

Children or Citizens:
Civic Education in Liberal Political Thought

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
Political Science in the Graduate School
of Duke University

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ABSTRACT

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Abstract

My contention in this dissertation is that the history of liberal political thought contains two incompatible models of children's political status, which in turn produce two incompatible answers to the question "*Is liberalism compatible with civic education?*" The first model, which I describe as "the apolitical child", emerges out of the social contract tradition in liberal political thought dominant during the 17th and 18th centuries. This radical departure from previous conceptions of children's place within political communities served to weaken the authority of absolutist monarchs over subjects born within their territories. In making political obligations voluntary, this tradition justified either exclusive parental authority over children's education or a program of education concerned with preserving children's capacity to voluntarily choose their political obligations upon coming of age. The second model, which I describe as "the child as citizen", develops out of a later liberal tradition concerned with preserving then existing liberal regimes against the growing threats of illiberal populism, religious fanaticism and political violence. As the political power of the working classes grew during the 19th century, the risk of public support for illiberal policies became increasingly salient to liberal political thinkers. In abandoning consent as the ground of political obligations, these liberals also abandoned the model of the apolitical child. Instead, they saw children as citizens whose attachment to liberal political institutions would be decisive in whether those liberal institutions would survive.

Dedication

To my family, for guarding my journey to adulthood.

To my friends, for joining me on the winding path forward.

To Cindy, for her insight.

To Dan, for his counsel.

To Sara, for her instructions.

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The debts that I have acquired during the course of writing this dissertation are too weighty to do justice to. I may attempt the monumental task, however, when the final project is ready for its final post-defense submission.

Chapter 1: Civic Education and Liberalism

"The problem is that giving the state presumptive authority to inculcate its values in future citizens violates liberal legitimacy."

Harry Brighouse, 1988

"Liberalism, as we saw, began precisely in order to oppose the educative state."

Judith Shklar, 1989

1.1 Civic Education in the 21st Century

Statistics about the civic knowledge and civic participation of the average American voter in the 21st century give liberals legitimate reasons to be concerned. A 2014 Constitution Day survey conducted by the Annenberg Public Policy Center of the University of Pennsylvania found that 35% of Americans could not name a single branch of government, while only 36% could name all three.¹ A recent Newsweek survey found that 73% could not correctly say why the US fought the Cold War and 44% were unable to define the Bill of Rights.² A 2015 poll of young people aged 18 to 34 showed that 77% could not name any senators from their home state.³ A poll by the First Amendment Center showed that 55% of Americans believe that the Constitution establishes a Christian nation and only 56% believe that freedom of religion applies to all religious groups.⁴ Another third

¹ The Annenberg Public Policy Center of the University of Pennsylvania, *Americans know surprisingly little about their government, survey finds.*

² Romano, Andrew, *How Ignorant are Americans?*

³ Breitman, Kendall, *Poll: Majority of millennials can't name a senator from their home state.*

⁴ USA Today, *Most think founders wanted Christian USA.*

of Americans believe that "From each according to his ability, to each according to his needs" is written into the Constitution.⁵ Despite higher levels of overall education, college graduates also show surprisingly low civic knowledge. Nearly half of college graduates do not know the terms of US senators and representatives. Less than 20% could accurately identify the effect of the Emancipation Proclamation in a multiple choice quiz.⁶ Furthermore, only around 60% of them show up to the polls in the Presidential election, around 40% vote in midterm elections, and only about 20% in local elections.⁷

1.1.1 The Democratic Turn

While the overall civic knowledge and civic participation of the average American has been consistently low, prominent theories of civic education are proposing increasingly ambitious ideals for the average citizens of liberal democratic regimes. One dominant direction of the recent discussion concerning civic education emphasizes the importance of **democratic participation** and **democratic deliberation**. In *Democratic Education*, Amy Gutmann argues that the purpose of public education is to prepare deliberative citizens. While parental education in the home or private education at the university level can aim at different goals, the moral priority for public schools is preparing children to participate in collective decision-making: "political education"—the cultivation of the virtues, knowledge, and skills necessary for political participation—has moral primacy over other purposes of public education in a democratic society" (302). The skills, knowledge and virtues required

⁵ Crain, Caleb. *The Case Against Democracy*.

⁶ American Council of Trustees and Alumni, *No U.S. History? How College History Departments Leave the United States out of the Major*.

⁷ Knight Foundation, *Why Millennials don't Vote for Mayor: Barriers and Motivators for Local Voting* and The American Presidency Project, *Voter Turnout in Presidential Elections: 1828 - 2012*.

for this task are numerous. Among them, Gutmann lists literacy, numeracy, critical thinking, contextual knowledge, understanding, and appreciation of other people's perspectives, mutual respect beyond simply tolerating difference, veracity, nonviolence, practical judgment, civic integrity and magnanimity. In fact, she argues that the ideal of democratic citizenship is so demanding that one cannot specify any "sufficient educational conditions for citizenship" (278).⁸ While Gutmann gives the clearest and strongest articulation of the goals of democratic education, most other prominent accounts also prioritize either democratic deliberation or democratic participation in their vision of civic education. Meira Levinson's *The Demands of Liberal Education* reminds her readers of the importance of political engagement for the strength of liberal democracy: "They should also develop such habits as paying attention to public issues, voting, and exercising their rights as citizens. Liberal democracy weakens with disuse, and one of the best antidotes to disuse is producing more citizens who take it seriously and who have developed the habit of public involvement." (102) For Stephen Macedo, liberal democratic institutions require "a willingness to think critically about public affairs and participate actively in the democratic process" in order to thrive.⁹

Eamonn Callan's *Creating Citizens* begins by imagining what he calls a Brave New World in which society is prosperous, wealth is justly distributed, civil, political and religious rights are respected by the state and one's fellow-citizens, but political participation and public dialogue are low: "But when elections are held, scarcely anyone bothers to vote. The

⁸ On the other hand, she claims that the *actual* demands of democratic citizenship are so varied that we cannot specify any necessary conditions either - literacy included (278).

⁹ Macedo, *Diversity and Distrust*, 10-11. Although he argues that they need less in order to survive.

mass media ignore politics because the consumers to whom they cater do not care..." (2) Callan's claim is that not only would such a society be poised for imminent collapse, but that even if it could remain stable as a *modus vivendi* society, it would be "a place that many of us regard with sheer horror" (2). I leave it to the readers to consider whether the society described above is truly as horrifying as Callan thinks. My purpose, for now, is simply to show how important democratic participation and deliberation have become in the contemporary discussion of civic education. I begin here because there has been a large and growing literature about the limitations for democratic participation and deliberation within large political communities such as the United States, as well as a growing global realization that widespread democratic participation is fully compatible with populism and illiberal politics.

1.1.2. The Problem with the Democratic Turn

Given the earlier statistics about American's civic knowledge and political participation, there have been a series of recent books discussing the reasons for these findings and their normative implications. Three prominent examples include Christopher H. Achen and Larry M. Bartels' *Democracy for Realists*, Jason Brennan's *Against Democracy* and Ilya Somin's *Democracy and Political Ignorance*, although this literature has a longer history in empirical political science. Most of these books offer pessimistic conclusions about the possibility that the knowledge of American voters will increase much beyond current levels. These works draw on literature in public choice, including Bryan Caplan's *Myth of the Rational Voter* and earlier arguments in Anthony Downs' *Economic Theory of Democracy* in order to argue that voter ignorance is rational and predictable in light of the limited influence of individual

voters in a democracy of 300 million. Given that the policies one gets in a democracy are the policies that the majority votes for, the probability that one's vote would be decisive on the relevant policy and electoral outcomes is somewhere around 0.008%.¹⁰ Taking into account how time consuming and intellectually demanding it is to become politically informed and how limited the benefits of such extensive research are, it is typically rational for individuals to spend their time on other activities where the benefits exceed the costs.¹¹

Not only does it make sense for the average voter to be quite uninformed about the issues on the political agenda, but the same considerations about the limited political influence of individual votes can explain why citizens might vote for political views at odds with their reflective self-interest. In other words, people can vote for a candidate supporting high taxes without actually expecting that their candidate would be elected or they can vote against the establishment without (usually) expecting that a protest candidate would be elected. Not only that, but people will happily adopt political views that are suitable for the political conversation they belong to or beliefs that give them the warm glow of saying morally praiseworthy things. This phenomenon is generally described as rational irrationality and provides an explanation for why voters who are actively involved in politics may be more driven by expressive considerations than by the type of rationality promoted by political philosophers.¹² In other words, those citizens who are actually active in the political

¹⁰ See Brennan and Lomasky, *Democracy and Decision* and *Is There a Duty to Vote?*

¹¹ This is, of course, so long as the individual in question does not get incredibly high benefits from reading, writing and debating political questions - as we might expect to be the case among political scientists, political theorists and others whose livelihood consists in writing about politics.

¹² See Brennan and Lomasky, *Democracy and Decision*, chapter 3.

process are more likely to be active precisely out of the irrational passions which concern liberals.

The insight about the declining influence of individual citizens with population size, one should note, is not new, since Rousseau made the same observation in the *Social Contract* as part of his explanation for why democratic government made most sense in small rather than large political societies.¹³ For the ideals of liberal democrats, such analysis provides *in principle* reasons why the more ambitious democratic ideals of participatory and deliberative democrats may not be appropriate in large, modern, liberal states. In addition to these theoretical reasons, empirical political scientists have been documenting the rise of so-called illiberal democracies, which are democratically elected governments that "are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms".¹⁴ The term was coined by Fareed Zakaria in 1997 in reference to late 1990s developments in Peru, Slovakia, Sierra Leone and Palestine. Since then, there have been 2,392 scholarly articles using this concept in reference to recent developments in Latin America, the Middle East and more recently in Europe and the US. While many liberals, Rawls included, point to the collapse of the Weimar Republic as a reason to be concerned with the moral foundations of liberalism, none point to the very high rates of political participation during Weimar. From 1919 to 1932, turnout for parliamentary elections ranged

¹³ SC III.3.

¹⁴ Fareed Zakaria, *The Rise of Illiberal Democracy*, 22.

between 75% and 85%, with the infamous election of 1932 bringing together 84.1% of the German population eligible to vote.¹⁵

1.1.3. Does Liberalism have a Distinctive Vision of Civic Education?

The recent turn towards democratic participation and democratic deliberation in the conversation about civic education stems partly from a concern that liberalism on its own does not have sufficient resources to justify a role for the state in promoting children's education for citizenship of the particular liberal societies they are born in. This concern takes a number of specific forms, but it is usually explained in terms of children's autonomy and their future consent to government. In its strongest version, it strictly limits the state's intervention into creating patriotic attachment to the existing institutions of one's birth or influencing the character of children in deliberate ways. In an increasingly influential alternative version, it posits an explicit role for the state in developing or facilitating children's autonomy as part of a distinctively liberal program of civic education. Both of these views are at odds with a number of more traditional concerns of civic education which include, but are not limited to, law-abidingness, patriotism or identification with one's political community, and a belief in the merits of one's political institutions.¹⁶

¹⁵ Rawls ends the *Introduction to the Paperback Edition to Political Liberalism* by highlighting the real political concerns behind what he describes as the unapologetically "abstract and unwordly character of these texts" (lx). The concrete example he chooses to highlight the importance of what he calls "stability for the right reasons" is the fall of the Weimar Republic: "A cause of the fall of Weimar's constitutional regime was that none of the traditional elites of Germany supported its constitution or were willing to cooperate to make it work. They no longer believed a decent liberal parliamentary regime was possible. Its time had past. The regime fell first to a series of authoritarian cabinet governments from 1930 to 1932. When these were increasingly weakened by their lack of popular support, President Hindenburg was finally persuaded to turn to Hitler, who had such support and whom conservatives thought they could control." (lix-lx)

¹⁶ MacMullen makes a similar point in *Civics Beyond Critics*. For details, see below.

The view that liberalism is incompatible with civic education has a number of prominent mid-20th century proponents. In her *Liberalism of Fear*, Judith Shklar articulates a Lockean vision of the relationship between liberalism and civic education in which she acknowledges the importance of liberal socialization but argues that the so-called "educative state" is illegitimate, representing a throwback to Hobbes the authoritarian rather than Locke the liberal:

"The habits of patience, self-restraint, respect for the claims of others, and caution constitute forms of social discipline that are not only wholly compatible with personal freedom, but encourage socially and personally valuable characteristics. This, it should be emphasized, does not imply that the liberal state can ever have an educative government that aims at creating specific kinds of character and enforces its own beliefs. It can never be didactic in intent in that exclusive and inherently authoritarian way. (11)

In *Liberal versus Civic, Republican, Democratic, and Other Vocational Educations*, Richard Flathman argued that liberal education is and should be regime non-specific: "Liberal education does not implant doctrines or promote institutional arrangements specific to particular regimes" (11). Although for him all institutionalized education has an "ineliminably illiberal character", civic education necessarily deepens this illiberal character by forcing a vocational form of political education onto children and adolescents. Although he acknowledges that Arendt's commitments are not comprehensively liberal, he considers her his ally in claiming that education should be divorced from politics. According to Arendt, "[e]ducation can play no part in politics, because in politics we have to deal with those who are already educated".¹⁷

¹⁷ Arendt, *The Crisis in Education*, 177.

While Shklar, Flathman and Arendt ground some of their concerns in a historical account of liberalism, more recent accounts connect it analytically to liberal legitimacy based on consent. The most influential such recent argument comes from Harry Brighouse in *Civic Education and Liberal Legitimacy*. In this article, Brighouse notes an emerging consensus among late 20th century liberal democrats that civic education is permissible, but argues that this consensus is itself mistaken precisely because liberal regimes derive their legitimacy from the actual or hypothetical consent of the governed (720). No matter if one expects the actual or merely the hypothetical consent of citizens for liberal legitimacy, civic education that supports the existing political institutions undermines legitimacy: "If the state helps form the political loyalties of future citizens by inculcating belief in its own legitimacy, it will be unsurprising when citizens consent to the social institutions they inhabit, but it will be difficult to be confident that their consent is freely given, or would have been freely given." (719). Civic education is therefore incompatible with liberalism because it undermines the possibility of voluntary membership in a political community.¹⁸

The importance of children's future autonomous consent to political institutions has also been used in order to justify state interventions that promote what Brighouse calls autonomy-facilitating education: "autonomy-facilitating education appears necessary for the state to fulfill any obligation to provide a real opportunity for children to give the kind of consent that matters for the legitimacy of liberal institutions" (734). Brighouse's book *School Choice and Social Justice* elaborates on these commitments and gives shape to the type of

¹⁸ In *Liberal legitimacy, justice, and civic education*, Callan responds to this objection by arguing that it should not matter whether parents or states are responsible for indoctrinating the children into the values of a liberal regime. If such indoctrination is equivalent to a manufacturing of consent, then this would be an illiberal outcome regardless of the educational agent.

autonomy facilitation he endorses. Although the autonomy argument might seem independent from the strict concern with civic education, much of the contemporary literature has included autonomy as a necessary part of the liberal civic education that the state should promote for all children living within their territory.¹⁹

In *The Demands of Liberal Education*, Levinson explicitly connects the liberal theory of legitimacy based on consent to her understanding about the importance of autonomy: "Contemporary liberalism does see its own legitimacy as depending upon the unanimous consent of potential citizens, usually under a variety of hypothetical conditions." (6) Because liberal political institutions depend on the consent of free and equal citizens, the goal of education is to deliver the type of citizens capable of giving their consent in an autonomous way. The civic goals of the education system in a liberal society, therefore include the promotion and development of autonomy (7). In Levinson's case, much like in Brighouse's, this will sometimes *require* that the state interfere with the type of education that certain parents, especially religious conservatives, would give their children in order to guarantee their children's exposure to a variety of moral and religious perspectives.

A similar path from voluntary consent to state promotion of autonomy goes through Eamonn Callan's *Creating Citizens*. Callan starts from Rawls' conception of liberal legitimacy that requires that political power be "exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason".²⁰ This requires

¹⁹ Technically, only for citizens.

²⁰ *Political Liberalism*, 137.

that liberal citizens can meet certain "burdens of judgment" (33).²¹ Since Callan argues that citizens would not be able to meet these burdens without extensive exposure to other ways of life and to comprehensive conceptions of the good, he concludes that the required education for political liberalism is "conceptually inseparable from what we ordinarily understand as the process of learning to be ethically (and not just politically) autonomous" (22).²² By the end of this liberal civic education, children will at least voluntarily and reflectively endorse their original commitments, if not move away from them altogether: "One obvious difference is that the original commitments are now ratified on the basis of independent reflection rather than sheer deference to the dictates of the family or community into which one is born." (37) Establishing this autonomous relationship to one's moral and political commitments flows through multiple steps from the original conception of legitimacy.²³

In his recent book, *Civics beyond Critics: Character Education in a Liberal Democracy*, Ian MacMullen argues that there are large areas of overlap among liberal political theorists working on civic education today. He calls this "the orthodox view". Liberal societies, according to this orthodoxy, require citizens whose knowledge, skills and characters make

²¹ Contra Rawls, Callan in *Creating Citizens* claims these burdens are actually burdensome because "citizens must be capable of distinguishing, with a fair degree of reliability, those sources of conflict in their moral practices that are due to the burdens of judgment from those that are not" (28). In *Political Liberalism and Political Education*, he argued that these requirements push against religious education since "the faith-based doctrines accommodated belong to a severely restricted subset - sophisticated fideism - that harbors serious internal tensions" (19).

²² *Political Liberalism and Political Education*, The same argument is presented in *Created Citizens* and in *Political Liberalism and Political Education*.

²³ Rawls first articulates this liberal principle of legitimacy in *Political Liberalism* as follows:

"[O]ur exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. This is the liberal principle of legitimacy." (137)

them suitable for the survival and flourishing of liberal regimes. Such knowledge, skills and character are neither innate nor automatically acquired in virtue of growing up in liberal political societies, but they are the product of intentional civic education which prepares children to be citizens of liberal political societies. Liberalism therefore *requires* civic education. In addition to the developing orthodoxy that liberalism is in need of civic education, there is an equally strong area of agreement that civic education must be circumscribed to avoid compromising children's autonomy (2).²⁴

There are some reasons to believe that MacMullen's description of the orthodoxy somewhat overstates the extent of the agreement. A number of liberal perspectives on civic education argue that autonomy should not take priority over other liberal values such as diversity. One prominent example of this view belongs to William Galston. In *Liberal Pluralism*, Galston explicitly argues in favor of a liberalism based on diversity rather than one based on the priority of autonomy: "the devotees of autonomy must recognize the need for respectful coexistence with individuals and groups that do not give autonomy pride of place" (24). For a number of people in the conversation about liberal civic education today, these two conceptions of liberalism constitute a bitter internal struggle between what Galston in his *Two Conceptions of Liberalism* calls "liberal autonomy" and "liberal diversity" (525). In their compendium, *Citizenship and Education in Liberal Democratic Societies*, the editors Walter Feinberg and Kevin McDonough argue that this internal conflict about the relative

²⁴ MacMullen summarizes the orthodox view as claiming: "Education for civic character is vital to the survival and flourishing of liberal democracy ... but its content must be strictly limited to avoid compromising its recipients' ability to think and act as critically autonomous citizens." In his own book, MacMullen disagrees with the second pillar that prioritizes autonomy over three other traditionally valued character traits: law-abidingness, civic identification and support for the fundamental political institutions of one's society.

importance of autonomy or diversity affects the state of public education: "Public education in virtually every Western country is in the cross hairs of this internal conflict within liberalism." (8) On a number of levels, this tension is real and important. It affects whether liberals should support state interventions into the types of education certain citizens would like to give their children. The primary target of the so-called autonomy liberals are the religious groups who prefer that their children be educated in a religious conception of the good life. The response of diversity liberals is to prefer wider scope for parental authority over more ambitious conceptions of education for autonomy. Much of the last few decades of this conversation have therefore involved an active and productive back and forth about whether the children of so-called "citizens of faith" can legitimately be exempted from the program of autonomy liberal civic education requires.

Despite their disagreements, liberal autonomy and liberal diversity both take Locke to be their starting point. In both *Pluralist Liberalism* and *Two Conceptions of Liberalism*, Galston gives a historical overview of these two competing conceptions of liberalism, arguing that they take their bearing from different conversations. According to Galston, liberal autonomy is the historical legacy of "the Enlightenment Project - the experience of liberation through reason from externally imposed authority", while liberal diversity is the historical legacy of "the Reformation Project - that is, to the effort to deal with the political consequences of religious differences in the wake of divisions within Christendom" (525). John Locke is listed by Galston as first among the autonomy liberals in the Enlightenment project (525). He is also, however, listed by Galston in the list of participants to the Reformation conversation in the 17th century, although only to point out that early Locke (presumably the Locke of the *Two Tracts on Government*) would have agreed with Hobbes about the authoritarian solution to

the problem of diversity. However, it's hard to imagine any other 17th century liberal who Galston has in mind for the liberal Reformation strategy of "accepting and managing diversity through mutual toleration" (525). If Locke is the source of both autonomy liberalism and diversity liberalism, then there might be reasons to suspect that the two actually share more with each other than with alternative visions of liberalism.

1.1.4. Liberal Civic Education: An Alternative

As we saw in section 1.1.2, the democratic turn in civic education faces some important limitations, both in practice and in principle, when applied to the large commercial societies of the 21 century. And as I tried to show in section 1.1.3, the skepticism about liberal civic education comes at least partially from fears that civic education would undermine the autonomy and voluntary consent of future liberal citizens.

The good news, however, is that liberal political theory was historically developed in part by political thinkers whose expectations from the average citizen might be described as much less demanding than either democratic deliberation or autonomous consent. Although they did not necessarily disagree about the highest moral ideals proposed by some of the liberals mentioned above, they were more concerned with the survival of liberal political institutions threatened by the risks of *illiberal populism*, *religious fanaticism* and *factional political violence*. Liberals like Adam Smith and François Guizot began their defense of state imposition of educational requirements from a systemic analysis of the relevant political threats to liberal institutions. Both of these analyses were historically situated and dependent on the socio-economic conditions of the time. For Smith, this was the advanced division of labor and its consequences for children's labor and education. He worried that the

uneducated working classes would be easy prey for political and religious factions. For Guizot, the concern was the appeal of populist despots like Napoleon and the leaders of the Terror together with extreme religious conservatives advocating a return to absolutist monarchy.

In order to avoid these illiberal outcomes, both Smith and Guizot justified the state in imposing educational standards that would allow "the new generations" to resist these systemic threats. These standards included reading and writing together with what we might call basic economic and cultural literacy (i.e. learning the French system of weights and measures, studying the national language and history).²⁵ They also included support for moral and religious education alongside the study of science and the arts. Both saw value in religion education for creating citizens who valued their dignity and resisted oppressive uses of political authority. They also saw a complementary role for secular education in the sciences and the arts in counteracting whatever illiberal tendencies a religious education might produce. The primary goal of state involvement in education was neither the development of autonomy nor the promotion of the more ambitious democratic virtues. Instead, the goal was to give citizens the tools to resist illiberal extensions of state power, whether those came about through democratic or violent means. Such citizens would resist the appeal of illiberal factions, regardless of whether those factions promised religious control of the state or populist economic policies. They would be especially wary of those aiming to overturn the existing liberal institutions which their civic education led them to

²⁵ My goal is not to argue that we should return to the exact educational standards of the 19th century, but to show which resources internal to liberal political theory were historically associated with an extension of state involvement in education on civic grounds.

both appreciate and respect. They would be guardians of their own civil and political liberties and judges of the performance of those who hold political power, but they would not themselves be engaging in the demanding tasks of government.

