state is thoroughly anti-authoritarian, it denies hierarchy and maximizes equality, and so do their imagined schools and families. So perhaps we might think that although the principle they draw on is originally illiberal, they’ve reshaped it to promote liberal ends. But what early liberals understood that contemporary theorists do not see is that congruence itself is the problem, not the shape of the regime that the family is asked to model itself on. The family and the state cannot mirror one another because, in a liberal state, they don’t exist for the same ends. The family does prepare the child for citizenship, but not by having him rehearse civic principles from a young age. Rather it does so by inoculating him against the worst tendencies of liberalism – the tendencies to be ruled by fashion, custom, and the opinions
of the majority. The family can do this precisely because it does not resemble the state, because it is hierarchical and “authoritarian.”

III. Liberal democracy and the government of children

Contemporary liberalism has largely lost sight of these accounts of the place of a personal, pedagogical authority in an impersonal state, and as a result has found itself insisting, as Levinson does, that it is a matter of indifference whether children have parents or are brought up by an efficient and rational state. To the extent that parental authority is to be tolerated, it is largely as an unfortunate holdover from a more “traditional” age, and not an essential part of the liberal regime. This position would have been unrecognizable to any early modern thinker but Hobbes, for whom it was quite conducive to the consolidation of absolutism. However, when we consider Locke’s and Rousseau’s understanding of authority over children, especially in light of the absolutist sovereignty theories which preceded them, we might see more clearly how indispensable personal authority is to liberty, as well as authority’s limits. It is not authority per se that liberal theories opposed but a particular construction of authority advanced by sovereignty theory, one that conflated authority with power and command, and demanded that this understanding of politics be replicated in the family. Understanding the problem of personal authority over children in the foundations of liberalism may help to resolve some of the difficulties contemporary theorists encounter in trying to find a place for the basic but private or semi-private experience of personal authority, which, despite its negative associations, remains central to forming the very public life that rejects it.

One obvious contributor to the difficulty even for liberals who are not interested in congruence is the rise of mass schooling, whose very organization facilitates the tyranny of
fashion which Locke and Rousseau avoided by insisting on home education. Home education has made something of a comeback, but schooling remains the reigning paradigm. Since Locke and Rousseau were as much opposed to the heavy-handed discipline of schools as the most progressive contemporary educator, it may be that their writings do not apply to the educational system we’ve created, and once we’ve admitted schools, democratizing them is only as bad an idea as any other pedagogical innovation.

It is true that no school can do all that Locke and Rousseau asked of the family. Every school will let in more of the majority’s opinions than the family, and subject children to one another’s authority to some degree. Nonetheless, there is as yet no school large enough to be fully impersonal, where adults appear to children as faceless bureaucrats rather than individuals. For better or worse, everyone remembers his schoolteachers for many years, sometimes for life, and this is rarely because they were especially brilliant people. The school, even the public school, remains in its function more like the family than like the state, an extension of the private sphere still responsible for protecting children from the full force of public opinion and the demands of public life. Teachers, like parents, are authorities over children, whether or not they wish to accept that responsibility and behave authoritatively. And children, despite their remonstrances, are much better off when adults accept and exercise their authority because the alternative for them is not freedom from being ruled, but the tyranny of other children.

*Lord of the Flies,* it turns out, is not altogether a fiction. In a recent study of the history of Chicago’s public housing projects, Bradford Hunt notes an interesting pattern: many of the projects were built to accommodate large working-class families, who had a hard time finding affordable multi-bedroom housing in the private market. But as the proportion of children in the
projects increased relative to adults, crime and disorder increased with them.\textsuperscript{411} Increasing crime and disorder in turn persuaded families who had the means to leave public housing to do so, leaving not only poorer residents behind, but more importantly according to Hunt, younger ones – families with the most children along with growing numbers of teenage mothers – further reducing the proportion of adults. While the poverty of Chicago’s projects was well-known and often blamed for their criminality, what went unnoticed was their extreme youth: the minor to adult ratio reached nearly 3:1 by the 1970s, compared with the city average of a little over 0.5:1.\textsuperscript{412} Here was a real community of children liberated from adult authority, and while the situation sufficed to inspire an iconic 1992 horror film, it fell rather short of inspiring the egalitarian and autonomy-enhancing democracy which liberal theorists and progressive pedagogues hope for.

The contemporary difficulty with adult authority over children, Arendt suggested, was not children’s resistance to it, but the resistance of adults.\textsuperscript{413} The arguments advanced in the name of child liberation and empowerment come from a postwar crisis of confidence on the part of adults, who no longer believe themselves capable of raising and educating children. Believing that they and their “values” have made such a mess of things that they can only taint the next generation by transmitting these values, they would prefer to leave children to their own devices

\textsuperscript{411} Bradford Hunt, \textit{Blueprint for Disaster} (Chicago: University of Chicago Press, 2009). Hunt acknowledges the roles that poverty and racial discrimination played in the demise of public housing, but argues that they do not account for the initial increases in low-level criminality, which began while the projects were still well-maintained by the city and inhabited by working-class families. He sees the fundamental failing to be one of design – the construction of too many units with three or more bedrooms made it inevitable that the complexes would be dominated by children. By contrast, cities like New York, which emphasized smaller units, had better success.

\textsuperscript{412} Hunt, \textit{Blueprint}, 147-150.

\textsuperscript{413} Arendt, “Crisis in Education,” 188-191.
to re-found a better world. This requires a strong but misplaced Rousseauian faith in the natural goodness of man and in the capacity of children for spontaneous order. But if Locke and Rousseau are right, then children left to their own devices within civil society are less capable than anyone of repairing the political world or ushering in a better one. Unable to deny or reflect on their desires, they quickly become enslaved to them, or to anyone who excites new desires in them and promises their satisfaction. Liberal liberty does not come about spontaneously. Counterintuitively, children’s flexibility and capacity for novelty is not suppressed by an “authoritarian” education, but by the lack of one.

Christopher Lasch gives a historical sketch of this crisis in confidence in his hideously-titled *Haven in a Heartless World*. He also connects the retreat of adult authority to the expansion of peer tyranny:

“Permissive ideologies rationalize this retreat. When parents cannot altogether avoid disciplinary decisions, they seek to delegate them to other authorities…Both parents shift much of the responsibility for the child's development to his peers — against whom, in the absence of firm standards of their own, they also measure the child's academic, athletic, and psychological progress…Permissiveness thus rests in part on peer group control. The peer group not only regulates taste, it puts forward its own version of ideal family life. It circulates information about parental regulations currently in force, about regulations that are violated with impunity, about what the world upholds as the norm of *parenthood*. The child's mastery of this information gives him an important tactical advantage in negotiations with his parents. If he can show that they have departed from established norms, he further weakens their self-confidence.”