Unlike Smith and Guizot, earlier liberal and proto-liberal theorists belonging to the social contract tradition began their educational prescriptions not from a discussion of liberal political institutions but from premises about natural freedom and natural equality. As I explain in the following section and in Part I of the dissertation, the social contract variety of liberal theorizing prioritizes the preservation or promotion of children's independence from any inherited political obligations in order to make it possible for governments to be based on the voluntary consent of the governed. I call the view of children underlying this alternative "the apolitical child". My contention is that some (though by no means all) priorities of civic education in liberal political thought today are influenced by the social contract tradition's vision of children's political status. In particular, the theories of liberal legitimacy relying on actual or hypothetical consent either intentionally or unintentionally import a particular conception of children's political status that draws from Locke, Rousseau, and later Kant. Because children are born free of political obligations and because upon coming of age they are supposed to consent to government, children's education should either be protected from the state or it should aim at preparing them to choose their country.

Unlike the social contract tradition, the liberal political theorists of the late 18th and 19th centuries began from a consideration of what liberal political institutions require to survive and prescribed educational requirements for children born as citizens of particular liberal political communities. In treating children as citizens, they explicitly abandoned the

commitments of the social contract liberal traditions without thereby abandoning a commitment to liberal political institutions.

1.2. Liberalism in a Historical Perspective

Contemporary liberal theorists working on civic education may legitimately wonder why one would turn to Locke at all instead of starting afresh with normative conceptions of both liberalism and civic education. Such accounts already exist and I spend the concluding chapter of the dissertation briefly elaborating on how a contemporary vision of liberal civic education on the basis of the writings of Smith and Guizot differs from other accounts focused on either autonomy or democratic citizenship. The bulk of the dissertation, however, is interested in the way Locke, Rousseau, Smith and Guizot, as key figures in the English, Scottish and French liberal traditions, came to articulate the relationship between children's political status, civic education and legitimate government.

The role of this history is to explain both the sources for and the alternatives to contemporary liberal conceptions of civic education. The assumptions about children's political status and the involvement of the state in children's education which underpin the writings of Locke and Rousseau continue to influence discussions about civic education today. By contrast, the historically-grounded arguments of Smith and Guizot, both of whom expected the state to intervene in children's education to address the threat that ignorance posed to the stability of liberal political institutions during their time, have had less resonance in the conversation about civic education. Although there have been recent attempts to recover both the political theory of the Scottish Enlightenment and the political thought of 19th century French liberals, neither of these attempts have explicitly addressed

the different approaches to children and education brought in by these different liberal traditions.

1.2.1. Locke the Liberal

Lockean liberalism has been enormously influential on liberal political theory. Although historians of political thought disagree about the precise genealogy of liberalism, most prominent interpretations give pride of place to Locke. This is the case regardless of whether one takes a congratulatory, critical or contemplative view of liberalism. In *The Liberal Tradition in America* (1955), Louis Hartz identified Lockean liberal ideas as triumphant in the American political tradition, much to the detriment of alternative political ideologies such as socialism. The influence of Locke on the American Revolution was so pervasive that one could characterize the approach to this period in American history as *Locke et praeterea nihil*.²⁶ Despite a more recent revisionist turn, historians of American political thought continue to defend Locke's intellectual, theoretical and historical significance to the American founding. Examples include book length treatments by Michael Zuckert, Thomas Pangle and Steven Dworetz. Sheldon Wolin's *Politics and Vision* and C.B. MacPherson's *The Political Theory of Possessive Individualism* both read Locke and Hobbes as the founders of liberalism and both connect Locke's liberalism with a limited government committed to the protection of property and therefore associate him with the beginnings of capitalism. According to Wolin, "to the extent that modern liberalism can be said to be inspired by any one writer, Locke is undoubtedly the leading candidate" (263). For Wolin, this places Lockean liberalism in opposition to both conservatism and more radical visions of either

²⁶ Dworetz *The Unvarnished Doctrine*, 6.

democracy or socialism. Critics of liberalism would seem to agree. In Leo Strauss' *Natural Right and History*, Locke and Hobbes together represent the first wave of the so-called "lowering of sights" of modernity. Strauss' Locke is more Hobbesian and less religious than many previous interpreters had suggested and it leads Strauss to describe the Lockean model as setting individuals up for "the joyless quest for joy" (251).

The exception to this general association of Locke with liberalism comes from historians belonging to the Cambridge School. J.G.A. Pocock, Quentin Skinner and John Dunn have assigned a much smaller role to Locke in terms of both his influence on the American founding and his relation to liberalism more generally. Rejecting both liberal and Marxist interpretations of Locke, John Dunn has reconstructed a more Calvinist and less modern version of Locke, one much less useful to contemporary theorizing than the alternative histories of thought might have suggested. It is important to realize, however, that these voices represent a dissent from a common view that assigns pride of place to Locke in liberal political thought. If Locke's ideas constitute the original formulation of liberalism, as most historians of thought would agree, then returning to the original premise of natural freedom and exploring children's political status in Locke's political thought can give us insights into why liberalism is still skeptical about civic education and the role of the state in education in general.

Before proceeding to the analysis of Locke's liberal vision, however, it is worth mentioning that this general consensus about Locke's influence that I outline above was not shared by liberals in the 18th and 19th centuries. Not only do Smith and Guizot explicitly reject Locke's social contract theory as a valid starting point for liberal legitimacy, but some have argued that many historians of liberalism prior to the mid-20th century were similarly

unfavorable to the social contract. In *What is Liberalism?*, Duncan Bell argues that the consensus view that Locke is a liberal is primarily a 20th century phenomenon, consolidated during the brief period from the 1930s to the 1950s. While liberalism itself emerged as a coherent set of political ideas during the 19th century, self-identified liberals within this emerging tradition did not consider Locke as a fellow liberal. British and American liberal philosophers such as John Stuart Mill, Herbert Spencer or Henry Sidgwick generally disregarded or rejected views such as the state of nature, pre-political rights, and contractualism. Furthermore, emerging histories of liberalism traced its lineage back to the end of the 18th century and the Enlightenment rather than to the earlier social contract tradition. As Bell puts it, the dominant history of liberalism at the turn of the twentieth century identified its origins with the 18th and 19th centuries and the French and American Revolutions, while the dominant history of liberalism at the turn of the twenty-first century identified it with the 17th century, the Glorious Revolution and the religious wars in Europe (692). Bell therefore argues that "Locke *became* a liberal during the twentieth century" (698). If Bell is right about this late incorporation of Locke into the liberal cannon, then the return of social contract theorizing in the liberal political theory of the late 20th century may not be completely accidental.

This rise in the status of Locke during the mid-20th century coincided with (a) a return to liberal theories based on consent starting with John Rawls' *Theory of Justice* and (b) a return to skepticism about the legitimacy of civic education. This return has come at the expense of an alternative liberal tradition in the 18th and 19th century which I connect with Adam Smith and François Guizot. This alternative tradition gave a more important place to children's education and justified mandatory education requirements, state funding of

education and even the creation of the modern public education system that now dominates the 21st century. Although liberals such as Guizot were key political actors in the creation of the public education system, the theoretical commitments of the 17th century would make it difficult to justify such a project. Instead, I show that liberal advocates of expanding state involvement in education adopted different principles and justifications. Instead of starting from the premise of natural freedom, they saw liberty as the product of successful liberal institutions which are difficult to sustain over time without an intentional program of civic education.

1.2.2. Liberalism without Consent

Since the peak of interest from both historians and contemporary liberals in the social contract tradition in the 20th century, there has been a small but growing movement of resistance to the variety of liberalism embodied by, on the one hand, Locke, Rousseau and Kant, and, on the other, Rawls and Rawlsians. Unlike the social contract tradition itself, which can be unified on the basis of its theory of political obligation and legitimacy, the alternative liberal tradition does not present a united front in terms of a single theoretical account. The variety of alternative labels provided for this different strand of liberal political thought have included pluralist, pragmatic, and moderate, more in order to illustrate the difference from an alternative tradition which may be regarded as universalist, rationalist and perfectionist.

Two very recent examples of books that attempt to divide the social contract tradition in liberal political thought from 18th and 19th century liberals are Jacob Levy's *Pluralism, Rationalism and Freedom* (2015) and Dennis Rasmussen's *The Pragmatic Enlightenment*

(2014). Levy explicitly takes aim at the social contract version of liberalism and contrasts its tendency towards abstraction with a view he describes as "ancient constitutionalism" - an inspiration for later pluralist liberal thinkers. He describes his own historical recovery in contrast to that of John Rawls, who focused on the precursors to his own political theory in the social contract tradition (6).²⁷ Contra Rawls' heroes, Levy's include the British pluralists and the French liberals - primarily Montesquieu, Constant and Tocqueville - although Levy is careful to set all three of them in conversation with less pluralist interlocutors without conceding the final victory of either. Guizot makes a brief appearance as an influential interlocutor of both Constant and Tocqueville and Adam Smith is seen as an important figure drawing inspiration from ancient constitutionalism. The attention to intermediary organizations and groups in Levy's theory opens up a productive space for liberal theorists, especially liberal theorists concerned with the role of civic education. Although educational institutions such as universities and the Jesuits make occasional appearances in the text, Levy does not explicitly engage in a sustained investigation of the alternative tradition's educational prescriptions.

Dennis Rasmussen's *Pragmatic Enlightenment: Recovering the Liberalism of Hume, Smith, Voltaire and Montesquieu* provides a history of what he calls "pragmatic liberalism" in opposition to the more influential strand of rationalist liberalism which he associates with Locke, Kant and Bentham. Rasmussen calls the recovered liberalism "more realistic, moderate, flexible, and contextually sensitive than most other branches of this tradition" (1-

²⁷ "John Rawls' *Lectures on the History of Political Philosophy* offers us a history of social contract theory and the prehistory of his own theory of justice ... This history tends to unduly focus our attention today on social contract-derived theories of rights and justice"

2). Although he dedicates an entire chapter to the "social and encumbered self" in contrast to the atomistic liberal self associated with the more rationalist tradition, Rasmussen spends little time expanding on the conception of childhood and education underlying the conversation among pragmatic liberals. However, his excellent discussions of the ways in which this tradition poses a coherent alternative to the social contract variety of liberal theorizing fills in the many details that the dissertation leaves unexplored.

Like Levy and Rasmussen, I look to the history of political thought to provide insight into both the origins and the alternatives to our current conceptions. Unlike the two of them, however, the focus of my project is the status of children in liberal political thought and how their political status connects with the role of civic education in the liberal tradition. Children have been particularly marginalized in the history of liberalism, regardless of whether one focuses on the social contract tradition or the alternative traditions recovered by Levy and Rasmussen. Despite their marginalization by historians of political thought, histories focused specifically on children have uncovered a number of key transformations in the legal, political and social status of children during the 17th and 18th centuries.

The major study to initiate the conversation about children's status qua children was Philippe Ariès in his *Centuries of Childhood*. Drawing on a variety of medieval representations of children as adults in miniature and historical research on schooling, Ariès came to the provocative conclusion that childhood itself only became a separate period of life separate from adulthood sometime around the 17th century. The religious turn towards education produced a complete change in the status of the family and the child, the school and society: "This new concern about education would gradually install itself in the heart of society and transform it from top to bottom." (412) Although a variety of studies have worked to refute

Ariès main contention based on the pictorial portrayals of children, others have confirmed that something did in fact change in the status of children during the 17th and 18th centuries. In her masterful study of the Anglo-American legal tradition, Holly Brewer shows that the legal culture of the 16th century was perfectly content allowing children to engage in a variety of behaviors we would consider adult today, including serving in Parliament, signing apprenticeship contracts and testifying in courts. Her book investigates the extensive legal records and political writings of the time to document the slow transformation of children into beings incapable of consent. The seventeenth and eighteenth centuries, according to Brewer, represented "a fundamental shift in the legal assumptions about childhood, adulthood, and responsibility".²⁸ Her contention, much like mine, is that this new conception of children's political status grew out of attempts to justify a form of government based on consent. While Brewer does mention Filmer, Locke and other figures in English and American political thought, her study is primarily historical and focused on the actual changes taking place in children's political, legal and economic status.

The dissertation's investigation of liberal political thought agrees with Brewer that the 17th century saw the emergence of a completely new conception of children's political status that I describe as "the apolitical child". This conception was intimately tied to consent-based justifications of political authority, but it waned in popularity as these consent-based justifications did. The late 18th century and the 19th century reversed this process of removing children from political communities, especially through the introduction of public education and the introduction of an expanded role for the state in civic education. The

²⁸ Brewer, *By Birth or Consent*, 1-2.

grounds for this reversal were sometimes nationalist and illiberal. But in many cases it was precisely liberal political thinkers and actors who pushed for state intervention in children's education, both in mandating educational standards and in creating a national system of public education. The story of how the liberal political theory of the 18th and 19th centuries changed its treatment of children and civic education has remained almost entirely unwritten. This study is a modest contribution in that direction.

1.3. Argument and Chapter Outline

1.3.1 The Premise of Natural Freedom

Man is not born free. Or at least we hope he is not. A newborn abandoned after birth would only be able to survive for a few days without a caregiver. Infants cannot feed themselves. They cannot move on their own. Unlike other animal species, human beings require years before they can survive on their own. It takes six to ten months for a toddler to begin to crawl. It takes at least four months for it to be able to digest food other than milk. It takes over a year for a baby to utter a few connected words. After mastering these very basic motor and verbal skills, it takes over a decade for children's bodies to develop to full adult size. And although human females become able to reproduce during adolescence, it can take over two decades for the brain to become fully mature. Certain forms of emotional regulation and executive planning continue to develop well into young adulthood. From a descriptive standpoint, early childhood is a state of profound dependence.

Despite its *prima facie* plausibility as a characterization of the human condition, the claim that "man is not born free" goes against the normative foundations of liberal political thought. In **chapter 2**, I argue that John Locke ascribed this view to Sir Robert Filmer and

called it the ground upon which Filmer builds his defense of absolutist monarchy. Against Filmer, Locke proclaimed that "we are born free, as we are born rational" (ST par. 61). The memorable first line of Rousseau's first chapter of the *Social Contract* agrees that "man is born free" (SC I.1). Early modern political theorists posited natural freedom and natural equality as the premises upon which to build their theories of political obligation with important implications for the legitimate size and scope of government. By assigning freedom as a universal birthright, they forced political authority to justify itself to each human being whose allegiance it claimed. This created limits on what governments could legitimately demand from citizens and created mutual obligations between those granted political power and the rest of the body of citizens.

Even if we agree with Hume that we cannot derive a normative conclusion from a descriptive statement about the human condition, the distance between the premise that "man is born free" and the fact of our dependent birth requires at least an explanation. Both Locke and Rousseau qualified their proclamations of natural freedom to exempt childhood. In the *Second Treatise*, the full sentence is "we are born free, as we are born rational; not that we have actually the exercise of either: age, that brings one, brings with it the other too" (ST par. 61). In this way, Locke swiftly excludes children from natural freedom without compromising the universality of the claim. In the *Social Contract*, Rousseau's explanation also quickly turns to children. Their initial and temporary dependence on parents ends with the age of reason, again preserving the universality of our natural freedom while removing children from an equal claim to it: "as soon as he reaches the age of reason, he alone is the judge of how best to look after himself, and thus he becomes his own master" (SC I.2). Until

the age of reason, children are subject to their parents. After the age of reason, they become free to consent to political obligations.

This puzzle is meant to show the ambivalent relationship of liberalism to children. Although they are encompassed by the claim that freedom belongs to all human beings from birth, they are swiftly excluded in the very next step of the theory. This exclusion is, admittedly, only temporary and limited in scope. Upon reaching the age threshold at which human beings can be thought free, these young adults partake in the same freedom as their elders. They can accept the obligations of citizenship, they can leave their homeland to join another, or they can found their own political community in an unclaimed part of the world. But this temporary exclusion, which I come to associate with a view of children's political status called "the apolitical child", carries important implications for how states can treat children in their territory.

1.3.2. The Civic Education of Apolitical Children

If children are neither citizens of particular political communities nor capable of directing their own lives, the way to reconcile liberty with childhood is either, as Locke does, to argue that children are in fact subject to exclusive parental authority, and/or, as Rousseau does, argue in favor of an apolitical education that allows the child to voluntarily choose his country upon reaching the age of consent. Locke's solution serves as a normative foundation for the familiar liberal distinction between the private sphere of family life and the public sphere.²⁹ The consequence of the distinction is that there are areas of life, especially family,

²⁹ Although some justifications for distinguishing between a private and a public sphere are consequentialist rather than deduced from the fundamental premise of natural freedom employed by Locke and Rousseau, my

which it is not the business of government to regulate or restrict. The parents can forfeit their educational authority by refusing to fulfill its obligations or they can transfer it to tutors, schools or other caretakers, but the right and obligation to educate their children rests with them unless the parents themselves forfeit or transfer it.

Given the premise of natural freedom and the fact of childhood, Locke's solution of excluding children from political obligations carries important implications when it comes to the state's role in education, especially education with the overt goal of preparing children for citizenship. Any state intervention in education policy consistent with this understanding of children's political status would require a normative justification that can simultaneously preserve the independence of children from political obligations to their country of birth. Such a justification is not impossible, but it would have to be narrowly restricted with respect to the types of legitimate interventions. In particular, it would be hard to justify a program of education for citizenship which already takes for granted children's future membership in a particular political community and aims to foster patriotic identification, loyalty or values compatible with its own values. It would even be hard to justify mandatory training in the type of knowledge or skills required by adult citizens of one's particular regime since even such interventions would presume obligations children do not have and interfere with parental authority over the matter.

For Locke, if parents themselves want to bias their children in favor of their political regime, that would be their purview. Similarly if parents want to develop in their children the

focus in the dissertation is on principled reasons concerning children's political status in their social contract accounts of political obligation and the educational consequences thereof.

kind of character compatible with liberal political institutions. And in fact, Locke hopes that the parents of young gentleman will instill in them precisely these values and develop their character in precisely these ways. But states could not presume to impose obligations of citizenship, including mandatory preparation for citizenship, directly upon these non-consenting members of the polity without violating the consensual nature of the polity.

In **chapter 3**, I show that Jean-Jacques Rousseau adopts much of this Lockean theoretical apparatus for his own political theory. It is not accidental that the term "social contract" which we associate with Locke's political thought is actually the name of Rousseau's book by this title. Rousseau's *Social Contract* and *Emile* both radicalize and qualify Locke's claims about the apolitical child. Not only is the education of Emile meant to be under the exclusive control of parents, who employ even a tutor at the risk of losing their authority over their own child, but this education is explicitly apolitical. Unlike public education, which Rousseau associates with the creation of citizens, private education aims at creating an adult without any roots in his political community. Emile never learns anything about his home country, its history or its politics until the brink of adulthood. Even then, the only point of learning about his country is so that he can make an informed choice about his future place of residence. The goal of the education of the apolitical child Rousseau is raising is to fit the modern world in which one cannot expect the circumstances of one's birth to determine the circumstances of one's life. Social status, economic status, even country of citizenship are no longer given features of one's existence. Emile therefore takes none of these for granted. Without entering too closely into a discussion about the interpretation of the *Emile*, which I leave for the chapter, the point of considering Locke and Rousseau

together is that the apolitical child is a product of their making, a product that gets taken up by Kant and later by 20th century political theory.

Although Locke and Rousseau offer overlapping conceptions of the apolitical child that build naturally from their premise of natural freedom and their social contract theory of legitimacy (or so I claim), their conceptions differ in normatively interesting ways. For Locke, the most important point is distinguishing between the parental sphere of authority over children and the state's sphere of authority over adults. For Rousseau, however, the most important point is the content of the education and whether it preserves the natural independence of children until the responsibility of choosing a country presents itself to the young man. In other words, assigning the education to parents could still result in a demanding program of civic education, as for Rousseau the example of ancient Rome illustrates. While useful, such a program would still compromise one's voluntary choice of country. Although distinct, I claim that these two dimensions of the apolitical child together have inspired the conversation about civic education in liberal political thought during the 20th century.

1.3.3. The Alternative: The Child as Citizen

For political theorists to defend the compatibility of liberalism and civic education, they would have to proceed from a different conception of children's political status, a conception I describe in the dissertation as "the child as citizen". Much like democracy, this conception is older than liberalism and traceable in the West to the ancient Greeks. According to this view, children are already members of particular political communities. These polities can intervene in children's education to prepare them for membership in a

particular regime by mandating and possibly sponsoring certain types of education considered necessary for citizenship within the particular regime they will live in.

As a conception of childhood, "the child as citizen" is not necessarily either liberal or democratic. However, the 18th and 19th centuries have shown it to be compatible with liberalism and a natural extension of the commitment of many European liberals to maintaining a liberal government committed to respecting the civil, economic and political liberties of all citizens. Many French intellectuals we would call liberals today such as the Marquis du Condorcet and François Guizot, as well as preeminent English-speaking liberal thinkers such as Adam Smith or John Stuart Mill considered civic education as a bulwark against illiberal populism and religious fanaticism and as a prerequisite for the proper functioning of the institutions of representative government. In order to argue in favor of mandating educational requirements for all children, especially the children of the working classes, these thinkers began from the assumption that children are citizens of particular political communities and that states have jurisdiction over them. In order to do so, they also rejected the account of political obligation defended by the earlier social contract liberals Locke and Rousseau, proposing utility, authority, or reason as alternatives.

In the dissertation, I defend this alternative conception of children's political status and use it as the foundation for sketching an alternative vision of what I call liberal civic education. This is a program of civic education focused on avoiding the evils of illiberal populism, religious fanaticism and political persecution. The types of citizens that liberals should focus on shaping are not necessarily either models of autonomy or critical thinking as many contemporary liberals would have them nor active participants in the day to day business of government as either participatory or deliberative democrats would like them to

be. Instead, they are the self-interested guardians of their liberties and weary of any illiberal extensions of state power from either economic populists, illiberal nationalists or religious fanatics. In this sense, my project contributes to the realist turn in political theory by highlighting the types of skills, values and characters we might expect from good liberal citizens without proposing ideal motivations or a high degree of public spiritedness.

The historical investigation of the role of civic education in liberal political thought gives support to MacMullen's claim that liberal civic education has not always prioritized autonomy and critical thinking over support for liberal political institutions. Liberal political theorists of the 18th and 19th century were deeply concerned about the fragility of liberal political institutions under the conditions of the modern economic and political systems developing in Europe at the time. The threat for these liberals was not from the state's excessive control over education, but from liberal regimes' insufficient ability to resist illiberal factions within the regime.

As I show in **chapter 4**, the primary concern for Adam Smith was that the transformation occasioned by the advanced division of labor in commercial society would compromise the education of English children. With an impoverished mental and moral development, these children would become adults incapable of maintaining a stable liberal political society. First, the leaders of religious factions would take advantage of the superstitions of the working classes to obtain political power and impose religious uniformity on citizens of other religions, compromising religious pluralism. Second, misguided economic policies that promise prosperity while producing famine would receive popular support. Mercantilist economic policies restricting trade and promoting exclusive monopolies in both labor and capital markets would succeed at the cost of the real wages for

the very poorest citizens. A politically powerful but uneducated working class would be subject to capture by political factions pushing for illiberal religious, economic and political reforms. And the citizens to whom such factious leaders were not directly appealing would lack the courage and the political judgment to resist the rest. To guard against such threats to the stability of political regimes, Smith did not think the goal would be to create autonomous individuals. Instead, he argued in favor of mandatory educational requirements that combined basic literacy with military training and religious education with scientific education.

In a similar fashion, in **chapter 5**, I show that François Guizot was primarily concerned with the fragility of liberal political institutions. The twin dangers he saw as threatening such institutions were on the one hand revolutionary violence on behalf of the secular, rationalist forces of the Enlightenment. On the other hand, the conservative push for a return to absolutist politics and religious uniformity. Guizot's analysis of the French First Republic shows precisely the failure of projects aimed at fostering critical thinking and autonomy. Both too ambitious and too vague, such projects consistently failed to deliver citizens supportive of liberal political institutions. Instead, the attempted educational reforms of the First Republic produced citizens sympathetic to the despotic First Empire of Napoleon Bonaparte. In response, Guizot's educational proposals also stress a combination of religious and scientific education, basic literacy combined with what we might call economic or financial literacy, and the spread of liberal doctrines supportive of liberal political institutions.

This 18th and 19th century vision on liberal civic education simultaneously demands much less and much more than the orthodoxy in liberal political theory today. On the one

hand, Smith and Guizot did not aspire to create autonomous citizens. They did not assume these children would grow up to voluntarily choose their countries, their religion or their comprehensive conceptions of the good. They certainly did not expect the working classes to be participatory or deliberative democrats in the ambitious ways that certain theorists today conceive of them. Their push for mandatory educational requirements covered things we today would regard as below the minimum threshold of what children in the 21st century should learn. And instead of the serious concerns which contemporary liberals have about religious education as potentially compromising children's capacity for critical thinking, they saw religion and science as working together to create the type of self-respect and moral firmness required to resist illiberal encroachments on their civil, religious and political liberties.

On the other hand, both Smith and Guizot were much more demanding in terms of the support they expected citizens to show for liberal political institutions. Particularly in the case of Guizot, for whom the survival of liberal political institutions loomed large as a concern, civic education was meant to create emotional attachment to the existing regime (provided, of course, such a regime was a liberal one). It was the responsibility of the state and of the corporate body of qualified teachers to promote liberal doctrines supportive of the public needs of the time. In the **conclusion**, I briefly point to the ways contemporary liberal theorists might learn from Smith and Guizot in reorienting the priorities of civic education for the 21st century.

Chapter 2: The Apolitical Child: Children and Education in Locke's Political Thought

"Children, I confess, are not born in this state of equality, though they are born to it. Their parents have a sort of rule and jurisdiction over them when they come into the world, and for some time after; but it is but a temporary one."

(Second Treatise par. 55)

"It is plain then, by the practice of governments themselves, as well as by the law of right reason, that 'a child is born a subject of no country or government.'"

(Second Treatise par. 118)

Locke cared about children and certainly paid a great deal of attention to them. Indeed, some of his best-known intellectual contributions relied on his observation of children. For example, Locke defended his empiricist epistemology by describing how children come to know things. Against his rationalist opponents, he argued that babies are not born with ideas about the world, but that they learn gradually through experience, touching, tasting and seeing things around them. Similarly, in his reflections on education, Locke sought to taught parents to spare the rod by trying to convince them about how children actually learn. He rejected traditional Christian ideas about punishment by showing that children are better motivated by curiosity, praise and blame. In this chapter, I argue that Locke's political theory also crucially depended on his understanding of children, and particularly on their capacities for participating in political life. Against patriachal views, Locke argued that children are born as free beings subject to no government. In separating children from political authority, Locke invented a new conception of childhood which I call

"the apolitical child."³⁰ This new conception of children's original political status opened up alternative ways of theorizing political obligation, education and childhood. My contention throughout the dissertation is that this particular conception of children's political status is responsible for the contemporary liberal skepticism about the possibilities and realizations of giving children a civic education. If Locke was, I contend, the inventor of the apolitical child, Rousseau was certainly its most important proponent. In the next chapter, I show how Rousseau's *Emile* carries the inchoate notion of the apolitical child to its logical conclusion in designing an education program that has almost completely isolates the child from the political community until the age of consent. But first I will examine Locke.

Locke's articulation of this new conception of childhood began in the context of his refutation of Sir Robert Filmer. Filmer's *Patriarcha* which asserted that children are members of a particular political community from birth. If English children were born subjects of the king of England as Filmer had argued, then consent would be irrelevant to the duty they have to obey the laws of England. If, however, English children were born politically independent, as Locke maintained, then what binds them to England is only their voluntary consent. However, newborns are incapable of understanding concepts like "obligation" and "law". So children's consent is postponed until they have the capacity to grasp what it means to be a citizen. In England at the time, that was presumed at the age of twenty-one. Until

³⁰ The alternative view, which I later describe as "the child as citizen", is older than liberalism and dominated thinking about children in a variety of political traditions. As I show in chapters 4 and 5, 18th and 19th century liberals who have adopted the alternative conception have defended the extension of public education while continuing to support representative government and individual rights. Because they focused on children as important members of the community whose education is essential to the public good, they were able to have a different conversation than Locke and 20th century liberals committed to "the apolitical child". I do not enter into the discussion of whether Locke is properly seen as "the father of liberalism". For a fuller discussion of Locke's relationship to liberalism, see Grant, *John Locke's Liberalism*.

that age, children are only subject to the will of their parents and not of the English monarch. These parents also have a duty to raise their children. They have the authority to manage children's education until the children are sufficiently mature to understand and incur political obligations. Parental authority, however, is not political authority and children thus have no political obligations towards their parents. Political obligation is based on consent and only full adults are capable of such consent. Locke's vision of consent and obligation thus depends on this vision of "the apolitical child" that denies that parents or the king have any political authority over children.

While consistent with Locke's argument that political authority derives from the consent of the governed, this new conception of children's political status can make children inaccessible to the legislative, executive and judicial bodies within a political community. If children are not members of the English political community, then neither the King nor Parliament can have jurisdiction over children's education. In a contemporary context, this means that liberals committed to the apolitical child cannot consistently support a state-mandated program of civic education that prepares children for citizenship. If parents choose to educate their children in a way consistent with the interests of the political community, these children may positively contribute to the public good. If they choose to educate their children to prefer a different polity or share a radically different notion of how a state should be governed, the government has no right to interfere with such an education.³¹

³¹ In *Democratic Education*, Gutmann refers to Locke's conception of education as "the state of families". For Gutmann's discussion of Locke's position and its limitations for democratic theory, see *Democratic Education* 28-33.

Locke's normative account of the origins, extent and end of civil government in both his *Second Treatise* and his *Letter Concerning Toleration* supports an exclusive jurisdiction of parents over their children's education. This is the foundation of what I call "the apolitical child". However, Locke's writings on politics offer a more complex picture than his philosophical account of the social contract. When it comes to teaching what Locke refers to as "the art of governing men in society", he gives possible grounds to challenge the exclusive jurisdiction of parents over children on the basis of the public good rather than natural law premises about natural freedom.³² Locke never explicitly addressed these tensions in his existing writings, nor did he systematically address the role of civil government in children's education. In the third part of this chapter, I reconstruct the possible ways Locke could have justified a government role in supporting civic education. Although the Lockean corpus does leave room for a conception potentially at odds with "the apolitical child", Rousseau's later appropriation and extension of Locke's conception of children forecloses these possibilities in the name of a consensual relationship to political authority.

Despite the fact that Locke is widely used to defend the extensive or exclusive parental rights over education, there has been to date no systematic account of Locke's arguments concerning the political status of children.³³ This chapter addresses this lacunae by

³² This distinction between comes from Locke's lesser known essay called "Some Thoughts Concerning Reading and Study For A Gentleman" in vol. 2 of Locke's *Collected Works*. Here he claims the following: "Politics contains two parts, very different the one from the other. The one, containing the original of societies, and the rise and extent of political power; the other, the art of governing men in society" (240).

³³ While there is no systematic treatment of children's political status in Locke's political thought, a number of writings on Locke and education analyze the relationship of children to their parents and/or the state. Among these, see especially Tarcov, Nathan, *Locke's education for liberty* (Chicago: Chicago University Press, 1984); Mehta, Utay, *The Anxiety of Freedom* (Ithaca, NY: Cornell University Press, 1992); Grant, Ruth W. and Hertzberg, Benjamin R., "Locke on education" in ed. Matthew Stuart, *A Companion to Locke* (Wiley-Blackwell, 2015), pg. 448-465; Neill, Alex, "Locke on habituation, autonomy, and education", *Journal of the history of*

describing both the logic of the 17th century conversation that led Locke to conceive of children as apolitical and the problems this view opened up for government policy concerning children's welfare, health and education even in Locke's time.

2.1 Locke vs. Filmer I: "Men are born in subjection to their parents"

Locke published the *Two Treatises of Government* together as a coherent two-part argument with the subtitle: "In the Former, the false principles and foundation of Sir Robert Filmer, and his followers, are detected and overthrown: The Latter, is an essay concerning the true original, extent, and end, of civil government."³⁴ While the *Second Treatise* has received extensive scholarly attention, the refutation of Sir Robert Filmer has been generally neglected, in large part the victim of its own success, for Locke refuted absolute monarchy so decisively that the original arguments in its favor seem hardly worth repeating. This lack of attention, however, has obscured the importance of children's moral and political status

philosophy 27 (1989):225-245; Michelle E. Brady "The nature of virtue in a politics of consent: John Locke on education", *International philosophical quarterly* 45 (2005):157-173, Tuckness, Alex, "Locke on education and the rights of parents", *Oxford review of education* 36 (2010):627-638; "The Lockean revolution in education", in Lorraine S. Pangle and Thomas L. Pangle, *The learning of liberty: the educational ideas of the American founders* (Lawrence, KA: University Press of Kansas, 1993), pg. 54-72. Similarly, writings about Locke and women's political status touch briefly on the status of children. Among these, see especially, Hirschmann, Nancy J., "John Locke: Freedom, Reason, and the Education of Citizen-Subjects" in *Gender, Class, and Freedom in Modern Political Theory* (Princeton, NJ: Princeton University Press, 2009); Grant, Ruth W., "John Locke on Women and the Family" in *Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro (Yale: Yale University Press, 2003), pg. 286-308; and Nancy J. Hirschmann and Kirstie M. McClure (eds.), *Feminist Interpretations of John Locke* (Pennsylvania State University Press, 2007).

³⁴ Citations of Locke throughout are by chapter and section number. The editions of Locke used and abbreviated are as follows: FT: *First Treatise*, ST: *Second Treatise*, LCT: *A Letter Concerning Toleration*, in *Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro (Yale: Yale University Press, 2003); ECHU: *Essay Concerning Human Understanding*, ed. Peter Nidditch (Oxford: Oxford UP, 1979); STCE: *Some Thoughts Concerning Education*, CU: *Of the Conduct of the Understanding*, in *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, eds. Ruth Grant and Nathan Tarcov (Indianapolis: Hackett, 1996). ELN: *Essays on the Law of Nature*, FCC: *The Fundamental Constitutions of Carolina*; EPL: *An Essay on the Poor Law*, ET: *An Essay on Toleration* in *Political Writings*, ed. Mark Goldie, *Political Essays* (Cambridge, Cambridge University Press, 1997).

for Locke's political thought. As I show in this section, Filmer's arguments against natural liberty depended on children's subjection to the existing political power. This forced Locke to address children's political status. In doing so, Locke ended up completely removing children from membership in the political community. While Locke could have used other rhetorical and philosophical avenues to refute Filmer, this line of argumentation led him to create the conception of "the apolitical child."

Robert Filmer's argument in *Patriarcha* crucially used the subjection of children to justify absolute monarchy. On the basis of Scriptural authority he argued that Adam's children were politically subject to their father and that this form of subjection extended to future generations: "For as Adam was Lord of his children, so his children under him had a command and power over their own children, but still with subordination to the first parent, who is lord paramount over his children's children to all generations, as being the grandfather of his people".³⁵ Filmer's earlier opponents had conceded the subjection of children to their parents, just as they had the subjection of women to their husbands. He then argued that the absurdity of the idea that children could ever confer power on their parents demonstrated the absurdity of any notion that government derived from consent: "Had the patriarchs their power given them by their own children? Bellarmine dares not say it, but the contrary."³⁶

In addition to establishing the Scriptural 'fact' of subjection, Filmer argues that this account of children is comprehensive, leaving no room for natural freedom. He thus

³⁵ Filmer, Robert. *Patriarcha and Other Writings* in ed. Johann P. Sommerville *Patriarcha and Other Writings* (Cambridge: Cambridge University Press, 1991), p. 6.

³⁶ Filmer, *Patriarcha*, p. 13.

employs what I call the 'people are *not* born free' argument to justify absolute monarchy. If children are not born free, but enter the world subject to their parents (and by extension to their King), then how, he argues, can we take seriously the claims of Catholic political thinkers such as Bellarmine and Suarez that the multitude are free to choose their rulers? Filmer thus claims that he can find no foundation in natural law or Scripture to support natural freedom if children are already subject to rule of their parents and king from birth: "I see not how the children of Adam, or of any man else, can be free from subjection to their parents. And this subjection of children is the only fountain of all regal authority, by the ordination of God himself."³⁷ If men are born subject to political obligations, then there is no coherent account of natural liberty:

"If he [Father Suarez] will but confess, as he needs must, that Adam and the patriarchs had absolute power of life and death, of peace and war, and the like, within their houses or families, he must give us leave, at least, to call them kings of their houses or families. And if they be so by the law of nature, what liberty will be left to their children to dispose of?"³⁸

Although Filmer gives other principled and pragmatic arguments in favor of absolutist monarchy, drawing on Roman and English history to show the supposed inadequacy of democratic government and the subjection of Parliament to the King. In his summary of Filmer's position, Locke focuses exclusively on the arguments about children and political obligation. In the summary, Locke repeatedly brings up the "people are not born free" argument. I provide a non-exhaustive list of examples here: "His [Filmer's] system lies in a little compass; it is no more but this, 'That all government is absolute monarchy.' And the ground he builds on is this, 'That no man is born free.'" (FT I.3); and "sir Robert

³⁷ *Idem*, p. 7.

³⁸ *Idem*, p. 16.

Filmer [...] runs away with this short system of politics, viz. 'Men are not born free, and therefore could never have the liberty to choose either governors or forms of government' (FT I.5); and again "Sir Robert Filmer's great position is, that 'men are not naturally free.' This is the foundation on which his absolute monarchy stands, and from which it erects itself to an [sic] height, that its power is above every power" (FT II.6).

Given this summary of Filmer's position, Locke argues that he can prove his position by refuting the "people are not born free" argument: "But if this foundation fails, all his fabric falls with it, and governments must be left again to the old way of being made by contrivance and the consent of men making use of their reason to unite together into society." (FT II.6)³⁹ To prove his point, Locke concedes that children are subject to (limited) parental power while rejecting any implication that children are in any way subject to political authority. In doing so, he grounds natural freedom in reason and thereby in maturity, creating a private space for children outside of the public sphere of politics.⁴⁰

From the beginning, Locke acknowledges the problems children cause for his theory of government based on consent. Children, according to Locke, are neither free nor equal: "Children, I confess, are not born into this state of equality, though they are born to it" (ST par. 55); "Thus we are born free, as we are born rational; not that we have actually the exercise of either: age, that brings one, brings with it the other too." (ST par. 61). The origin

³⁹ Note that Locke (correctly) describes the divine rights of kings arguments as new and consent argument as the older view. Filmer claims the reverse, arguing that the notion of natural liberty is a recent invention of liberal theologians. In the 17th century, the new was generally viewed with suspicion, while the old and established had a presumption of superiority.

⁴⁰ This argument for the separation of private and public spheres continues to play an important role in contemporary liberal thought. While certain feminist political theorists have challenged the distinction when it comes to excluding women and their labor from the public sphere, the distinction between private and public continues to serve as a contested but enduring boundary.

story in Scripture sidesteps the fact of childhood. Adam, the story goes, "was created a perfect man, his body and mind in full possession of their strength and reason" (ST par. 56). He and Eve entered the world already fully capable of understanding the law of nature and thereby governing themselves - the only example the world had ever known of men properly *born* free. Starting with Adam and Eve's children, however, human beings have had a radically different starting point: "his offspring having another way of entrance into the world, different from him, by a natural birth, that produced them ignorant and without the use of reason, they were not presently under that law [...] Adam's children, being not presently as soon as born under this law of reason, were not presently free." (ST par. 57)

Children cannot be under any political obligation because they do not understand the law. But they also cannot properly be said to be under an *obligation* to obey their parents, since that would also require an understanding of natural law beyond their capacities. Human beings are born with no innate ideas or knowledge about the world: "We are born ignorant of everything" (CU par. 38). All knowledge comes from the senses and subsequent reflection on the operation of our mind. As a result, the process is gradual and contingent on our natural, social and political environment. Fetuses in the womb submerged in amniotic fluid fewer opportunities to exercise their constricted senses.⁴¹ Infants and children, on the other hand, are able to move freely. They are naturally very curious and eager to interact with the world. As a result, they gradually acquire more ideas and develop their understanding: "One may perceive how, by degrees, afterwards, ideas come into their minds; and that they get no more, nor no other, than what experience, and the observation of things, that come in

⁴¹ See ECHU II.1.21.

their way, furnish them with" (ECHU I.4.2). Eventually, through combining simple ideas derived from experience, human beings begin to discover the laws governing human conduct. In particular, they come to understand natural law when they come to have reason to the requisite degree: "this law being promulgated or made known by reason only, he that is not come to the use of his reason cannot be said to be under this law." (ST par. 57)

Until children are capable of understanding natural law, they can acquire no *obligation* to obey their parents.⁴² Children's subjection to parents is therefore a matter of subjection to superior force and guile, not an obligation based on consent. This is made painfully explicit in Locke's writings on education. He describes the initial parental relationship as a form of absolutist monarchy: "children *when little* should look upon their parents as their lords, their absolute governors, and, as such, stand in awe of them" (STCE 31).⁴³ Being in awe of a superior force is different from agreeing to authorize a leader of superior wisdom to make political decisions on one's behalf. Filmer would certainly concur: "The father of a family governs by no other law than by his own will, not by the laws and wills of his sons or servants."⁴⁴

Locke is one of the earliest and best known advocates of minimizing violence in adults' dealings with children.⁴⁵ But despite consistently recommending praise and blame

⁴² By the time the young become capable of understanding natural law, they will still not have an obligation to obey their parents, but they will owe gratitude and respect proportional to the care and education received during childhood.

⁴³ As children become older, Locke recommends loosening the reins of paternal authority and treating the son as a friend. See STCE par. 40.

⁴⁴ Filmer, *Patriarcha*, 35.

⁴⁵ Locke goes against prevailing parenting practices at the time by counseling sparing the rod and relying on desire for praise and avoidance of shame as better mechanisms of control. He advises parents to minimize or avoid resorting to violence against children in STCE par. 37, par. 44, par. 52, par. 59, par. 60, par. 72, par. 78, par. 83, par. 84, par. 86, par. 87, par. 88, par. 112, par. 115.

over physical punishments, the only weapon parents have when children don't naturally feel awe in the presence of larger, more powerful human beings is physical force: "But *stubbornness* and *an obstinate disobedience* must be mastered with force and blows: for this there is no other remedy. Whatever particular action you bid him do or forbear, you must be sure to see yourself obeyed; no quarter in this case, no resistance" (STCE par. 78). It is here that Locke brings in the horrifying example of a mother subjecting her little girl to eight consecutive whippings, with the caveat that "had she left off sooner and stopped at the seventh whipping, she had spoiled the child forever and by her unprevailing blows only confirmed her *refractoriness*, very hardly afterwards to be cured" (STCE par. 78). In the dealings of parents with refractory young children, Locke's recommendations are reminiscent of Machiavelli's suggestions (although adapted to a very different set of goals): act quickly and decisively,⁴⁶ only use violence when you need to,⁴⁷ let your servants execute the punishments,⁴⁸ keep the people in awe.⁴⁹

While children have no obligation to obey and are not consulted in the parenting techniques employed, there are limits to the scope and duration of parental power. From a child's point of view, parental authority is authoritarian monarchy with a (hopefully) benevolent set of despots in charge. But from the point of view of parents, as adults who understand natural law, there are clear boundaries that parental power cannot cross without becoming abusive (and therefore morally forbidden). Parents have a duty to provide "nourishment and education" and care for their offspring until they are able to direct their

⁴⁶ STCE par. 78.

⁴⁷ See footnote 15 above.

⁴⁸ STCE par. 83.

⁴⁹ STCE par. 40.

own lives. Parental power over children is entirely dependent on fulfilling these obligations. Failure to provide care constitutes an abandonment of parental power: "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" (ST par. 65). Foster or adoptive parents can have the same power over children as any natural parent. And, as an important corrective to Filmer's discussion of fatherhood, limits on parental power also include limitations on the scope of that power. Parents have no right of life and death over their offspring. In fact, they don't even have the right to take away children's material possessions when these possessions were received as gifts or obtained through the child's labor: "extends not to the lives or goods, which either their own industry or another's bounty has made theirs" (ST par. 65).

One of Locke's strategies for challenging Filmer's connection between parental power and authoritarian monarchy is to highlight the constraints on parental power that come from natural law, as presented in Scripture and simultaneously accessible to human reason. If taken to its logical conclusion, the strategy would mean accepting the analogy between parental and political power, but arguing on the basis of that very analogy that political power too is limited in scope and conditional on providing for the benefit of the governed. In other words, Locke could agree that political rule is indeed a form of parental rule, but conclude that it would be better for both adults and their children to be ruled by a limited rather than absolutist monarchy. Filmer in fact makes this exact argument, but favors

a different institutional arrangement than Locke, namely letting the monarch use his best judgment about those limits.⁵⁰

Because Filmer agrees that absolute monarchy is still properly guided and limited by a natural law obligation to preserve the public good, the entire debate between Locke and Filmer could have been decided on the basis of consequences rather than principles. Locke could have argued that a division of power between the executive and the legislative combined with a people's right to overthrow a tyrant would be more effective at keeping the monarch within bounds. The last two thirds of Filmer's book is full of arguments about the weakness of limited government and historical examples about the people's inability to make wise decisions. Locke could have engaged these on their own merit and shown Filmer the political advantages of constitutional monarchy. Instead, he chose to challenge the analogy between family and state, between parental power and political power, and specifically between the people and children. In doing so, he created the politically salient distinction between children and adults who are properly free, equal, rational and able to consent to government. The second part of this reconstruction rounds out Locke's development of the conception I have been referring to as "the apolitical child".

⁵⁰ See Filmer, *Patriarcha*, 35:

"There is no nation that allows children any action or remedy for being unjustly governed; and yet, for all this, every father is bound by the law of nature to do his best for the preservation of his family. But much more is a king always tied by the same law of nature to keep this general ground, that the safety of the kingdom be his chief law; he must remember that the profit of every man in particular, and of all together in general, is not always one and the same; and that the public is to be preferred before the private; and that the force of laws must not be so great as natural equity itself, which cannot fully be comprised in any laws whatsoever, but is to be left to the religious achievement of those who know how to manage the affairs of state, and wisely to balance the particular profit with the counterpoise of the public, according to the infinite variety of times, places, persons."

2.2 Locke vs. Filmer II: "a child is born a subject of no country"

Given the argumentative strategy that Locke employs, he finds himself having to show how children born in the middle of constituted political communities could have no political obligations to their country of birth. Locke does this by arguing that parental power cannot translate into political power. Despite being subject to their parents, children are not also subject to their parents' political obligations. Children, in fact, are not subjects of any country. By making children independent from the governments they live under, Locke creates the space for freedom that Filmer had argued could not be found. Men are born politically free in the sense that they are born independent of any government.

Locke's claims here are radical. The father's citizenship, the place of the child's birth, the political ties that bind previous generations, are all powerless to bind the child to a political regime he or she did not choose. Locke insists that the practice of governments agrees with his position.⁵¹ Governments, Locke claims, understand that their reach does not extend to children within their territory: "they claim 'no power over the son, because of that they had over the father;' nor look on children as being their subjects, by their fathers being so" (ST par. 118). As evidence, they postpone oaths of allegiance and other official signs of submission to a particular country until a young man has reached a proper age threshold:

"Commonwealths themselves take notice of, and allow, that there is a time when men are to begin to act like freemen, and therefore till that time require not oaths of fealty or allegiance, or other public owning of, or submission to, the government of their countries." (ST par. 62)

⁵¹ Although Locke wants to align this normative position with the existing practice of governments, the validity of his theoretical points does not depend on existing laws. Locke himself makes this point explicitly: "at best an argument from what has been, to what should of right be, has no great force." (ST par. 103). For a more extensive discussion of the role of tradition and custom in Locke's political thought, see Grant, Ruth W., "John Locke on Custom's Power and Reason's Authority", *Review of Politics* 74 (2012): 607-629.

To demonstrate his point, Locke takes the hypothetical example of a male child with both parents subject to the King of England, but born within the territory under the jurisdiction of the King of France. Locke argues that the child is neither the subject of the King of England nor of the King of France. The boy is not a subject of the king of England because he needs permission to move back to England ("for he must have leave to be admitted to the privileges of it") (ST par. 118). Furthermore, if he was a subject of the king of England, his father wouldn't have the liberty to take his son to France and educate him there ("how then has his father a liberty to bring him away, and breed him as he pleases?") (ST par. 118). On the other hand, the boy cannot be a subject of the king of France either, for no one would judge him a traitor if he decided to pick up arms to defend England in a war against France: "who ever was judged as a traitor or deserter, if he left or warred against a country, for being barely born in it of parents that were aliens there?" (ST par. 118) Locke's conclusion on the basis of this example turns out to be wide ranging. Because the English boy does not owe allegiance to the king of England, neither his father's perpetual subjection to England, nor any social contract that his father's ancestors may have made at the origin of England, can have any effect on the child's current or future political membership.⁵²

⁵² Many scholars have described this as the least persuasive part of Locke's arguments, challenging the accuracy of Locke's representation of the legal regime governing English citizenship. If true, these claims merely bolster the argument proposed here that Locke's theory of natural freedom requires an extensive reconceptualization of children's political status. Hampsher-Monk refers to this part of the argument as weakest of Locke's Filmerian rebuttals: "Locke's insistence that '*a child is born a subject of no country or government*' is the least convincing part of his disposal of Filmer, and the point where his assertions were least congruent with contemporary practice." See Hampsher-Monk, Iain W., "Tacit Concept of Consent in Locke's Two Treatises of Government: A Note on Citizens, Travellers, and Patrarchalism," *Journal of the History of Ideas* 40, no. 1 (1979): 135-139. Early English law distinguished between English subjects and aliens. Subjects included both men born within the king's domains and naturalized subjects. Those who had neither claims based on birth nor claims based on parentage had a hard case to make in favor of naturalization. There is no indication of age restrictions in terms of being considered a subject once born inside the territory of the king of England. And according to Dunn, the practice of swearing oaths of allegiance was fairly irregular, contained to mostly office

Furthermore, if the English boy does not owe allegiance to the king of England, he thereby owes allegiance to no government in the world:

"It is plain then, by the practice of governments themselves, as well as by the law of right reason, that 'a child is born a subject of no country or government.' He is under his father's tuition and authority till he comes to age of discretion; and then he is a freeman, at liberty what government he will put himself under, what body politic he will unite himself to: for if an Englishman's son, born in France, be at liberty, and may do so, it is evident there is no tie upon him by his father's being a subject of this kingdom; nor is he bound up by any compact of his ancestors." (ST par. 118)

It is important to note how counterintuitive Locke's arguments would have seemed at the time. The idea that children could reside in the middle of the English monarchy without owing any more allegiance to the King of England than to the King of France would have likely struck both kings and subjects as strange. Hume's reaction to Locke's arguments here is particularly informative:

"On the contrary, we find, everywhere, princes, who claim their subjects as their property, and assert their independent right of sovereignty, from conquest or succession. We find also, everywhere, subjects, who acknowledge this right in their prince, and suppose themselves born under obligations of obedience to a certain sovereign, as much as under the ties of reverence and duty to certain parents."⁵³

The beliefs that Hume describes are precisely the beliefs that Filmer defends. Locke therefore has a double task to make a persuasive case in favor of this new theoretical conception the total independence of the apolitical child. First, he has to argue for the truth

holders and those suspected of failures of loyalty. See Dunn, John, "Consent in the Political Theory of John Locke," *The Historical Journal* 10, no. 2 (1967): 153-182. Locke is right that resident aliens (or denizens) were not considered subjects of the king: "And thus we see, that foreigners, by living all their lives under another government, and enjoying the privileges and protections of it, thought they are bound, even in conscience, to submit to its administration as far forth as any denison; yet do not thereby come to be subjects or members of that commonwealth." (ST par. 122) However, there is no evidence that English-born men were considered equivalent to denizens prior to their express consent to government. The historical evidence against Locke's position further shows the original nature of the claims concerning children's apolitical status.

⁵³ Hume, David, "Of the Original Contract" in ed. *Essays: Moral, Political and Literary*.

of this conception on the basis of natural law. Locke defends this element by showing why parental power has a different logic than political power and therefore cannot confer political obligations upon children. Second, he has to address the widespread impression that children do inherit political obligations from their parents. Locke therefore argues that what may look like political obligations being passed down from parents to children is simply a matter of young adult's freely given (implicit) consent to inherit parental property after coming of age. I will address both parts of the argument in turn, showing Locke's commitment to this particular conception of childhood.

The difference between the family and the state is a key element of Locke's political theory, as the space dedicated to the terms "parental power" and "political power" in both the *First* and *Second Treatise* illustrates.⁵⁴ One of the concluding chapters of the *Second Treatise* is reserved for their explicit comparison ("Of paternal, political, and despotical Power, considered together"). In this chapter, Locke identifies the confusion between parental and political power as the fundamental misunderstanding of his contemporaries: "yet the great mistake of late about government having, as I suppose, arisen from confounding these distinct powers one with another" (ST 176). To correct this great error, Locke describes and compares both powers, addressing their "original, extent, and end".

Parental power, as discussed above, comes from children's temporary need for care and guidance. It belongs to parents from their children's birth until they are able to fend for themselves, so long as they fulfill the obligations such a power is contingent upon. When

⁵⁴ The term "paternal power" appears 67 times in the *Two Treatises* (with the more inclusive "parental power" another 5 times), while "political power" appears 31 times. These powers are defined and explicitly compared in a number of chapters, including *First Treatise*, chapter 2 "Of paternal and regal power" and the two consequent chapters in the *Second Treatise*: chapter 6 "Of paternal power" and chapter 7 "Of political or civil society".

defining parental power, Locke focuses on its very limited scope ("that [power] which parents have over their children"), its justification ("to govern them for the children's good") and its limited temporal extent ("till they come to the use of reason, or a state of knowledge wherein they may be supposed capable to understand that rule, whether it be the law of nature or the municipal law of their country, they are to govern themselves by") (ST par. 170). Parental power to govern children has important limits of scope. First, it does not extend to children's life and property: "[h]is command over his children is but temporary, and reaches not their life or property" (ST par. 65). Second, it does not give parents the right to incur political obligations on behalf of their children: "It is true, that whatever engagements or promises anyone has made for himself, he is under obligation of them, but cannot, by any compact whatsoever, bind his children or posterity" (ST par. 116).

Political power has an entirely separate origin story, one revolving around the famous state of nature. When comparing political power to parental power, Locke gives a definition that focuses on this separate origin:⁵⁵

"political power is that power which every man having in the state of nature, has given up into the hands of society, and therein to the governors, whom the society hath set over itself, with the express or tacit trust, that it shall be employed for their good, and the preservation of their property." (ST par. 171)

Some of the best known contributions of the *Second Treatise* are the articulation of the natural rights that all *adult* human beings have in a hypothetical state of nature prior to

⁵⁵ This is a different definition than the one Locke gave in the very first chapter of the *Second Treatise*. There, he argued that "political power, then, I take to be a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good." (ST par. 3) It is important to note that this first definition is given prior to spelling out the state of nature and describing the origin of political communities. The two definitions are not incompatible, but they show a very different emphasis.

government, including the well-known rights to "life, liberty, and estate", and the right to acquire property through labor.⁵⁶ This origin story, however, leaves out the children by focusing exclusively on adults prior to the foundation of government. In order to bring the children back into the picture, Locke has to show how once these children become adults they enter an equivalent position to the contractors in the state of nature *even if* they were born in the middle of a constituted and legitimate polity. And that is precisely Locke's argument. He claims that it is not "any more hindrance to the freedom of mankind" to be "born under constituted and ancient polities, that have established laws and set forms of government, than if they were born in the woods". (ST par. 116)

To prove this point, Locke has to show that what looks like children inheriting political obligations from their parents is actually children inheriting land and other property from their parents. This inheritance can come with strings, including obligations to obey the particular laws governing the land. In fact, parents can make inheritance conditional on express consent to a particular sovereign in order to make sure that the son has to be a subject of the same country as the father: "he [the father] may indeed annex such conditions to the land he enjoyed as the subject of any commonwealth, as may oblige the son to be of that community, if he will enjoy those possessions which were his father's" (ST par. 116). This is, of course, contingent on the son's desire to keep the landed property he inherits. As

⁵⁶ Locke also describes children as having rights on a number of occasions, such as the right to nourishment and education, and, as we will see below, the right to inherit property. They seem to also be able to acquire property in the same way adults are, by mixing their labor. The grounds on which we would speak of children's rights for Locke, however, would have to be different than the grounds we have for discussing the rights adults have in the state of nature. Adults have the capacity of understanding natural law and therefore be free *through* their obedience to that law. For a contemporary discussion of whether children can properly be considered rights-bearers, see Griffin, James, "Do Children Have Rights?" and Brighouse, Harry, "What Rights (if any) Do Children Have?" in ed. David Archard and Colin M. Macleod, *The Moral and Political Status of Children* (Oxford: Oxford University Press, 2002).

Locke points out, the power that fathers can exert upon their children by promising them a large inheritance does not undermine the consensual nature of the relationship. In fact, the same promise of being included in one's will can be used to entice a perfect stranger from France to become a member of England, making it a power independent from parental power (ST par. 73).⁵⁷

Upon coming of age, any young man is free to refuse citizenship in his country of birth and choose to either join a different political community or found a new country in "uninhabited" parts of the world.⁵⁸ The decision to refuse citizenship would be costly. It implies forfeiting the right to hold on to inherited land, which he cannot remove from the territory of a legitimately constituted government. Although in advanced industrial societies landed property is a relatively less valuable resource, being a landowner during the 17th century conferred legal, political, civil and social privileges:

"a man is naturally free from subjection to any government, though he be born in a place under its jurisdiction; but if he disclaim the lawful government of the country he was born in, he must also quit the right that belonged to him by the laws of it, and the possessions there descending to him from his ancestors, if it were a government made by their consent." (ST par. 191)⁵⁹

⁵⁷ Locke seems to be assuming that accepting the inheritance itself constitutes consent to government and citizenship, even in the case of the Frenchman. It is unclear in this particular context whether the Frenchman could sell the land and abandon English citizenship after this original act of inheritance.

⁵⁸This holds for as long as uninhabited spaces continue to be available. For an argument about availability of entrance into another political community and not just exit as a condition of Lockean politics based on consent, see Klausen, Jimmy C. "Room Enough: America, Natural Liberty, and Consent in Locke's *Second Treatise*", *The Journal of Politics* 69, no. 3 (2007): 760-769. For an assessment of what a voluntary social contract would entail today, see Moses, Jonathon W., "The American Century? Migration and the Voluntary Social Contract", *Politics & Society*, 37, no. 3 (2009): 454-476.

⁵⁹ The caveat "if made by their consent" is important because Locke goes on to argue that children still have a right to inherit their parents' property if that property was taken through conquest or usurpation. Locke goes further and argues that the new generation retains their right to inherit the landed property left over after the conqueror has compensated his losses: "the inhabitants of any country, who are descended and derive a title to their estates from those who are subdued, retain a right to the possessions of their ancestors, though they consent not freely to the government, whose hard conditions were by force imposed on the possessors of that country" (ST par. 192). Until the inhabitants get to choose their government, the territory is under foreign

Despite the sacrifices of renouncing citizenship, Locke has to argue that all young adults reaching maturity have a genuine exit option. If the decision to forfeit citizenship would leave one completely destitute and likely to perish of hunger, Locke's claim that children born under government are just as free as children born outside government would be undermined. To defend the theoretical coherence of the apolitical child, who is completely free of political obligations, Locke gives a number of reasons why refusing citizenship is not necessarily the equivalent of the proverbial offer you can't refuse. First, all minor children have a natural right to inherit their parents' property when their survival is at stake. Second, the young adult can, under certain conditions, sell property and use the financial resources in order to pursue opportunities elsewhere.

Minor children have a natural right to inherit enough property to sustain themselves prior to the period where they can govern themselves. This natural right to inherit property applies to children under the age of consent who have need of it for their continuing protection and nourishment: "Children, therefore, as had been showed, by the dependence they have on their parents for subsistence, have a right to their inheritance of their fathers' property" (FT par. 93). This right implies a qualified rejection of primogeniture, which undermines the Filmerian claim that political rule is passed on from father to first-born son: "wherein the first born has not a sole or peculiar right by any law of God and nature, the younger children having an equal title with him, founded on the right they all have to maintenance, support, and comfort from their parents, and on nothing else" (FT par. 93).

occupation, not legitimate rule. Locke's discussion of Greek Christians under Ottoman occupation could be used as the foundation for a Lockean theory of historical injustice.

Parents cannot exclusively give all of their entire property to the eldest son upon condition of his express consent to the English government because that would violate the natural rights of the other siblings, male and female, who have important claims to the same property.⁶⁰ Because children have a natural right to inherit the resources necessary for their survival, their parents cannot make them an offer they can't refuse of joining a particular political community or losing all their claims to parental property they need to survive prior to adulthood.⁶¹

Second, Locke offers the theoretical possibility of receiving protection of the laws and owning property as a temporary tacit consent to government. Tacit consent is presumed for all adults who own property in a particular jurisdiction: "every man that hath any possessions, or enjoyment of any part of the dominions of any government, doth thereby give his tacit consent" (ST par. 119). In practice, tacit consent turns out to cover all adult human beings that exist within the territory of a particular sovereign: "in effect it reaches as far as the very being of any one within the territories of the government" (ST par. 119). These tacit consenters are not actually incorporated into the political society, which leaves them free to join another political community upon selling or otherwise alienating their property: "whenever the owner, who has given nothing but such a tacit consent to the government, will, by donation, sale, or otherwise, quit the said possession, he is at liberty to go and incorporate himself into any other commonwealth" (ST par. 121). Children, unlike adults, are neither tacit nor express consenters. They are a-consensual inhabitants within the

⁶⁰ Beyond the necessary minimum required for the preservation of their offspring, parents can dispose of the surplus property in any way they choose, including by bestowing it on non-relatives or returning it to the common stock.

⁶¹ Michael Munger distinguishes between voluntary and euvoluntary exchanges.

state. Only upon turning the legal age of consent could these young adults become either tacit or express consenters. In fact, it is precisely because the consent of men to their government happens sequentially and separately as each of them turns the corresponding age that people fail to acknowledge its political significance:

"And thus, "the consent of freemen, born under government, which only makes them members of it," being given separately in their turns, as each comes to be of age, and not in a multitude together; people take no notice of it, and thinking it not done at all, or not necessary, conclude they are naturally subjects as they are men."
(ST par. 117)

Unless the sovereign requires express consent as a condition of protecting property ownership, there could be many tacit consenters living under the jurisdictions of particular governments who retain their state of nature freedom to incorporate into any particular political community they choose.⁶²

The arguments presented so far show Locke's commitment to refuting Filmer by rejecting any natural law basis for considering children subjects of a particular sovereign. In addition to considering the natural law governing inheritance, Locke also covered just war theory and its implications for children living in a particular territory. It turns out that children remain politically unreachable even after their parents forfeit their life and liberty in an unjust war. Locke argues that conquerors have no natural right to subject children living in a territory, even if the conqueror obtained a victory in a legitimate and just war. In fact, Locke goes even further to argue that the conqueror is unjustified in taking property that is rightly put aside for the support of the children of a justly conquered people. A father can

⁶² In *The Fundamental Constitutions of Carolina*, no one over the age of seventeen is allowed to own property or receive the protection of the laws unless they swear an oath of allegiance and therefore become naturalized as members of the political community. It is an open question whether such a provision is a legitimate move for governments to make or whether it would infringe on the natural freedom of all citizens to choose their government upon coming of age.

fight an unjust war and thereby, according to Locke, forfeit his life, but he can never forfeit either the life of his children or the property they require for their subsistence: "the father, by his miscarriages and violence, can forfeit his own life, but involves not his children in his guilt or destruction." (ST par. 182) According to the law of nature, an important portion of these goods, "belong to the children to keep them from perishing, do still continue to belong to his children; for supposing them not to have joined in the war, either through infancy, absence or choice, they have done nothing to forfeit them" (ST par. 182). Even in circumstances where the conqueror may justly demand compensation out of the father's goods, nature demands that the conqueror abandon his claims "to the pressing and preferable title of those who are in danger to perish without it" (ST par. 183). Conquest of territory, therefore, creates no necessary political obligation upon children under the age of consent: "the children, whatever may have happened to the fathers, are freemen, and the absolute power of the conqueror reaches no farther than the persons of the men that were subdued by him and, dies with them" (ST par. 189). So independent are children from political obligations that they remain theoretically untouched even in the midst of political turmoil.

In the process of refuting Sir Robert Filmer's account of political subjection by birth, Locke has explicitly removed children from the reach of politics altogether. Prior to the age of consent, children are subject only to the authority of their parents. This authority is limited to private matters such as the child's care and education, but does not extend to choosing the child's citizenship or consenting on the child's behalf to laws. Children therefore exist outside of the reach of the state even while living in its midst. Because they do not have the capacity to understand the law, they are not subject to law. They are not

even subject to the moral law that dictates their moral obligations to their parents once they reach adulthood. At most, they are subject to the superior strength of parents, who use their wit and, occasionally, their superior force, to inculcate virtuous habits and ensure obedience. In the following section, I draw out the implications of this new apolitical conception of children. In particular, I show how keeping children outside of politics limits civil government's jurisdiction concerning children, particularly with respect to issues such as education, health and welfare.⁶³

2.3. The Education of the Apolitical Child

Having reconstructed the conversation between Locke and Filmer, we can see why Filmer's arguments about the subjection of human beings from childhood onward forced Locke to spend so much time considering children's political status. Still, Locke's concern was never to give a comprehensive account of the moral, legal and political status of children. His thoughts on the role of civil government in the education of children therefore only come up occasionally in different texts across his corpus, and his answers are not necessarily consistent with one another or with the overall conception of "the apolitical child". Although Locke's writings about what we might call 'public policy' primarily contributed to the conversations and political projects that Locke was involved in during the 17th century, some of his ideas have impact that extends beyond their original context and creation. The apolitical child is one such idea with significant staying power. Invented to explain how human beings can be free from political subjection by birth, it continues to

⁶³ Even though these children would inherit property, they would also require a guardian prior to the age of consent given their young age.

influence writing about education and debates about whether parents or states have jurisdiction over children's education.⁶⁴ The most direct such line of influence, I contend, goes through Rousseau's *Emile* and *Social Contract*, through to Immanuel Kant and contemporary liberal contractarian accounts.

One of the most common contemporary uses of the idea of the apolitical child is in describing the separation between the private and the public spheres that liberal political theorists continue to either assume or defend when considering education. In its strongest articulation, the apolitical conception of children leads to the paradoxical position that the future of a political community could depend decisively on children's moral and political education without the state having jurisdiction to act upon these politically invisible residents. This is Judith Shklar's position in *Liberalism of Fear*, where she explicitly uses Locke to argue that “[l]iberalism [...] began precisely in order to oppose the educative state”.⁶⁵ Even in its less radical articulations, this apolitical conception of children serves to strongly circumscribe the state's jurisdiction in matters concerning children's education. While children's apolitical status seems to necessitate exclusive parental rights over education, including any education for citizenship the parents may deem appropriate, Locke's writings on education never explicitly articulate this position.

⁶⁴ Some of these debates were outlined in the previous chapter. However, for a series of examples of the way questions about jurisdiction between parents and states continues to influence contemporary conversations about education, see Ruderman, Richard R. and R. Kenneth Godwin, "Liberalism and Parental Control of Education," *The Review of Politics* 62. no.3 (2000): 503-529, and Galston, William, "Parents, Government, and Children: Authority over Education in a Pluralist Liberal Democracy," *Law & Ethics of Human Rights* 5.2 (2011): 285-305.

⁶⁵ Shklar, Judith, "Liberalism of Fear," in ed. Nancy L. Rosenblum, *Liberalism and the Moral Life* (Cambridge: Harvard University Press, 1989): 21-38, pg. 33.

In discussing the relative jurisdiction of parents and governments over the education of children, three possibilities present themselves: the parents have exclusive jurisdiction, the government has indirect jurisdiction by legislating to parents or the government has direct but non-exclusive jurisdiction. Since Locke never specifically addressed this particular question, it may not be surprising that all three possibilities receive at least some textual sanction from Locke's corpus. However, not all are equally plausible readings of Locke's overall position about children's education. Below, I outline all three possible options for how governments can legislate concerning children in light of the explicitly advocated conception of the apolitical child. Only the first option clearly shows the incompatibility between Locke's liberalism based on consent and civic education. The other two options introduce the possibility for the government to intervene in children's education in cases demanded by the public good, although the last two options at least partially go against Locke's normative account of children's political status. The relationship between Locke's account of pre-political rights and his discussion of the public good in political communities already constituted on the basis of the consent of the governed is an enduring concern of Locke scholarship and one to which no entirely satisfying answers have been proposed.⁶⁶ My more modest goal in highlighting these contradictions is to show that Locke himself gave justifications for moving away from "the apolitical child" when the public good demanded it, opening up reasons to be skeptical that such a political conception of children could be compatible with effective government policy aimed at fostering stable liberal political institutions.

⁶⁶ For an overview of this problem, see Grant, *John Locke's Liberalism*.

The first option I describe emerges most directly the notion of the apolitical child it and it is by far the most common interpretation in the secondary literature. Parents have exclusive jurisdiction over their children (within the bounds of natural law). Governments therefore have no authority to make public policy concerning children's education. Think about Locke's example of the little boy whose English parents have brought into France. Neither the king of England nor the king of France would have any more authority to prescribe for the education of this little boy than the emperor of Japan. This possibility forecloses conversations about the relative contributions to the public good of alternative education policies and forces normative theorists to discuss who has exclusive jurisdiction over a particular aspect of children's education: parents or governments.

The second option is also generally compatible with the apolitical child, although it has received less scholarly attention. Children can be reached by the government, but only *indirectly* through the government's political power over the parents. The child's parents are members of a particular political community. These adults are expected to have consented to the government and to owe obedience to the laws. The government may therefore regulate the education of children by restricting certain forms of parental behavior or mandating others. To take an example that Locke did not consider, the government could impose educational standards and compel parents to send their children to school. This indirect way for the state to make policy for children by legislating to adults receives some textual evidence, particularly in Locke's writings on religion and politics. This second option leaves more room for considerations about the public benefits and costs of alternative policies, but Locke never gives us a good way to reconcile this discussion of the public good with his natural rights account of children's apolitical status.

The final option is least consistent with the notion of the apolitical child. Regardless of whether children can be subject to political obligation, the government might still make policy concerning children *directly*. The state could pass laws concerning children without having to explicitly consider parental jurisdiction. In doing so, it would not have to cover this exercise of force over children with any veneer of normative legitimacy since children would be made into non-consenting members of the polity. Although it may seem odd to consider this alternative which is incompatible with Locke's political theory based on natural liberty, certain of Locke's directly political writings concerning the Poor Laws and hereditary slavery in the English colonies contain prescriptions directly contrary to Locke's *Second Treatise*.

The point of going through all of these alternatives is not *simply* to evaluate which of them best represents Locke's sincerely held beliefs about education policy. For the most part, Locke never comprehensively addressed the proper extent of government policy concerning children's education. The point is also to show the types of questions and restrictions that arise when the conception of the apolitical child is used in thinking about public policy concerning children's education. As the following chapters compare this conception of children's political status with the alternative notion of the child as citizen, the short-comings as well as advantages of the apolitical child become more salient.

Option 1: Parents have Exclusive Jurisdiction over Children

Most of the scholars writing about Locke's education theory, both admirers and critics, describe a strong separation of the private and the public spheres, with education belonging exclusively to the private sphere. In his *Locke's Education for Liberty*, Tarcov

concludes from the Filmer-Locke debate that Locke assigns the education of children exclusively to parents: "Locke, far from identifying fatherly care with political power, like Filmer, draws a strict distinction between them and grants instruction solely to parental power, not to civil government."⁶⁷ Mehta similarly concludes that Lockean liberalism is "predicated on and committed to a rigid sequestering of the private from the political realm".⁶⁸ Mehta comes at Locke's political and educational thought from a critical perspective, claiming that Locke assigns to parents the responsibility to mold their children by the age of twenty-one into the liberal subjects that fit with liberal institutions: "This is Locke's understanding of the obligation parents have to their children. It is to ensure that by the age of twenty-one their progeny are suitably inculcated with a reason that proscribes and prescribes to the inclinations of the will."⁶⁹ Following Mehta's analysis, it is precisely parents' exclusive jurisdiction over this all-important task that conceals from us the extensive and potentially pernicious work of socialization required to make liberalism sustainable. Following Tarcov, this exclusive jurisdiction is precisely what makes liberalism simultaneously appealing as a political ideology and fragile without the support of civil society.

There is a *prima facie* case to be made that Locke's political theory, especially his defense of "the apolitical child", means that parents have exclusive jurisdiction over children's education. If parental and political power are different powers, and children have no relationship to political power, then it would seem to follow that there is a private

⁶⁷ Tarcov, *Locke's Education for Liberty*, 5.

⁶⁸ Mehta, *Anxiety of Freedom*, 34.

⁶⁹ *Idem*, 160.

domain of child rearing that the state can have no authority interfering with. However, much of the textual evidence that this represents Locke's considered view on the issue comes from moments where Locke could have defended state interference with children's education but abstained from doing so.

Let's go back to the child of English parents who gets taken to France. Locke explicitly told readers that the father has liberty to take his child to a foreign country and educate him according to his best judgment. The question "for how then has his father a liberty to bring him away, and breed him as he pleases?" is meant to drive home the commonsensical point that the father indeed has this power (ST par. 118) If the state could make claims on the children, then it could hypothetically prevent parents from removing them from the country and educating them in a way that might support the goals of an enemy country like France.⁷⁰ In *Some Thoughts Concerning Education*, Locke emphasized the national importance of good education ("the welfare and prosperity of the nation so much depends on it"), but he never discussed the need for legislation concerning education.⁷¹ His educational writings are not addressed to magistrates.⁷² Tarcov interprets this choice of

⁷⁰ England and France were engaged in bitter struggles during the centuries leading up to Locke's writing the *Second Treatise*. The conflicts were often military, but ideological conflicts between Catholic France and Protestant England were certainly important. James II, Locke's political enemy and the target of Locke's attacks in the *Second Treatise*, was suspected of conspiring with the Louis XIV, which precipitated the Glorious Revolution. For a thorough account of Locke's political context, see Ashcroft, Richard, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, NJ: Princeton University Press, 1986).

⁷¹ STCE *Dedication*.

⁷² An important exception to this is *An Essay on the Poor Law* which resorts to a legislative solution instead of persuasion. I discuss this more extensively below.

audience as indicative of Locke's commitment to enact educational reforms without involving the government:⁷³

"Unlike Hobbes' education project, which was to take effect through the sovereign's reform of the universities, Locke's reform was to make its way on its own - over the heads or behind the backs of the government and the universities alike - by influencing the reading public of parents of young children."⁷⁴

Locke did not assume his efforts at persuasion in *Thoughts* would reach all parents in the country. As a text, it is particularly concerned with the education the English gentry and Locke acknowledges the limitations of his project and cautions against interpreting it as a "just treatise on education" (STCE sec. 216). Axtell justifies Locke's silence on public education as a feature of his 17th century historical blindness: "[i]t simply never occurred to Locke that all children should be educated, or that those who should should be educated alike".⁷⁵ The reading public may have been a very narrow sliver of the population in the 17th century, but Locke argued for the importance of moral and religious education for all: "everyone has a concern in a future life, which he is bound to look after [...] and here it mightily lies upon him to understand and reason right." (CU sec. 8) Not only did Locke think that all human beings have an obligation to employ their reason in the service of understanding natural law, he was also quite optimistic about the prospect of improving the understanding of a much larger group of people: "more might be brought to be rational creatures and Christians [...] *if due care were taken of them.*" (CU sec. 8, emphasis added). Given

⁷³ Since the parents Locke is addressing are the future ruling elite for whom political leadership is a vocation, Locke is technically appealing to the government in an indirect way. See, for example, Locke's statement that "if those of that rank [the gentlemen] are by their education once set right, they will quickly bring all the rest in order" in the *Dedication* to STCE.

⁷⁴ Tarcov, *Locke's Education for Liberty*, 3.

⁷⁵ See Axtell, James L., *The educational writings of John Locke; a critical edition with introduction and notes* (London: Cambridge University Press, 1968), 51. This argument seems unfounded because discussions of universal public education were certainly around during Locke's time. One well-known example is Comenius' *Didactica Magna*.

Locke's belief in the importance of education ("nine men of ten are what they are, good or evil, useful or not, by their education")⁷⁶, his silence on government involvement is indeed more likely to show a commitment to exclusive parental authority over education rather than an inability to imagine that all children should be educated.

Not only does *Thoughts* address itself exclusively to parents, but there are further indications within the text that Locke considers children's education the exclusive business of parents. Like Rousseau, Locke reminds his readers that Roman parents, and especially Roman fathers, undertook to educate their children themselves: "[h]ow much the Romans thought the education of their children a business that properly belonged to the parents themselves, see in Suetonius *Augustus*, Plutarch *in vita Catonis Censoris*, Diodorus Siculus, *bk.2, chap.3.*" (STCE sec. 69 fn. 27) In the *Second Treatise*, Locke had established that the father has a right to transfer part of the son's education by hiring a tutor or signing the son up for an apprenticeship. According to Locke, this transfers the son's obligation to obey, which follows the placement of the care and education: "for a man may put the tuition of his son in other hands; and he that has made his son an apprentice to another, has discharged him, during that time, of a great part of his obedience both to himself and to his mother." (ST par. 69) A similar transfer can be made to a tutor.⁷⁷ Even in these cases of partial transfers of parental authority, however, Locke recommends that parents always keep children in their proximity, limiting their unsupervised interaction with outsiders to the family as much as

⁷⁶ STCE sec.1.

⁷⁷ For Locke's advice on how to choose a proper tutor for one's child, see STCE sec. 88-94. In the case of a young gentleman, Locke counsels the father to spare no expense in investing in his son's education: "I think it will be the money best laid out that can be about our children, and therefore though it may be expensive more than is ordinary yet it cannot be thought dear" (STCE sec. 90)

possible: "the children kept as much as may be in *the company of their parents* and those to whose care they are committed." (STCE 45)⁷⁸ By recommending that parents fully control the company and whereabouts of the children, Locke makes it easier to create a fully private sphere of child rearing that is not exposed to outside policing by the state.

Parents and chosen governors also get explicit discretion in their choice of education methods. In the *Second Treatise*, Locke explicitly describes parents' jurisdiction in choosing the methods of educating their children ("by such a discipline as he finds most effectual") and of employing their labor ("if it be necessary to his condition, to make them work, when they are able, for their own subsistence") (ST par. 64). In *Thoughts*, parents appear to have full discretion over what they punish their children for and how severely they punish them. The civil magistrate is neither called upon nor expected to intervene. Despite his severe misgivings about the use of violence ("they [misguided parents] principle them with violence, revenge, and cruelty" (STCE sec. 37)), Locke consistently resorts to persuasion and never to magisterial influence over the issue: "If the world commonly does otherwise, I cannot help that. I am saying what I think should be: which, if it were already in fashion, I should not need to trouble the world with a discourse on this subject." (STCE sec. 39) Given these repeated abstentions from invoking magisterial authority over education, it would make

⁷⁸ Locke spends much of *Thoughts* discussing the dangers of bad company: "Having named company, I am almost ready to throw away my pen and trouble you no farther on this subject" (STCE sec.70). On the one hand, he is concerned with the influence of complete strangers of unverified character. This is part of the argument against boarding schools: "And what qualities are ordinarily to be got from such a troop of playfellows as schools usually assemble together from *parents of all kinds* that a father should so much covet, is hard to divine." (STCE sec. 70, emphasis added) On the other hand, he finds the influence of servants in the home and other domestics to be particularly pernicious: "They frequently learn from unbred or debauched servants such language, untowardly tricks, and vices as otherwise they possibly would be ignorant all their lives." (STCE sec. 68) The private sphere of the immediate family and approved tutors is meant to protect children from influences that the parents deem unsuitable.

sense to conclude with Grant and Tarcov that "[a]pparently, the state has no role as educator at all."⁷⁹

Outside of Locke's educational writings, the strongest textual evidence concerning the state's lack of jurisdiction over children's education comes from *A Letter Concerning Toleration*. This is the Lockean text most frequently appealed to by contemporary democratic realists and modus vivendi liberals as a turning point in creating the distinction between the private and the public.⁸⁰ In the *Letter*, Locke supports religious toleration by arguing that religious and political authorities operate within different areas of competence using different methods appropriate to their respective goals. When it comes to life, liberty and estate, the magistrate has the authority to legislate in the interest of the public good. When it comes to salvation and the afterlife, churches have jurisdiction to persuade about matters of eternal salvation. Locke argues against attempts to regulate religious faith by using the instruments of government. He reprimands those who wish to imprison or execute their neighbors for failing to baptize their children according to their particular religious rituals ("if he brings not his children to be initiated in the sacred mysteries of this or the other congregation") (LCT 227). Locke argues that priests, neighbors and even magistrates in their private capacity can try to persuade their neighbors to join their church or change his religious beliefs, but none of them have a right to punish the neighbor for choosing to educate his children in a different religion.⁸¹ Later in the text, Locke gives the hypothetical

⁷⁹ See Grant and Tarcov, "Introduction," in *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, eds. Ruth Grant and Nathan Tarcov.

⁸⁰ See Spragens, Thomas A. Jr., *Civic Liberalism: Reflections on Our Democratic Ideals* (Oxford: Rowman & Littlefield Publishers, Inc., 1999), pg. 10.

⁸¹ The question of neighbors who choose to give no religious instruction to their children at all (atheists) is different for Locke. The *Letter* regards atheists as an exception to the regime of toleration promoted: "Lastly,

example of a group of people who are prevented from exercising the privileges of citizenship on the basis of an arbitrary characteristic such as the color of their hair. This is part of his argument that government persecution rather than religious diversity creates civil unrest. Among the abuses included in the list, Locke mentions "that parents should not have the government or education of their own children" (LCT 248)⁸². The passage could be interpreted as giving parents maximum authority over the area of child rearing.⁸³

Partly because of Locke's strong endorsement of "the apolitical child" as a conception of children's political status, many contemporary readers associate Locke's political theory with a complete separation between the public sphere (where governments make laws to protect adult citizens 'life, liberty and estate') and the private sphere (where parents fulfill their duties to care for and educate their children). Despite its prima facie plausibility as Locke's position, the textual evidence supporting this interpretation of Locke's writings on matters of education policy should not be overstated. Many of the textual arguments showing Locke's commitment to an exclusive parental jurisdiction over education are arguments that infer a lack of state jurisdiction on the basis of silence about government

Those are not at all to be tolerated who deny the being of God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all." (LCT 246) Locke makes other exceptions on the basis of arguments about the public good: "No opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society, are to be tolerated by the magistrate." (LCT 244)

⁸² Here is Locke's list of abuses in full: "that they should not be permitted either to buy or sell, or live by their callings; that parents should not have the government and education of their own children; that they should either be excluded from the benefit of the laws, or meet with partial judges" (LCT 247-8).

⁸³ However, it could also be interpreted as saying that government policy should not arbitrarily discriminate against its citizens. In the next sections, I consider the textual evidence for a more qualified position on how governments can make policy concerning children.

policy. As we shall see when considering the next option, Locke did open up some avenues for the civil magistrate to legislate concerning children *indirectly* by legislating to parents.

Option 2: Making Policy for Children Indirectly by Legislating to Parents

According to the "apolitical child" view, children are not subject to the jurisdiction of particular states. Parents, however, are consenting members of particular political communities. When we consider education policy, we could imagine very limited or very extensive government intervention. On one end, governments could compel parents to educate their children in their homes for a specified period of time. On the other, governments could impose a particular program of children's education and demand that all parents send their children to government-owned educational institutions teaching a particular curriculum. If parents' jurisdiction over their children belongs in a private sphere impermeable to state control, then both of these options involve illegitimately limiting parental authority over child rearing. However, if parents' consent to government implies that the government can legislate to parents concerning their children, then a different set of criteria would be required to decide matters of education policy and distinguish between good and bad policies. This section aims to give a fair consideration to the possibility of a legitimate Lockean intervention aimed at civic education, while showing Locke's normative account contains an enduring tension between arguments about legitimacy drawn from his contractual account and arguments about the public good. A similar tension gets inherited by Rousseau, who gives two possibilities for considering children's political status and their educational implications.

In section 2.3.1, I summarized the textual evidence for the position that Locke supported keeping the private sphere of child rearing outside of government control. In this section, I focus on the textual evidence and arguments in favor of the position that Locke considered state interference with parents' rearing and education of their children justified at least some of the time. The argument proceeds as follows. Parents who have consented to a political community have an obligation to obey the laws of that particular community. Men cannot consent to civil society and remain as free as before. That was Rousseau's claim, not Locke's. Once they join society, every one transfers to the community his or her right to interpret and execute natural law. They all become equally subject to the legitimate laws made through the proper channels: "No man in civil society can be exempted from the laws of it" (ST par. 94). If that weren't true, there would be no difference between the state of nature and civil society, which Locke emphatically denies. Once men consent to join civil society, they consent to be decided by the will of the majority: "by consenting with others to make one body politic under one government, puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it" (ST par. 97). This political community is what Locke describes as a commonwealth, which can choose its form of government by deciding where to place the legislative power. The establishment of the legislative power is, according to Locke, the "first and fundamental positive law of all commonwealths" and the operation of this legislative power is determined by natural law: "the first and fundamental natural law, which is to govern even the legislative itself, is the preservation of society, and (as far as will consist with the public good) of every person in it" (ST par. 134). Because adults have consented to be incorporated into the

commonwealth, they are bound to obey the laws passed by the commonwealth through its legislative body.

The description so far covers well-known aspects of Locke's political theory. The main area of contention concerns the limits, if any, on what the legislative power can do. Locke explains that the legislative power cannot have more power over individuals than they themselves had in the state of nature.⁸⁴ This means that the legislature can be neither arbitrary nor absolute. The question with respect to children is whether government regulation of children's education would be an absolute use of government power. Locke gives both procedural and substantive criteria to establish whether a government has become arbitrary or absolute. Examples of the procedural criteria include governing by settled and known laws, not taking away subjects' property without their consent, and others.⁸⁵ With respect to substantive criteria, Locke explains that the legislature has no right "to destroy, enslave, or designedly to impoverish the subjects" (ST par. 135). The main criterion he gives for determining the bounds of legislative power is the public good: "Their power, in the utmost bounds of it, is limited to the public good of the society." (ST par. 135) Locke returns to this criterion when he discusses specific policy proposals concerning children.

Locke's *Letter Concerning Toleration* denies members of one religion the right to use the law in order to persecute religious minorities. However, this restriction does not imply that

⁸⁴ Locke is a theist and his discussion of what human beings have a right to in the state of nature revolves around our natures as workmanship of God. As God's creatures, we do not have the right to arbitrarily dispose of our lives: "for men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not another's pleasure" (ST par. 6). As a result, we cannot contract to give such a right to the legislature. This is one of the side constraints on the legitimate scope of legislative power.

⁸⁵ For Locke's treatment of these criteria, see especially ST par. 134-142 and ST par. 211-243.

the magistrate has no right to regulate "indifferent things".⁸⁶ If the government couldn't regulate matters indifferent to salvation, there would be no room left for government to fulfill its functions: "if it be not granted, the whole subject matter of law-making is taken away". (LCT 233) The example he gives to explain this point concerns parents' care for their children. He asks that his readers allow that, unlike baptism, the mere act of washing a child with water is an indifferent thing to the child's salvation. He then argues that magistrates have a right to pass a law demanding that parents wash their children with water should they conclude such a policy would be an effective matter for public health: "[L]et it be granted also, that if the magistrate understand such washing to be profitable to the curing or preventing of any disease that children are subject unto, and esteem the matter weighty enough to be taken care of by a law, in that case he may order it to be done." (LCT 233)⁸⁷ This is the case even though the same magistrate has no right to regulate the afterlife by ordering that all parents baptize their children according to the rites of a particular Christian sect. The operative distinction is between commanding allegiance to a particular religion to guarantee salvation, which is outside of the competence of the magistrate, and regulating matters of public concern in the here and now, which is under the competence of a magistrate. Here Locke relies on arguments about the public good rather than arguments about jurisdiction in order to pronounce on the desirability of the policy: "The public good is the rule and measure of all law-making. If a thing be not useful to the commonwealth, though it be ever so indifferent, it may not presently be established by law." (LCT 233) The

⁸⁶ By "indifferent things", he means things that are indifferent to salvation.

⁸⁷ Despite the insurmountable problems with asking a historical figure to weigh in on a contemporary debate, it would seem hard to find a better analogy for the discussion concerning children's vaccination.

commonwealth may therefore have a right to regulate how parents treat their children, so long as it acts in the public interest.

In one of his *Essays on the Law of Nature*, Locke explicitly considers the possibility of a conflict between parental and political demands on children. An opponent of the position that natural law is universal and perpetual might argue that the natural duty to obey our parents only applies under certain circumstances, but not others. Locke responds by agreeing that parental power is properly limited by the laws of the country: "we are no doubt bound to comply with the orders of parents but only in things lawful, and this obligation is never annulled; but if a king commands otherwise, a parent's orders become unlawful" (ELN 127). The example Locke gives is the conflict between a parental demand to stay at home and care for one's family and a king's demand that a man serve in the military. This makes it seem that he is referring to either adolescents or sons past the age of consent, although this very distinction in Locke's thought may be the product of later reflection on the issue. Either way, Locke concedes that parental authority over children can be circumscribed by the law. This principle could extend to minor children and their government by parents and the question of which laws could legitimately restrict this scope would have to be based on a discussion of the public good.

Finally, in a lesser known *An Essay on Toleration* (not to be confused with *A Letter Concerning Toleration*), Locke had considered the issue of child rearing and the authority of magistrates concerning the issue. In this earlier essay, Locke had argued for parents' freedom in rearing their children, but he simultaneously allowed the state to impose limits on that freedom on the basis of the public good: "[T]hese opinions and the actions following from them, with all other things indifferent, have a title also to toleration; but yet only so far as

they do not tend to the disturbance of the state, or do not cause greater inconveniences than advantages to the community." (ECT 140) The dominant criterion for deciding whether to tolerate a particular educational practice is whether it would lead to more advantages than disadvantages to the community, judging everyone's interests together.

The idea that government can set educational requirements concerning children so long as the specific policies benefit the public seems eminently reasonable. The problems arise when we consider the relationship of such a view to the conception of "the apolitical child" defended in the *Second Treatise*. While the apolitical child view forces us to consider state policy concerning children from the point of view of conflicting jurisdictions between parents and states, this view of government policy concerning children seems to override the private-public distinction. In a contemporary context, we might apply the following distinction: When the public good is better promoted through extensive parental choice over educational methods or practices, governments should limit their education policy to tolerating or promoting choice. When the public good is better promoted through extensive government intervention that extends educational opportunities to all children within its territory, promoting civic virtues, civic knowledge and mutual respect through a standard educational curriculum, then governments should compel parents to act accordingly.

Given this alternative way of conceiving government policy with respect to children, the fact that Locke never considered an extensive government policy of subsidizing universal civic education, for example, is less informative than we might have thought. On the one hand, he might have avoided such a proposal because it is incompatible with parents' exclusive jurisdiction over children, as option 1 would suggest. On the other hand, he might have avoided it because, given the information available at the time, he found it to be

inconsistent with the public good. The very existence of option 2 throws a shadow of doubt over the usefulness of "the apolitical child" view as a foundation for considering public policy concerning children. At best, this conception of "the apolitical child" might be irrelevant to a conversation about education policy. At worst, it would keep conversations about children focused on questions of jurisdiction between parents and states rather than questions about the public good.

Option 3: Making Policy for Children Directly

Given Locke's argument that children are not subject to any political obligation, the possibility that states can in fact reach children directly is theoretically unfeasible. However, Locke's defense of "the apolitical child" can be compatible with such a view provided that we understand these acts of the government as exertions of force rather than matters of right. Some of Locke's actual policy proposals dealing with children directly involve intervention by the certain civil magistrates and parish overseers in children's education, as well as government monitoring and control over children born within their territory. While many of Locke's policies covered in this section are repulsive to 21st century sensibilities, it is important to focus on the grounds of these policies and the types of reasoning required to support public policies that concern children. In some of these cases, using the conception of "the apolitical child" would have given Locke normative leverage to reject policies that condemn children to slavery or serfdom by birth or punish them for breaking laws they do not understand. However, when it comes to education, Locke still focuses on arguments about the public good rather than jurisdiction, giving us reason to suspect that he also found "the apolitical child" too constraining for the politics of his time.

Locke's contributions to *The Fundamental Constitutions of Carolina* are a matter of scholarly dispute.⁸⁸ While retaining scholarly skepticism about the extent to which it reflects Locke's actual policy prescriptions, investigating this document as an applied instance of Locke's political theory may yield some useful results. Consistent with "the apolitical child" argument that governments cannot claim authority over children until they reach the age of consent, the *Constitutions* propose seventeen as the age threshold at which the government can demand an oath of allegiance from its residents. Children and adolescents younger than seventeen were exempt from military service. Upon reaching the age of consent, these young adults could register their allegiance by swearing and subscribing an oath to King Charles II and the local government of Carolina.⁸⁹ Unless they swore the oath, these individuals would receive no protections from the law: "Nor shall any person, of what condition or degree soever, above seventeen years old, have any estate or possession in Carolina, or protection or benefit of the law there, who has not subscribed these fundamental constitutions in this form" (FCC 181).⁹⁰ By requiring registration and an explicit oath in order to benefit from any legal rights, the *Constitutions* create the equivalent of a consent form for all to sign upon turning seventeen.⁹¹

⁸⁸ Some of the writing on these manuscripts is in Locke's hand. Scholarly debate on the extent of his involvement ranges from attributing most of the ideas to him to considering him a simple copyist. For a brief discussion of the manuscript and Locke's relation to it, see Goldie, Mark, *Political Essays* (Cambridge: Cambridge University Press, 1997) pg. 160-161. Goldie endorses the view that Locke was given a draft of the document to amend and comment on.

⁸⁹ FCC 181.

⁹⁰ The *Constitutions* do not distinguish between tacit consenters (resident aliens) and express consenters (full citizens). Any alien who subscribes to oath is automatically naturalized.

⁹¹ While consistent with Locke's conception of "the apolitical child" and bringing out the consensual basis of political membership for all citizens, this ritual does not offer too much of a choice to seventeen year olds. Unless they remove themselves from the territory of Carolina, they enter their seventeenth year in a position worse than the state of nature, with neither legal protection nor property.

While some of the provisions of the *Constitutions* are generally consistent with "the apolitical child" view, other parts deal explicitly with the state's jurisdiction over children in its territory. Article 84 mandates an official registry within every jurisdiction where all births, marriages and deaths are to be recorded. (FCC 177) Failure to register a child is punished by a substantial fine: "one shilling per week for each such neglect, reckoning from the time of each death or birth respectively to the time of registering it." (FCC 177) Article 86 specifies that a person's age must be calculated from the time of their registration at birth in the local registry, involving the state in a child's life from its very beginning. (FCC 177) While registration need not be considered an intrusion by the state into the life of a child, it does highlight the growing importance of age for the purpose of public policy. If the state's jurisdiction over children begins at seventeen, then the state would need to keep careful track of the ages of its residents in order to keep track of current and future subjects. The articles unfortunately do not include an explicit statement of justification for the policy.

Despite the careful consideration of age thresholds for certain rights and obligations, the *Constitutions* directly contradict Locke's argument in the *Second Treatise* that governments have no right to claim jurisdiction over children on the basis of jurisdiction over the fathers. Article 23 directly stipulates that the status of "leet-man", a status equivalent to serfdom, is automatically inherited by all children born of parents of this status, making subjection by birth the official policy: "All the children of leet-men shall be leet-men, and so to all generations." (FCC 166) The *Constitutions* also made room for the inheritance of slavery on the basis of skin color. Article 110 specified that any freeman in Carolina has "absolute power and authority over his negro slaves". (FCC 180) In this particular case, the conception of "the apolitical child" could have directly been used to challenge government jurisdiction

over children's future status as free or enslaved. The fact that these articles became part of the *Constitutions* could indicate that either Locke's voice was overridden in this part of the constitutional drafting or that the public good as perversely conceived at the time was held to justify such a government intervention. The case of the *Constitutions* gives us an excellent example of when the conception of "the apolitical child" could be used to improve the conditions of children in the territory by normatively rejecting forms of slavery and subjection by birth. Given the limited information about the crafting of the document, we must refrain from further speculation about why the conception was not employed in what seems like the perfect test case for its utility.

Another one of Locke's writings explicitly dealing with children is less likely to be discredited as unrepresentative of Locke's considered views on the issue. This is Locke's *An Essay on the Poor Law* (1697). Although Locke does not explicitly discuss the age of consent in this policy recommendation, he is dealing with English law. As Locke had repeatedly mentioned in the *Second Treatise*, English law specified the age of consent at the time as twenty-one. Despite this fairly high age threshold, the *Essay* concerns itself primarily with children aged three to fourteen. Its main contribution is a general proposal to keep the children of the poor, as well as poor adults, productively employed as a condition for receiving financial or material support from their local parish.

The main element of Locke's proposal is a new law creating so-called work schools in each of the parishes. These schools would employ the children of those adults who qualify for poor relief and sell the products of the children's labor in order to feed and maintain them. Locke proposes that children be put to work in low skill jobs that are available locally, particularly in spinning, knitting, sowing or other textile work, giving each parish freedom to

procure materials for children's work. The law would mandate that all children of the poor, male or female, between the ages of 3 and 14, that live at home and are not gainfully employed otherwise, shall have to attend these schools daily. Some of the justifications Locke gives for this proposal are antiquated,⁹² while others sound quite modern. On the one hand, he argues that having the children in schools will free up mothers from their care so that they may find gainful employment. On the other, he argues that these children should be inured to work from early infancy to make them more industrious and more useful to society. Both of these are arguments based on a consideration of the public good. Locke considers it a public waste that the children of the poor be maintained in idleness: "the children of laboring people are an ordinary burden to the parish, and are usually maintained in idleness, so that their labor is generally lost to the public till they are 12 or 14 years old" (EPL 190). To justify the policy, Locke articulates the public benefit in terms of material benefits to the community that come from minimizing expenditures on poor relief.

In addition to the economic arguments, Locke also recommends this new policy as an educational proposal that can increase both the industriousness and the religiosity of the poor. He argues that the work schools would instruct these impoverished children in the rudiments of religion by forcing them to attend Sunday school. According to Locke, the children of the poor are generally insufficiently provided with the requisite moral and religious education, justifying the intervention of the government: "by this means they may be obliged to come constantly to church every Sunday, along with their schoolmasters or dames, whereby they may be brought into some sense of religion; whereas ordinarily now, in

⁹² Locke's proposal involves paying children as young as 3 in bread in order to provide them with motivation to come to work every day for "otherwise they will have no victuals" (EPL 191).

their idle and loose way of breeding up, they are as utter strangers both to religion and morality as they are to industry" (EPL 192). As a long term strategy, Locke hopes to move these children of the poor into permanent employment, particularly through apprenticeships and employment in the service of local landowners. To that end, he argues that handicraftsmen should be allowed to choose their apprentices among these boys who would be obliged to serve until the age of 23. Children who are not taken into an apprenticeship contract by the age of 14 are to be "bound" to other employers such as farmers or yeomen who own the largest amounts of land in the area. The final provision indicates the right of every ship master in the service of the king to receive his choice of servant from among these poor children: "one boy, sound of limb, above 13 years of age, who shall be his apprentice for 9 years" (EPL 198).

In addition to these new work schools, Locke also discusses the existing houses of correction, an early version of prisons for the common people. Despite the claim that children do not understand the law, implying that they could not properly be held accountable for breaking the law, Locke discusses a number of punishments for those under the age of consent. Most of these punishments concern begging without an official license from the supervisor of the poor relief program. In cases where these children under 14 are found begging without a permit in the vicinity of their parish of residence, they are to be sent to a work school to be punished accordingly: "there to be soundly whipped, and kept at work till evening, so that they may be dismissed time enough to get to their place of abode that night" (EPL 187) For children living more than 5 miles away from where they were found begging, the punishment is 6 weeks in the house of corrections. For those over the age of 14 (though still under 21), Locke discusses much more severe legal punishments.

These young men are to be sent to the justices of the peace for an official sentence. Locke recommends sentencing them to hard labor at soldier's pay for three years on his majesty's ships. For forgery of one's permit, the punishment is physical mutilation (cutting off the offender's ears). For the second offense of forgery, the punishment is deportation and slavery (what Locke calls "transport to the plantation"). These examples of punishing minors under the age of consent for breaking laws they are theoretically considered incapable of understanding again offer ideal test cases for Locke to employ "the apolitical child" conception. The absence of any such restrictions hints at the difficulty in reconciling arguments about jurisdiction with arguments about the public good.

Some of Locke's writings addressed to the specific policies of either Carolina or England directly contradict the vision of children's political status implied by "the apolitical child". This could indicate one of two things. The first possibility is that Locke's theoretical writings are correct and articulate a useful principle to guide policy, but the prejudices of his time and the political pressures Locke was under prevented him from accurately applying his principles to the facts of the situation. Like any idea with staying power, "the apolitical child" can be usefully employed to direct normative decisions, even when the author himself does not always utilize it to its potential. In the case of the *Constitutions*, taking "the apolitical child" more seriously would give us important normative grounds to reject the articles involving slavery and serfdom. In the case of the *Essay*, it would directly challenge the parts of the law that impose criminal punishments and sanctions on children who are considered incapable of understanding their crimes of trespass and begging without a license.

The second possibility is that the principles themselves are normatively insufficient in guiding education policy concerning children and lend themselves to contradictory

applications. In the many circumstances when Locke justifies government policies dealing with children's education, the arguments he lays out are arguments about the public good and the overall benefits to the community that accrue from children's education, their labor or their health. Compared to "the child as citizen", the "apolitical child" is a conception of children's political status that leans towards questions of jurisdiction rather than concerns with the public good, to the detriment of this conceptions' ability to guide conversations about public policy concerning children.

Conclusion: The Apolitical Child, Political Theory and Policy

This chapter has been a sustained exploration of Locke's thoughts concerning both the political status and the education of children. The main driver for this investigation is the contemporary staying power of the particular conception of childhood I have been describing as "the apolitical child". By beginning with the assumption that children are not subjects of particular governments, discussions of education policy are channeled into discussions of jurisdiction over children between parents and states. Even in cases where the jurisdiction of the state can be justified indirectly through a series of connecting arguments, "the apolitical child" offers little guidance in terms of distinguishing between conflicting education policies. As we will see in later chapters, the alternative conception of childhood that I call "the child as citizen" begins from a different set of premises about children's political status. By considering children as members of particular states and legitimate subjects of state jurisdiction, this view favors questions about the public good as prior to questions of parental and state jurisdiction.

Locke has been the focal point of the chapter because the development of the apolitical child is particular to the conversations he was involved in during the 17th century. While Locke was not the only thinker to describe children as incapable of understanding laws and obligations, he is the first to draw such a strong dividing line between the relationship of children to the state and the relationship of adults to the state. The first two historical parts of the chapter focused on the way Filmer's arguments forced Locke to defend "the apolitical child". Against people's widespread opinion at the time that they were born subject to government and against princes' belief that they are owed obedience by all within their territory (including those subjects who emigrated to America), Locke defended the view that children are born subject to no government. As a piece of Locke's deductive political theory of government on the basis of consent, "the apolitical child" is necessary and important.

When it comes to explicitly considering public policy concerning children's education, however, "the apolitical child" becomes neither necessary nor particularly helpful. Although Locke never systematically addressed the question of which policies states should make concerning children's education, the three possibilities of bridging the jurisdictional gap opened by "the apolitical child" conception all receive certain textual support from Locke's writings. These three choices were: (1) deny the state any jurisdiction over education policy and leave it all to parents, irrespective of the effects on the public good; (2) allow the state to legislate to parents about their children's education and decide which policies are justified on the basis of the public good; (3) allow the state unqualified jurisdiction over children's education and justify policies on the basis of the public good. The closer the

conversation stays to "the apolitical child", the more difficult it is to move past a debate about jurisdiction in order to arrive at conversations about the public good.

Out of the three options outlined in section 3, I find option 2 to be both reasonable and persuasive. However, the effect of constructing the elaborate chain of jurisdiction from states to parents to children when dealing with education policy is at best rendering it equivalent to what a conversation about education would look like if we simply assumed children were citizens of particular states. In cases where Locke himself suggested government policy concerning children's education, the justification of individual policies was based on promoting the public good rather than questions about jurisdiction. As evidence for how focused the conversation is on matters of jurisdiction rather than the public good, Locke never gave any explicit criteria for how to establish when a particular policy promotes the public good, how to decide between two policies which both promise to promote the public good, how to weigh different aspects of the public good. The jurisdictional questions, on the other hand, occupy hundreds of pages and Locke's consistent attention throughout many of his main political works.

Finally, the clearest cases where "the apolitical child" could be used in the service of children's best interests are arguably the interdiction on condemning children to slavery by birth and passing criminal sentences on children who are considered incapable of understanding the laws. Unfortunately, the disconnect between Locke's political theory and the policy prescriptions arising out of *The Fundamental Constitutions of Carolina* and *Essay on the Poor Law* indicate that even ideas with staying power require time to become part of the cultural assumptions and vocabulary. Since Locke's time, "the apolitical child" has only grown in importance as a way of thinking about children's political status. This happened as

key political figures in the liberal tradition such as Rousseau and Kant have developed this claim of political independence into an education for voluntary consent to government. The tensions between consent as a source of legitimacy and claims concerning the public good that justify a more extensive program of civic education remain present in any account that starts from children's political independence prior to consent.

In the next chapter, I turn to Jean-Jacques Rousseau. Rousseau's political thought is particularly influential in both rearticulating and challenging the apolitical child as a conception of children's political status. On the one hand, Rousseau's *Social Contract* and *Emile* continue the task of Locke's normative political theory by deriving political obligation from consent. The *Emile* in particular then proceeds to outline an education program compatible with citizenship as a matter of voluntary choice, artificially removing the child from his political community until he is ready to make an informed decision about which country he would consent to join. On the other hand, Rousseau's other writings contain a different and older conception of children's political status that views citizenship as a matter of birth rather than consent. Rousseau's prescriptions for the Polish educational system, for example, closely parallel the Prussian educational system coming into being during the 18th century, the model that would serve to inspire theorists of public education during the 19th century. Rousseau's writings show the depth of the tensions between the model of education focused on autonomous citizenship at the age of consent and a model of education focused on citizenship by birth.

Chapter 3: Neither Adult nor Citizen: Rousseau's Two Conceptions of Children's Citizenship

"When you become the head of a family, you are going to become a member of the state."

(*Emile* 448)⁹³

"It is from the first moment of life that one must learn to deserve to live; and since one shares in the rights of citizens from birth, the instant of our birth ought to be when we begin to practice our duty."

(*Discourse on Political Economy* 21)

Rousseau's relationship to children is famously ambivalent. On the one hand, he wrote a book about education that influenced parents and philosophers across Europe. On the other, he (supposedly) abandoned his five children in a Parisian orphanage during a time when the mortality rate for children left at the hospital Hotel-Dieu in Paris was 62 to 75 percent and mortality rate for children kept at home was around 18 percent.⁹⁴ I contend that Rousseau's political theory is also ambivalent about children's status within the family and the state. As a pivotal thinker in both the social contract variety of liberal theorizing and in democratic theory, Rousseau brings together elements of both the emerging liberal tradition coming out of England and Scotland and elements of ancient political thought inspired by

⁹³ Citations of Rousseau's are abbreviated as follows:

SD: *Discourse Concerning the Origins of Inequality*, in *The Discourses and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge UP, 1997).

PE, SC, and P: *Discourse on Political Economy, Social Contract, and Considerations on the Government of Poland*, in *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge UP, 1997).

E: *Emile*, trans. Allan Bloom (New York: Basic Books, 1979).

⁹⁴ A.R. Colón with P.A. Colón, *A History of Children: A Socio-cultural Survey Across Millennia*, 323-324.

the politics of Rome and Sparta. When it comes to the conception of children's political status, however, these two sources of inspiration turn out to have incompatible assumptions. This chapter the argument in favor of jettisoning the "apolitical child" and retaining "the child as citizen" even while disagreeing with some of Rousseau's particular proposals.

In the *Social Contract* and *Emile*, Rousseau adopts the conception of the apolitical child and arguably takes it even further than Locke. Both texts insist that children are born free and therefore cannot be subject to political obligations without their consent. The *Social Contract* only briefly articulates the Lockean political theory behind this position, while the *Emile* works out the educational implications of being born free of political obligations. Emile is so thoroughly apolitical that he is actually asocial for most of his childhood. He learns nothing about his country until he comes close to the age of consent. Book V of the *Emile* articulates an entire course of education in political science for a young man on the verge of making political decisions about his future citizenship, a young man with no obligations to any particular country. However, even in this work committed to the full discussion of the apolitical child, Rousseau makes a surprising turn away from an open choice of citizenship.

While the *Social Contract* and the *Emile* show Rousseau working through the conception of the apolitical child, some of his earlier and later writings, particularly his writings concerned with political economy, policy and institutions, explicitly assume an alternative conception of "the child as citizen". In the article *Discourse on Political Economy* that Rousseau contributed to the *Encyclopédie*, he argues that children are born into particular states and ought to be considered citizens thereof from their birth: "since one shares in the rights of citizens from birth, the instant of our birth ought to be when we begin to practice

our duty" (21). Subscribing to this alternative conception of childhood fits with Rousseau's argument in favor of public education as a policy supporting popular government. Similarly, Rousseau's later political writings working out specific policy recommendations for Polish reform, *Considerations on the Government of Poland and on Its Projected Reformation*, propose a Prussian-style national education system on the basis of arguments about children's citizenship from birth.

3.1 The Social Contract and the Apolitical Child

Locke's influence on Rousseau is surprisingly understated in the scholarly literature.⁹⁵ This influence is strongest in the *Social Contract* and the *Emile*, writings published and condemned together in 1762. In the defense of his political writings in *Letters Written from the Mountain*, Rousseau acknowledges the similarities between his approach in the *Social Contract* and the one adopted by John Locke. Locke is mentioned twice in the "Sixth Letter". First, he is listed among those "who, discussing questions of politics by abstraction, might have treated them with some boldness" (M 235). Second, he is singled out by Rousseau as closest to his own principles: "Locke in particular treated them exactly in the same principles (*les mêmes principes*) as I did." (M 236) The editor, Christopher Kelly, adds a footnote claiming that the statement should not be taken to connote agreement with Locke's conclusions, but rather to be a claim about his bold style in approaching abstract theory.⁹⁶ This editorial intervention is indicative of the general scholarly opinion about Rousseau's distance from

⁹⁵ In one of the endnotes to *Emile*, Allan Bloom claims that it Rousseau "defines much of his position as over against that of Locke" (E, 481n4). More recently, Jonathan Marks agrees with this evaluation in "Rousseau's Critique of Locke's Education for Liberty," *Journal of Politics* 74 (2012). For an opposing view, see Rita Koganzon's *Locke and Rousseau on authority and education* (draft presented at WPSA 2016).

⁹⁶ See footnote 48 in *Emile*, 236.

Locke, but unjustified in this context. Earlier in the same letter, Rousseau described himself as involved in an ongoing conversation in which "[e]ach establishes his principle and attacks that of the others" (M 231). The main area of disagreement is the foundation of political obligation and Rousseau rejects the alternative principles of force, parental authority or the will of God in favor of social convention: "I have not done otherwise myself, and following the soundest portion of those who have discussed these matters, I posited as foundation of the body politic the convention of its members. I refuted the principles different from my own." (M 231) When Rousseau claims that Locke offers the same principle, he is referring to his justification of political obligation in the consent of the governed.

Just as Locke's *Second Treatise*, the *Social Contract* defends children's independence from political obligation prior to the age of consent. Arguably because of Locke's extensive treatment of this issue, Rousseau moves quickly through children's status with respect to parents and the rest of society. Even this cursory view, however, shows Rousseau's commitment to the apolitical child. The first chapter famously begins with the statement that "[m]an is born free, and everywhere he is in chains". (SC I.1) He also less famously but significantly refers to the social order as a "sacred right" founded on convention ("this right does not come from nature; it is therefore founded on conventions") (SC I.1). Rousseau tells us that he plans to prove these claims before proceeding with a discussion of the specifics of the social contract ("I must establish what I have just set forth") (SC I.1). Like Locke, he does this partly by discussing children and their relationship to their parents and the rest of society.⁹⁷

⁹⁷ Society and state are both artificial for Rousseau, whereas only the state was artificial for Locke.

First, Rousseau considers children's relationship to their parents. He finds them naturally bound to their father for their preservation: "children remain bound to the father only as long as they need him for their preservation" (SC I.2).⁹⁸ This natural form of dependence of children on male caregivers is temporary and dependent on children's inability to preserve themselves. Freedom comes directly from man's common nature, but this common nature only begins to manifest itself at the age of reason, when young people are capable of choosing the proper means of preserving themselves and can therefore direct their own lives:

"This common freedom is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those he owes himself, and since, as soon as he has reached the age of reason, he is sole judge of the means proper to preserve himself, he becomes his own master." (SC I.2)

Upon reaching the age of reason, "the natural bond dissolves" and parent and child become equally independent from one another: "The children being freed from the obedience which they owed to their father, and the father from the concern he owed his children, become equally independent." (SC I.2) Rousseau never says precisely what he means by this independence, but the context of the work gives us good reason to assume he means independence in the political sense since he calls family "the first model of political societies" (SC I.2).⁹⁹ In the situations in which children and parents continue to form an association beyond the years in which such parental rule is absolutely necessary, the relationship changes from one of natural dependence to one of conventional agreement: "If

⁹⁸ When Locke describes parent's obligations, he always includes "care and education". Rousseau peculiarly leaves out education in this instance.

⁹⁹ The alternative that the parents and children have no moral obligation to each other at all would be a departure from Locke.

they remain united, they are no longer so naturally but voluntarily, and even the family maintains itself only by convention." (SC I.2)

Rousseau later considers the relationship of children to political authority and he concludes, like Locke, that parents' subjection to a king does not extend to the subjection of their children to the same king. The structure of the argument follows closely upon Locke's. Rousseau argues that parental rights have a limited scope ("stipulate conditions for their preservation and welfare") and a limited duration demarcated by the age of reason. Political authority is not heritable, but a matter of independent choice by each individual, once they are capable of making such a choice:

"Even if each person could alienate himself, he could not alienate his children; they are born free men; their liberty belongs to them, and no one has a right to dispose of it except them themselves. Before they have reached the age of reason, the father can, in their name, stipulate conditions for their preservation and welfare, but not surrender them irrevocably and unconditionally; for such a gift is contrary to the ends of nature, and exceeds the rights of paternity." (SC I.4)

Governments cannot assume that they have authority over the new subjects born in their territory. The only way for a government to obtain legitimate authority over this new generation of adults would be to explicitly solicit their consent after their coming of age, a procedure that would imply a government that regularly consults its citizens, which cannot be an arbitrary government:

"Hence, for an arbitrary government to be legitimate, it would be necessary for the people in each generation to have the option of accepting or rejecting it; but in that case such a government would no longer be arbitrary." (SC I.4)¹⁰⁰

¹⁰⁰ Later in the text, Rousseau gives us the institutional channels that would be in place to solicit such consent.

Although Rousseau shows a commitment to the idea of the apolitical child, this commitment plays a less important role in his overall argument than it does in Locke's. Much of this has to do with the different set of opponents Rousseau is considering in his arguments. For Locke, the main adversary was Sir Robert Filmer and his argument that parental power over children extends into absolute monarchy. By the time Rousseau is writing nearly a century later, Filmer's position can be dismissed through a clever joke about finding oneself the heir to the whole world through creative genealogical research.¹⁰¹ Although also prior to his time, Rousseau engages much more extensively with the arguments of Thomas Hobbes and Hugo Grotius.¹⁰² Both of them are listed as theorists for whom "it is an open question whether humankind belongs to a hundred men, or whether those hundred men belong to humankind" (SC I.2). Rousseau's disagreement with both of these men does not primarily concern the importance of convention, because both Hobbes and Grotius are strongly amenable to such a conclusion. In fact, Hobbes had gone so far as to justify children's subjection to their parents as a matter of consent by the children:

"The right of Dominion by Generation, is that, which the Parent hath over his Children; and is called PATERNALL. And is not so derived from the Generation, as if therefore the Parent had Dominion over his Child because he begat him; but from the Childs Consent, either expresse, or by other sufficient arguments declared" (Leviathan II.20)¹⁰³

¹⁰¹ Here is Rousseau's quip: "I have said nothing about King Adam nor about Emperor Noah, the father of three great monarchs who split the universe among them, like the children of Saturn with whom they are likened. I hope that people will give me credit for my moderation; for, as I am a direct descendant of one of these princes, and perhaps of the eldest branch, how do I know whether, by examination of titles, I might not find myself the legitimate king of the human race?" (SC I.2)

Although Filmer is marginalized in the *Social Contract*, the concerns animating the Locke-Filmer conversation get more extensive treatment in the summary of the *Social Contract* given in Book V of *Emile* on 459.

¹⁰² Grotius in particular is mentioned ten times in the *Social Contract*, more than any other political theorist.

¹⁰³ Hobbes *Leviathan*, 139. Like Locke, Rousseau did not justify subjection to parents prior to the age of reason as a matter of consent, but of nature.

Rousseau's response to this new set of adversaries is to restrict the scope of valid contracts in order to reject contract based arguments in favor of either slavery or absolutist monarchy. He argues that contracts that only offer benefits to one party and costs to the other are invalid. This rules out both slavery and various forms of absolutist monarchy as valid contracts. The analogy between a family that stays together after children have reached the age of reason and a political society comes down to this: "all, being born equal and free, alienate their freedom only for the sake of their utility" (SC I.2). In the case of parents and children, the children receive care and "the father's love for his children repays him for the cares he bestows on them" (SC I.2). A similar trade-off can be produced in the case of the state, where "the pleasure of commanding takes the place of the chief's lack of love for his people" (SC I.2) Contracts in which freedom is limited without any utility are, according to Rousseau, invalid. Any contract that does not benefit all parties in some way is absurd:

"Either between one man and another, or between a man and a people, the following speech will always be equally absurd. I make a convention with you which is entirely at your expense and entirely to my profit, which I shall observe as long as I please, and which you shall observe as long as I please." (SC I.4)

A contract with an absolute monarch who does not offer constitutional protections to his subjects is absurd: "Do the subjects then give their persons on condition that their goods will be taken as well?" (SC I.4) Even a contract under the pretense of offering peace and security in exchange for freedom is insufficient. Rousseau compares a contract with a despot with an agreement to live in a dungeon and finds both to be unpersuasive as examples of a voluntary agreement. In fact, he uses the very act of agreeing to the absurd terms of giving away freedom in exchange for nothing as a sign of insanity: "such an act is illegitimate and null, for the simple reason that whoever does so is not in his right mind" (SC

I.4). Rousseau never directly explains why children's early subjection to their parents is not a matter of contract. One could argue that very young children do not have the reasoning capacity to enter into contracts, even if these contracts would be for their benefit. Irrespective of the reasons, however, children's birth into slavery cannot be presumed as a valid reason to be a slave: "To decide that the son of a slave is born a slave is to decide that he is not born a man." (SC IV.2) Since men are born free, children cannot be born into slavery. Rousseau never discusses in the *Social Contract* whether deciding the son of a Frenchman is born a Frenchman is invalid on the same grounds.

Because of his focus on rejecting certain contracts as legitimate on the basis of the consequences of the agreements, Rousseau's discussion places much less emphasis on the act of express consent than Locke. The social contract always involves the same type of agreement between individuals to form themselves into a political community, exchanging natural freedom for civil freedom. The clauses of the contract do not need to be explicitly endorsed by people for them to have binding force: "so that although they may never have been formally stated, they are everywhere the same, everywhere tacitly admitted and recognized". (SC I.6) Pitkin would refer to this conception of the social contract as a "hypothetical contract".¹⁰⁴ Although actual consent does not make a contract valid if the proper conditions are not respected, Rousseau does want to stress the voluntary nature of the agreement and adults' ability to choose whether to join a particular community or not. In the chapter *On Suffrage*, Rousseau describes civil/political society as "the most voluntary act in the world; every man being born free and master of himself, no one may on any pretext

¹⁰⁴ See Pitkin, *Obligation and Consent - I* and *Obligation and Consent II*.

whatsoever subject him without his consent" (SC IV.2). This is the only agreement which requires unanimity because it is the agreement on the basis of which future decisions can be made by a majority within that constituted political society. To satisfy the unanimity requirement, Rousseau argues that those who reject the social contract at the beginning of a particular political society simply do not become incorporated into the society and incur no rights or obligations of citizenship. Rousseau claims that their abstention excludes them from being part of the sovereign being constituted: "If, then, at the time of the social pact there are some who oppose it, their opposition does not invalidate the contract, it only keeps them from being included in it; they are foreigners among the Citizens" (SC IV.2). This situation is unique to the particular moment at which society is first instituted and Rousseau does not elaborate on what the status of foreigner would entail for the particular individual or for his children and children's children. One obvious implication is lacking the opportunity to participate in collective-decision making through voting: "the simple right to vote in every act of sovereignty; a right of which nothing can deprive Citizens". (SC IV.1)

After the moment of the original contract, each new generation must still individually consent to their political obligations as members of the sovereign, as well as collectively to the form of government and choice of public servants. Individual consent subsequent to the creation of a particular political community is tacit and established by residence: "Once the State is instituted, consent consists in residence; to dwell in the territory is to submit to the sovereignty." (SC IV.2) Rousseau, however, explicitly mentions the caveat that tacit dissent must be available: "This should always be understood with regard to a free State, for elsewhere family, goods, the lack of asylum, necessity, violence, may keep an inhabitant in the country in spite of himself, and then his mere residence no longer implies his consent to

the contract but its violation." (SC IV.2 fn. 1) If the inhabitant is kept in the country against his wishes, his residence could not be construed as consent.¹⁰⁵ In an earlier chapter, Rousseau had mentioned Grotius' position on the individual right to exit a political community by choice: "Grotius even thinks that everyone can renounce the State of which he is a member, and recover his natural freedom and his goods on leaving the country." (SC III.18) Rousseau does not explicitly endorse this position, but he does offer a footnote qualifying the statement in a way that seems to imply general agreement with the principle: "It being understood that one does not leave in order to avoid one's duty or to avoid serving the fatherland when it needs us. In such cases flight would be criminal and punishable; it would no longer be withdrawal but desertion" (SC III.18 fn. 1). Given Rousseau's own renunciation of Genevan citizenship, we may assume that he took the right to exit seriously.

There is no explicit age threshold for tacit consent to the government, although there are reasons to believe that Rousseau would not consider children to be tacit consenters. In his discussion of children's relationship to parents, he did not justify parental authority on the basis of children's consent. In the summary of the *Social Contract* that Rousseau gives in the *Emile*, he summarizes the question about children's relationship to parents and other individuals: "Whether when the child's weakness comes to an end and his reason matures, he does not therefore become the sole natural judge of what is suitable for his preservation, and

¹⁰⁵ This entire statement runs the risk of circularity. If a state is free because it is in agreement with the social contract, then the process through which citizens register their consent to the state is part of what makes it free. As Rousseau tries to distinguish between residence that implies consent and residence that doesn't imply consent, actual consent seems to play no role in the matter. Despite Rousseau's clear statement on this issue, it is hard to imagine any circumstances under which family and goods would not keep one residing in a country or the precise way in which one would indicate that their stay is not voluntary.

consequently his own master, as well as become independent of every other man, even of his father." (E 459) Choice, consent and independence all become relevant once the child "becomes his own master", but do not seem to play any obvious role beforehand. As a further indication that Rousseau would not count children as tacit consenters, Rousseau speculates about the number of citizens in Rome during both the Republic and the Empire, he mentions "Citizens, not including subjects, foreigners, women, children, slaves." (SC III.12)

Rousseau's discussion of the foundations of the social contract lead him into a similar discussion of children's subjection to parents and independence from obligations that were not voluntarily incurred as Locke's "the apolitical child". However, the role of this conception in this text is more limited given the different set of opponents Rousseau confronts. To refute the new set of opponents who justify illiberal submission on the basis of contracts, Rousseau specifies the terms of the contract in such a way as to make it possible that "each, joining together with all, may nevertheless obey only himself, and remain as free as before" (SC I.6). This makes the voluntary nature of the contract even more pressing, which Rousseau reaffirms by calling the social contract the most voluntary act in the world. For these assumptions to hold, Rousseau *Social Contract*, like Locke's *Second Treatise*, requires an explanation for how children born within particular political communities can voluntarily consent to join these communities upon coming of age. Rousseau's *Emile* offers us one such solution grounded in the apolitical child.

3.2. *Emile and The Education of the Apolitical Child*

Rousseau's *Emile, or On Education* has important areas of continuity with Locke's *Some Thoughts Concerning Education*. Although Rousseau minimizes that book's importance in the Preface by claiming that "after Locke's book, my subject was still entirely fresh", he draws important inspiration from Locke's writings on both education and politics. While Locke's educational writings offered little to no evidence of the state's interference in the educational process, Rousseau explicitly argues that the education in accordance with nature must separate the young man from both society and politics until the age at which he is capable of understanding social and civil relations. The education of Emile is entirely and intentionally domestic, as we would expect the education of a child unconnected to any particular country to be. Not only is Emile invisible to the state, but his tutor makes sure that the state itself is invisible to him, at least until the approach of the age of consent makes it necessary to choose one's future country.

In the beginning of the discussion of education in the *Emile*, Rousseau draws a sharp distinction between citizenship for the ancient Romans and Spartans and citizenship in the modern world. These distinctions correlate with the children's place within the political community and have important educational implications that I outline in this section. Rousseau argues that there is a choice between the institutional arrangements involved in educating a man and educating a citizen: "Forced to combat nature or the social institutions, one must choose between making a man or a citizen, for one cannot make both at the same time." (E 39) The citizen in the strong sense identifies with the community and "is only a fractional unity dependent on a denominator; his value is determined by his relation to the whole, which is the social body" (E 39). The identity of a Roman citizen, claims Rousseau,

was not a private, individual identity, the kind one would mark through a proper name. The common identity as a Roman was a more powerful identifying feature, so powerful that it could be more important than individual self-preservation: "A citizen of Rome was neither Caius nor Lucius; he was a Roman. He even loved the country exclusive of himself." (E 40).¹⁰⁶ The alternative to the citizen in the ancient sense of Rome and Sparta is not the contemporary Englishman or Frenchman whom Rousseau dismisses as "a bourgeois" and "nothing". The alternative is a natural man raised only for himself, but such a model does not have a clear historical precedent. Rousseau makes it the task of *Emile* to describe the natural man in the same way that the practice of ancient Rome and Sparta revealed the citizen: "In a word, the natural man would have to be known. I believe that one will have made a few steps in these researches when one has read this writing." (E 41)

The two alternatives of man or citizen demand alternative systems of education corresponding to each of their goals: "From these necessarily opposed objects [man and citizen] come two contrary forms of instruction - the one, public and common; the other, individual and domestic." (E 40) Rousseau exclusively associates public education with creating citizens and the political conditions that prevailed in the ancient world: "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) His only examples of public education in

¹⁰⁶ The emblematic male citizen is able to counter his own private ambition to support the political glory of Sparta: "The Lacedaemonian Pedareetus runs for the council of three hundred. He is defeated. He goes home delighted that there were three hundred men worthier than he to be found in Sparta. [...] This is the [male] citizen." (E 40). The exemplary female citizen is able to counter her love of her own children to support the military glory of Sparta: "A Spartan woman had five sons in the army and was awaiting news of the battle. A Helot arrives; trembling, she asks him for news. "Your five sons were killed." "Base slave, did I ask you that?" "We won the victory." The mother runs to the temple and gives thanks to the gods. This is the female citizen." (E 40).

the *Emile* come from the ancients.¹⁰⁷ The first is Plato's *Republic* ("Do you want to get an idea of public education? Read Plato's *Republic*"), which Rousseau calls "the most beautiful educational treatise ever written" (E 40). The second example is the education system implemented by Lycurgus in Sparta.¹⁰⁸ Both the *Social Contract* and the *Emile* argue that there are no longer citizens in the sense described above. In the *Social Contract*, he argues that the word "citizen" exists, but that its meaning has shifted from its ancient origin: "The real meaning of this word has been almost completely erased among the moderns; most people take a town for a city, and a burgess for a citizen. They do not know that houses make the town, and that citizens make the city." (SC I.7). In the *Emile*, he follows the same idea and argues that the very word citizen should be purged from the modern vocabularies ("These two words, fatherland and citizen, should be effaced from modern languages.") (E 40) This ancient form of education assumes a different conception of children's political status, which Rousseau described more fully in his writings on political economy and public policy. Children were born Romans or Spartans and their education never attempted to create a separate, private identity. The example of the mother who takes pride in the Spartan victory after hearing about the death of her five sons hints at the profound commitment to the collective implied by the ancient ideal of public education.

The type of education explored in detail in *Emile* is the alternative: a private education corresponding to the natural man. Rousseau calls this "the education of nature".

¹⁰⁷ His later discussions of public education are based on the new model of public education coming out of Prussia. See especially *Poland*.

¹⁰⁸ While Rousseau considers Spartan education on a number of occasions, he does not elaborate further on this point in the *Emile*. For another example of Rousseau's engagement with ancient education in Sparta, see his *First Discourse*.

The human condition is one of equality in the face of our common mortality. Individuals are not born for particular ranks or professions: "Men are not naturally kings, or lords, or courtiers, or rich men. All are born naked and poor; all are subject to the miseries of life, to sorrows, ills, needs, and pains of every kind." (E 222) Private education therefore should prepare children to be first and foremost human beings: "On leaving my hands, he will, I admit, be neither magistrate nor soldier nor priest. He will, in the first place, be a man." (E 42) One of the essential premises of Rousseau's natural education is the mobility and fluidity which characterizes human existence.¹⁰⁹ Human beings live through changes of countries, seasons and fortune: "If men were born attached to a country's soil, if the same season lasted the whole year, if each man were fixed in his fortune in such a way as never to be able to change it - the established practice would be good in certain respects." (E 42) In a stable social hierarchy where one's place in society is inherited from one's father, education can be targeted to that particular status and career. Modern societies, however, are plagued with social mobility: "among us where only the ranks remain and the men who compose them change constantly, no one knows whether in raising his son for his rank he is not working against him" (E 41). Individuals can no longer be expected to remain in the same country of their birth during their entire life: "a man is not planted like a tree in a country to remain there forever". (E 52) Education therefore cannot serve to simply prepare children for citizenship of a particular country. In Book V, when Emile's education turns to his civil relations, the education for citizenship he receives is meant to prepare him to choose the country in which he would like to live with his future wife. Until that late point in his

¹⁰⁹ The unpublished sequel to *Emile*, *Emile et Sophie ou Les Solitaires*, shows just how uncertain one's future can be. Emile ends up on a slave ship traveling to Algiers, while Sophie commits infidelity in Paris.

adolescence, however, Emile's education brings up no political notions the child would not be capable of understanding: "Thus the words *obey* and *command* will be proscribed from his lexicon, and even more *duty* and *obligation*. [...] Before the age of reason one cannot have any idea of moral beings or of social relations." (E 89)

This private education according to nature corresponds to the apolitical conception of childhood that keeps children exclusively within the private sphere of the family and considers them not only free of political obligations prior to the age of reason but generally ignorant of both society and politics until a late stage of the education process. Rousseau's proposal for domestic education is more radical than Locke's in the separation it proposes between the private sphere of the family and child rearing and the public sphere of politics and law. Children's education is described as the exclusive duty of children's natural parents: mother and father. Rousseau decries women's growing rejection of motherhood, which he considers to be their duty. He exclaims that the reformation of women's approach to motherhood would be sufficient to reform all the other vices plaguing society: "But let mothers deign to nurse their children, morals will reform themselves, nature's sentiments will be awakened in every heart, the state will be re-peopled." (E 46)¹¹⁰ Because of the importance of women to children's early education, Rousseau advises writers on education to primarily address women: "Always speak, then, preferably to women in your treatises on education" (E 37). In addition to the call to women to fulfill their duties as mothers, Rousseau also appeals to fathers to fulfill their natural duties: "As the true nurse is the mother, the true preceptor is the father." (E 48) When speaking of the duties of fathers in

¹¹⁰ An extension of this connection between familial love and the interests of the state is that patriotism itself represents an extension of the familial bonds to the entire country.

educating their children and refusing to delegate the task to anyone else, Rousseau invokes the Romans. In fact, he cites two of the same ancient sources that Locke had mentioned in his *Thoughts* - Plutarch's *in vita Catonis Censoris* and Suetonius' *Augustus*:

"When one reads in Plutarch that Cato the Censor, who governed Rome so gloriously, himself raised his son from the cradle and with such care that he left everything to be present when the nurse - that is to say, the mother - changed and bathed him; when one reads in Suetonius that Augustus, master of the world that he had conquered and that he himself ruled, himself taught his grandsons to write, to swim, the elements of the sciences, and that he had them constantly around him - one cannot help laughing at the good little people of those times who enjoyed themselves in the like foolishness, doubtless too limited to know how to mind the great business of the great men of our days." (E 49 fn)¹¹¹

Like Locke, Rousseau describes children's education as a duty tied to bringing children into the world. Men are not obligated to become fathers ("He who cannot fulfill the duties of a father, has no right to become one"), but if they do choose to have children, there are no excuses in failing to educate them: "Neither poverty nor labors nor concern for public opinion exempts him from feeding his children and from raising them himself".¹¹² Like Locke, Rousseau notices that parents often do delegate the care and education of their children to outsiders, particularly boarding schools and tutors. Rousseau is highly critical here of boarding schools and other educational establishments that remove children from the private sphere of the family. The entire section reads like a direct conversation with Locke, endorsing certain of his arguments and rejecting others. Instead of Locke's advice that fathers spare no expense in employing the most qualified governor to the task, Rousseau decries "Venal soul! Do you believe that you are with money giving your son another father?" (E 49) Rousseau's main critique of educational delegation is that it takes the

¹¹¹ Axtell, *The Educational Writings of John Locke* claims Rousseau got this from Locke.

¹¹² Note how ironic given Rousseau's own justifications for abandoning his own children.

love, affection and gratitude owed directly to parents and transfers it to these new caretakers: nurses, teachers, tutors, priests, etc. This undermines the family bond that Rousseau considers essential to character development and future moral dispositions: "The children, sent away, dispersed in boarding schools, convents, colleges, will take the love belonging to the paternal home elsewhere, or to put it better, they will bring back to the paternal home the habit of having no attachments." (E 49) This is itself a Lockean point, since Locke had argued that the duty of obedience that children owe parents follows the act of care and education not the act of generation. Delegate the education and government of children and you bind children to them instead of you. Once Rousseau designates himself Emile's tutor, the natural parents of the boy are immediately removed from the picture, making visible the real costs of the transfer of educational and thereby parental authority: "Emile is an orphan. It makes no difference whether he has his father and mother. Charged with their duties, I inherit all their rights." (E 52)

Prior to the age of reason, children are not considered members of the political community. They belong exclusively in the private sphere under the all-watchful eye of the tutor. The education of Books I-III is an asocial (if not an anti-social) education, focused exclusively on the child's relationship to things rather than people. Even in the state of nature, children's limited capacities would put them in a state of dependence on their caregivers: "Children, even in the state of nature, enjoy only an imperfect freedom, similar to that enjoyed by men in the civil state." (E 85) However, Rousseau believes focusing their attention on things rather than other wills can at least limit the possible vices which subjection engenders: "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, and by it, master and slave are mutually corrupted." (E 85) One of Rousseau's objections to Locke is the transparent use of parental authority in *Thoughts*. Children prior to the age of reason are politically independent, but subjects of their benevolent dictator parents. Rousseau disapproves of making this dependence visible to children: "Since with the age of reason civil servitude begins, why anticipate it with private servitude?" (E 89) By concealing children's subjection, Rousseau takes "the apolitical child" further by making sure that no awareness of relations of power between human beings even enters into the child's world picture. Rousseau is committed to keeping a highly circumscribed private sphere during the first stages of the child's development - so private that it barely includes any other human beings.

Rousseau quotes Locke quite a few times during *Emile*. For the first part of the education of young child which deals exclusively with physical education, Rousseau recommends that his readers go directly to *Thoughts*: "I have already spoken sufficiently of its importance, and since on this point one cannot give better reasons or more sensible rules than those to be found in Locke's book, I shall content myself with referring you to it after having taken the liberty of adding some observations to his." (E 126) Although Rousseau often seeks to distance himself from *Thoughts*, many of the challenges he gives are attempts to out- Locke Locke. Let's take a few examples. Rousseau argues against Locke's use of lettered dice to learn by playing because it ignores the desire to learn. (E 117) But curiosity in children is the very motive Locke spends page after page recommending to parents as a substitute for the rod. Rousseau's criticism of Locke's supposed preference for reasoning with children ("To reason with children was Locke's great maxim." (E 89)) ironically turns on the Lockean arguments that children need to be treated differently than adults: "The

masterpiece of a good education is to make a reasonable man, and they claim they raise a child by reason! [...] If children understood reason, they would not need to be raised." (E 89) Locke would wholeheartedly approve of this characterization of the goals of education.

Book V also begins with a citation from Locke's *Thoughts*. Rousseau gives the following quote: "Since our young gentleman is ready to marry, it is time to leave him to his beloved." (STCE sec. 216) He then proceeds to disagree with Locke that this point is the appropriate end to education. As Rousseau puts it, "But as I do not have the honor of raising a gentleman, I shall take care not to imitate Locke on this point." (E 357). Rousseau's citation is disingenuous because Locke ends his book precisely by lamenting the practice of early marriage that cuts short the education of the young man before he could more profitably travel and expand the circle of his experience to other people and forms of government. Here is the full context of the original Locke quote:

"Nor must he stay at home till that dangerous heady age is over, because he must be back again by one-and-twenty to marry and propagate. The father cannot stay any longer for the portion, nor the mother for a new set of babies to play with, and so my young master, whatever comes of it, must have a wife looked out for him by that time he is of age; though it would be no prejudice to his strength, his parts, or his issue, if it were respited for some time, and he had leave to get, in years and knowledge, the start a little of his children, who are often found to tread too near upon the heels of the fathers, to the no great satisfaction either of son or father. But the young gentleman being got within view of matrimony, 'tis time to leave him to his mistress." (STCE §216)

The entirety of Book V could be read as an attempt to fill in what Locke would have said if he had continued the *Thoughts* past the age of twenty-one. As a Genevan, Rousseau operates with a later age of consent threshold of twenty-five, the age at which Rousseau himself was considered an adult and able to inherit his mother's property.¹¹³ At the beginning

¹¹³ See *Confessions*, 206.

of Book V, Emile is in his early twenties and his education, up until now completely apolitical, finally turns to issues of citizenship: "Now that Emile has considered himself in his physical relations with other beings and in his moral relations with other men, it remains for him to consider himself in his civil relations with his fellow citizens." (E 455) The two-year course in political science that Emile receives is taught with a view to his future membership in a political community. This approach to civic education takes children's apolitical status seriously and builds towards the possibility of actually informed consent to government. In this sense, it can be read as the most Lockean of Rousseau's books.

When Emile is finally mature enough to understand his relations to other human beings, Rousseau begins the preparation for citizenship. The type of preparation formally takes the conception of "the apolitical child" very seriously. The child has developed no ties at all to the political community he has been living under. His choice of citizenship upon coming of age is therefore fully open ended. The tutor even expects the young man bred without any knowledge or experience of politics to be indifferent when it comes to matters of citizenship and property: "Of what importance to me are all your fine employments and all men's silly opinions?" (E 456). According to Rousseau, the main impediment to the study of politics is coming up with a satisfactory answer about the meaning and salience of the research: 1) "What importance does it have for me?" and 2) "What can I do about it?" (E 458). The answer to the second question presents Emile with his inalienable right to choose his future political community. Rousseau argues that Emile has a fundamental right to consent to membership in political community:

"For by a right nothing can abrogate, when each man attains his majority and becomes his own master, he also becomes master of renouncing the contract that

connects him with the community by leaving the country in which that community is established." (E 455)

This right begins at the age of majority, when the young man can finally be regarded as self-governing. Because continuing residence after turning the age of consent implies political membership ("It is only by staying there after attaining the age of reason that he is considered to have tacitly confirmed the commitment his ancestors made." (E 455)), Emile and his tutor waste no time in departing on their quest to choose their country of future citizenship. The right to leave the country of one's birth is an important liberal idea creating theoretical distance between individuals and states. But it does not automatically lead to a proposal for a liberal civic education building towards an open-choice of country of citizenship. Such a project requires a long time span of keeping the child from developing attachments to his home country and local community. The Lockean idea of "the apolitical child" pervades this approach to education.

In addition to telling Emile that he is coming to the age when he has the right to voluntarily join a political community, the tutor gives him reasons to see the weight of such a decision. Civic education is a project motivated by the desire to start a family: "When you become the head of a family, you are going to become a member of the state." (E 448) The decision to become a head of household in a patriarchal society implies the obligation to provide for one's family during their entire lives and therefore an important decision about one's future sources of income: "But, before marrying, you must know what kind of man you want to be, what you want to spend your life doing, and what measures you want to take to assure yourself and your family of bread." (E 456) Even for a man as unconcerned with money as Emile, this decision carries important weight. As the tutor presents a few career

options with unmatched lack of enthusiasm ("to join the service - that is to say, to hire yourself out very cheaply to go and kill people who have done us no harm"), Emile rapidly concludes that he is satisfied with just "owning a little farm in some corner of the world." (E 457) With this response, the tutor takes the opportunity to explain to Emile the connection between his future plan, property and politics.

Up until this particular point in his life, Emile was under the full guardianship of the tutor: "Up to now you have lived under my direction. You were not in a condition to govern yourself." (E 456) At the age of reason, however, he becomes in charge of disposing both of himself and of his property, to the extent that he either owns or inherits such property: "But now you are approaching the age when the laws put your property at your disposition and thus make you master of your own person." (E 456) Along with this new responsibility for property comes a need to pay attention to the laws governing taxation, property rights and other elements of government. Since Emile has shown his desire to own a plot of land where he can build a house, start a family and work for his daily necessities, Rousseau reminds him that finding a state with secure property rights is not as easy as the young man may assume:

"But where is the state where a man can say to himself, 'The land I tread is mine?' [...] Be careful that a violent government, a persecuting religion, or perverse morals do not come to disturb you there. Shelter yourself from boundless taxes that would devour the fruit of your efforts and from endless litigation that would consume your estate. Arrange it so that, in living justly, you do not have to pay court to administrators, their deputies, judges, priests, powerful neighbors, and rascals of every kind, who are always ready to torment you if you neglect them. Above all, shelter yourself from the noble and the rich." (E 457)

In describing to Emile the real dangers that he and his future family will be exposed to, Rousseau gives an excellent introductory lecture about the importance of politics. The

tutor covers taxes, crime, corruption, laws, religious persecution, protection of property rights. At the end of his two year travels, Rousseau tells us that he expects Emile to "come back versed in all matter of government, in public morals, and in maxims of state of every kind" (E 458).

The civic education Rousseau describes during this time is threefold and focused on making Emile's forthcoming relationship to the state fully consensual: "he must begin by studying the nature of government in general, the diverse forms of government and finally the particular government under which he was born, so that he may find out whether it suits him to live there" (E 455).¹¹⁴ In contemporary American discourse, we would probably describe this course of education as political theory, followed by comparative and American politics. The political theory part of his civic education is what Rousseau calls "the science of political right" (E 458). For Rousseau, principles of right precede and guide empirical analysis: "It is necessary to know what ought to be in order to judge soundly about what is" (E 458). This is why the first part of Emile's education is a quasi-Socratic method of discussing the principles of the *Social Contract*: "They will be formed from questions discussed between us, and we shall convert them into principles only when they are sufficiently resolved." (E 459) These principles will serve the pupil as a standard by which to measure the particular laws of each country that the two travel through: "Our principles of political right are that standard. Our measurements are the political laws of each country." (E 458). Although much of the discussion of the *Social Contract* is a faithful summary of the

¹¹⁴ Although Rousseau carefully and consistently distinguishes between the study of political right and the study of government, this particular passage employs "government" prior to having introduced the technical distinction to the student.

work as we have it, there are sections at the end that Rousseau describes but which receive limited to no treatment in the larger work. While the summary of the *Social Contract* makes no mention of Book IV of the work as we have it, it does include a discussion of international law and federations that the published version does not include.¹¹⁵ The particularly relevant part for further understanding Rousseau's discussion of children's political status would be a set of chapters Rousseau's description would have us assume follow after Book III: "[W]e shall come to know what the duties and rights of citizens are, and whether the former can be separated from the latter. We shall also learn what the fatherland is, precisely what it consists in, and how each person can know whether or not he has a fatherland" (E 466). Although this discussion does not exist in the *Social Contract*, the discussion between the tutor and Emile at the end of his travels give us some clues into what Rousseau might have said.

¹¹⁵ Another piece of the summary that extends beyond the topics covered in the *Social Contract* gives us a clue as to the contents of the larger work called *Political Institutions*, that Rousseau claims to have burned as a failed attempt. After discussing the political theory of governments, their relationship to the sovereign and their types, Rousseau proceeds to introduce a number of topics that are not covered in the *Social Contract* as we have it. The first is a particularly relevant topic to Emile's current educational stage. Rousseau tells us that they will investigate the duties and rights of citizens "and whether the former can be separated from the latter," as well as "what the fatherland is, precisely what it consists in, and how each person can know whether or not he has a fatherland" (E 466). The second piece concerns the theory of international relations. Rousseau spends quite a bit of time summarizing elements that are not in the *Social Contract*, but that we can find either scattered through his posthumous writings such as *The State of War* or in his commentaries on the Abbe de St. Pierre's *Plan for Perpetual Peace*. He also suggests a possible solution to the problem of anarchy in international relations that recapitulates the final paragraph of the *Social Contract*, proposing an investigation of leagues, confederations and "how a good federative association can be established, what can make it durable, and how far the right of confederation can be extended without jeopardizing sovereignty." (E 466)

Finally, the little summary is noteworthy for some of the topics it omits. Instead of a discussion of the Great Legislator, which has drawn so much commentary from scholars that one would assume it to be the lynchpin of Rousseau's entire political thought, Rousseau simply tells us that "we will investigate whether it is easy for a large populace to be its own legislator", giving us no clear answer to how this question is to be answered. Book IV of the *Social Contract* and its extensive discussion of Roman institutions, including suffrage, the comitia, the tribunes, censorship and civil religion, another topic of endless scholarly fascination, receive no attention in the little summary. There is an indication that this part of the *Emile* was written before the publication of the *Social Contract*, because Rousseau tells us "The little treatise I have detached from it [the larger work] - of which this is the summary - will be published separately." (E 462)

The final part of civic education, as outlined in the beginning of the two year European sojourn, should be the study of the particular government Emile has been living under. Rousseau never spends time discussing how the young man is to go about studying his own government. Either it should be looked at as any other foreign country using the tools of comparative politics the tutor and Emile develop together, or Rousseau simply cannot discuss it because Emile himself was never given a country. The entire book was framed as offering an education independent from a particular national or cultural context: "It is enough for me that wherever men are born, what I propose can be done with them; and that, having done with them what I propose, what is best both for themselves and for others will have been done." (E 35)¹¹⁶ Given the highly unusual circumstances of raising a young man without a country, it is not surprising that Rousseau has nothing he can tell us about this final part of the civic education project.

After the extensive course in the theory and practice of European politics, the tutor and Emile return to the original question animating the investigation: "What have you chosen?" (E 471). From the beginning, Rousseau had informed us that this study could produce two possible outcomes: either the discovery of the best country for Emile to join ("choosing an abode in Europe where you can live happily with your family") or the conclusion that the project itself is untenable: "If we do not succeed, you will be cured of a chimera. You will console yourself for an inevitable unhappiness, and you will submit yourself to the law of necessity." (E 457-8) Emile's initial answer leans in the direction of

¹¹⁶ The only preference Rousseau had expressed at the beginning of the book was for a pupil from the temperate geographical area, which Rousseau wrongly associated with 'more perfect organization of the brain' (E 52)

resignation, although there is a certain ambivalence about whether he chooses to remain in the original country or actually chooses no country at all: "What course have I chosen! To remain what you have made me and voluntarily to add no other chain to the one with which nature and the laws burden me." (E 471) He concludes that property, particularly ownership of land, and freedom, are ultimately incompatible: "I have found that dominion and liberty are two incompatible words; therefore, I could be master of a cottage only in ceasing to be master of myself." (E 472) Emile reminds his tutor that the very reason for his investigation into citizenship and politics was his coming of age and thereby inheriting property (and not a little, since Emile comes from a rich family). He refuses dependence on land, which can be construed as a refusal to permanently join any particular political community: "What difference does it make to me what my position on earth is? What difference does it make to me where I am? Wherever there are men, I am at the home of my brothers; wherever there are no men, I am in my own home." (E 472) Given Emile's apolitical education up to this point in his life, the idea of attaching permanently to a particular country feels constraining: "My life would be attached to this land like that of dryads was to their trees." (E 472) Emile's speech corresponds to his understanding of the world as an apolitical child. He has lived an entirely private life in the company of his ever-present tutor and has only ever built one other solid attachment to Sophie, whom he can take with him anywhere in the world.¹¹⁷

Despite the correspondence between Emile's position outside of any political community and his conclusions, Rousseau has a twist ending in mind for the book. The

¹¹⁷ There has been an extensive recent literature on the role of Sophie and women in general in Rousseau's thought. Most notable commentary and criticism on the different type of education received by Sophie comes from Susan Mullen Okin, *Women in Western Political Thought*, chapters 5-8. For a more recent account, see Shaeffer, Denise. *Rousseau on Education, Freedom, and Judgment*.

tutor rejects Emile's arguments by turning from a discussion of rights to a discussion of consequences. Unbeknownst to Emile, he has been the recipient of advantages in his home country and he owes gratitude and service in return. Unlike Locke, Rousseau seems to concede that it is impossible for children born within particular countries to be as free as if born in the woods outside all political institutions: "If he had been born in the heart of the woods, he would have lived happier and freer." (E 473) Although not a party to the social contract, Emile seems to have been a member without his consent and the tutor now begins to list his obligations. He regards the young man's "extravagant disinterestedness" as age appropriate, but insufficient in the long run (E 473). Emile's youth prevents him from seeing the changes that having a family will manifest upon him: "It [the extravagant disinterestedness] will decrease when you have children, and you will then be precisely what a good father of a family and a wise man ought to be" (E 473). The tutor agrees with Emile that freedom in its highest sense is independent from government: "Freedom is found in no form of government; it is the heart of a free man. He takes it with him everywhere." (E 473). But he disagrees that this notion of freedom is appropriate for a man who plans to start a family. Family is the tie that binds one to a country. Rousseau's main disagreement with Plato's *Republic* was that he destroyed the basis of patriotic feelings towards the regime by undermining the family: "as though it were not by means of the small fatherland which is the family that the heart attaches itself to the large one; as though it were not the good son, the good husband, and the good father who make the good citizen." (E 363)

In explaining to Emile his duties to his country, the tutor seems to be contradicting the earlier statements concerning the inalienable right to choose one's country and leave the social contract upon reaching the age of majority. Emile is told that one of his duties "is an

attachment to the place of your birth" (E 473). The tutor explains this duty as one of owed gratitude for protection during Emile's childhood: "Your compatriots protected you as a child; you ought to love them as a man. You ought to live amidst them, or at least in a place where you can be useful to them insofar as you can, and where they know where to get you if they ever have need of you." (E 474) This obligation does not even depend on the protection of a legitimate state where the social contract has been upheld by the laws. Having learned his lessons of political theory from the *Social Contract*, Emile may expect to simply point out that his investigation of the various political communities has revealed fraud and oppression which have dissolved the social contract. He therefore expects that he neither has obligations to any particular European country nor would he be better off by voluntarily joining any of them. The tutor anticipates the reply: "If I were speaking to you of the duties of the citizen, you would perhaps ask me where the fatherland is, and you would believe you had confounded me." (E 473) However, the tutor proceeds to correct this impression:

"But you would be mistaken, dear Emile, for he who does not have a fatherland at least has a country. In any event, he has lived tranquilly under a government and the simulacra of laws. What difference does it make that the social contract has not been observed, if individual interest protected him as the general will would have done, if public violence guaranteed him against individual violence, if the evil he saw done made him love what is good, and if our institutions themselves have made him know and hate their own iniquities. O Emile, where is the good man who owes nothing to his country? Whatever country it is, he owes it what is most precious to man - the morality of his actions and the love of virtue." (E 473)

This entire speech is surprising. It has no equivalent in Rousseau's other political writings and the tutor takes no time at all to explain the reasoning or demonstrate the validity of his points. Surely we should be surprised to learn that we would have an obligation to a parent for showing us the value of parenting through vicious and abusive

treatment during our childhood. Similarly, it would be a peculiar form of gratitude to a country because "the evil he saw done made him love what is good". It is a peculiar form of gratitude that one can owe to those who have been unjust and unkind towards us. The tutor also gives positive reasons for gratitude that might be easier to understand, but still surprising. The statements about the police force protecting him from his fellow-citizens and, presumably, the private interest of the ruling elites protecting some of his property rights, would be a conditional judgment. You may owe gratitude to a particular regime contingent on how well one's rights have been protected during one's childhood and adolescence. But Rousseau wants to argue that some obligations are owed to any country, so long as one is a good man. The odd reasoning seems to be that by remaining good within a political community, one's institutions must have been at least good enough not to completely corrupt us. Therefore, Emile's goodness is itself proof of the duties of obedience he owes to his country.¹¹⁸

Even if we acknowledge the validity of these considerations, the language of obligation contradicts explicit statements elsewhere in the book. First, Rousseau had informed us that Emile has an inalienable right to renounce his home country, just as he is able to renounce his inheritance. This decision is not costless, but it is equivalent to rejecting a gift,¹¹⁹ rather than refusing an obligation:

"He acquires the right of renouncing his fatherland just as he acquires the right of renouncing his father's estate. Furthermore, since *place of birth is a gift of nature*, one

¹¹⁸ Emile could counter this argument by arguing that the extensive private education was pushing against the national prejudices and worked hard to protect him from the very badness he would have acquired by simply living under the simulacra of laws. In other words, it's hard to be grateful to the political institutions that gave him his moral compass if his moral education was explicitly apolitical.

¹¹⁹ In the *Confessions*, Rousseau has a lot to say about his pride in rejecting big and small gifts in Paris after his success with the Village Soothsayer.

yields one's own place of birth in making this renunciation. According to rigorous standards of right, each man remains free at his own risk in whatever place he is born unless he voluntarily subjects himself to the laws in order to acquire the right to be protected by them." (E 456, emphasis added)

Furthermore, the duties of citizenship that the tutor expects Emile to take on are the very duties of serving in the military that were described with such disdain when Emile was considering career paths. Instead of this generous freedom, now we learn that Emile has an obligation to live "where they know where to get you if they ever have need of you." (E 474) It turns out that this need is military in nature and Emile is expected to abandon his entire livelihood and family and potentially sacrifice his very life if the government he is living under (which is not even a legitimate government!) demands it of him: "If the prince or the state calls you to the service of the fatherland, leave everything to go to fulfill the honorable function of citizen in the post assigned to you." (E 474) Although Rousseau expects that in this corrupt time men like Emile will not find themselves recruited to serve the military, the age of mass conscription was coming fast. The consolation that serving with integrity may free him of his duties faster is hardly sufficient to compensate for the apparent injustice of such a demand.

Finally, Rousseau is here arguing that children incur obligations on the basis of benefits that they have received without their own consent, consent which would have been impossible during childhood. Even if this discussion concerns only moral obligations rather than political obligations, Rousseau has already observed that making demands on the basis of involuntary and unsolicited benefits is unjust. In Book IV, where Emile begins to feel friendship and gratitude, we are reminded that we cannot make demands on the basis of

these sentiments without crushing them and that the injustice of doing so is as if not more severe than outright fraud:

"If you exact obedience from him in return for the efforts you have made on his behalf, he will believe that you have trapped him. He will say to himself that, while feigning to oblige him for nothing, you aspired to put him in debt and to bind him by a contract to which he did not consent. It will be in vain that you add that what you are demanding from him is only for himself. You are demanding in any event, and you are demanding in virtue of what you have done without his consent. When an unfortunate takes the money that one feigned to give him, and finds himself enlisted in spite of himself, you protest against the injustice. Are you not still more unjust in asking your pupil to pay the price for care he did not request?" (E 234)

It is difficult to know what to make of this surprise ending with respect to the goals of civic education. Emile's response to the tutor's long speech on his duties to the country of his birth is never given. Rousseau instead intervenes in his authorial voice to complain of his weariness and the limitations of the project. The sequel, *Emile et Sophie ou Les Solitaires*, has Emile's fortune change drastically and painfully. Not only does he never fulfill any duties towards his country of birth, but he ends up a slave in Algiers. On the basis of the textual evidence, there are a number of plausible ways to interpret the conversation about citizenship between the tutor and Emile. The main difference would be in whether we take Emile or the tutor as the final word on the matter. If we consider Emile's speech to be a correct conclusion on the basis of his education up to this point, then we can conclude that the education of the apolitical child does not produce a citizen, reiterating the original claims that one can either make a man or a citizen, but not both. The tutor's speech in this case would simply serve as a reminder of the many aspects of citizenship that cannot be prepared for under the limited model of exclusive domestic education involved in "the apolitical child". On the other hand, if we regard the tutor's speech as final, then we can conclude that Rousseau meets his burden of showing us how raising a child that is good for himself alone

eventually results in a young man that is good for himself and for others. Emile's initial response would merely serve as a reminder that his education is not fully complete and the guidance of his tutor will continue to be required during his early twenties until he can properly assume the duties of citizenship. The tensions within this extensive educational exploration of the apolitical child give us reasons to suspect that a voluntary choice of country - especially when one is born in a particular country - demands a radical reconsideration of childhood, politics and education.

Regardless of which of the two conclusions we take from the twist ending, I believe the education project of the *Emile* is best read as *the* education of the apolitical child, a fully domestic and private program of rearing a child outside the reach of the state. The parameters of the discussion were set from the beginning to offer a mutually exclusive set of alternatives: an apolitical education for a child that has no attachments to any particular country or a public education for a child who is raised to be a citizen in the strong sense (civic education proper). In the following two sections, I explore the alternative conception of children's political status, which I refer to as "the child as citizen". Rousseau adopts this vision of children from ancient examples, but it begins to take on modern and liberal valences, particularly in his later writings. Some of Rousseau's educational proposals that emerge out of the alternative conception will strike many of us as antiquated or simply abusive. My focus, however, is on the way thinking about children as existing members of political communities leads Rousseau to focus on the public good rather than simply jurisdiction in his justification of particular education policies. Even where his evaluation of what would be conducive to the public good differs from our own, Rousseau is opening up a

conversation about representative government and public education that gets taken up by other 18th and 19th century liberals who think of children as citizens.

3.3. Political Economy and Children as Citizens

Although the *Discourse on Political Economy* (1755) was written early in Rousseau's literary career, many of the ideas anticipate his later political writings, both those more theoretical such as the *Social Contract* and those more applied such as the *Government of Poland* and *Plan for the Constitution of Corsica*. What makes this early essay interesting is the different approach it takes to children's political status and the educational implications of this shift of perspective. Children in this work are seen as citizens, partaking in the rights of citizenship from their birth and thereby under the jurisdiction of the state. This alternative conception of children's political status leads Rousseau to argue in favor of a more extensive program of public education as a way to improve the quality of politics. Although some of Rousseau's educational policies seem illiberal, the overall structure of politics he is defending continues to make room for individual rights and limited government. One victim to this alternative conception is the potential for children to grow up apolitical and with an open-ended choice of country. Its promise, however, is that it gives a way forward in discussing the role of civic education in liberal political thought.

Unlike the *Social Contract*, which begins with the commitment to "taking men as they are, and the laws as they can be" (SC 41), the *Political Economy* takes a different tack: "While it is good to know how to use men as they are, it is much better still to make them what one needs them to be" (PE 13). Although Rousseau does not begin his exposition directly with

children, he claims that is the proper place one would begin: "I conclude this part of public *economy* where I should have begun it" (PE 20):

"The fatherland cannot endure without freedom, nor freedom without virtue, nor virtue without citizens; you will have everything if you form citizens; if you do not, you will have nothing but nasty slaves, beginning with the chiefs of state. Now to form citizens is not the business of a single day; and to have them be citizens when they are grown, they have to be taught when they are children." (PE 20)

While the *Social Contract* was silent about education and the *Emile* gave a template for private education within the family, the *Discourse on Political Economy* gives us an idea of public education. In order to justify public education, Rousseau must renounce or at least temporarily set aside the conception of "the apolitical child" that he took over from Locke. If children are born subject to no states, then states have no jurisdiction to form citizens, whatever the political consequences. In order to have a debate about the best public education system, a different assumption about children's political status would need to be in place. Rousseau makes this alternative conception explicit. Children, according to Rousseau, are citizens from the moment they are born into a particular country: "It is from the first moment of life that one must learn to deserve to live; and since one shares in the rights of citizens from birth, the instant of our birth ought to be when we begin to practice our duties." (PE 21) As an analogue to the laws that govern adults, "there should be laws for childhood" (PE 21). These laws are too important to leave to the individual discretion of heads of households. In fact, because the fatherland continues to exist for a longer duration than the lifespan of each individual male citizen, Rousseau concludes that the state has a more constant and significant public interest in the education of children:

"Since there are laws for maturity, there should be laws for childhood that teach obedience to others; and as each man's own reason is not allowed to be the sole judge of his duties, the education of their children ought even less to be abandoned

to their fathers' lights and prejudices, since it matters to the state even more than it does to the fathers; for in the course of nature the father's death often deprives him of the last fruits of that education, but the fatherland feels the effects sooner or later; the state endures and the family dissolves." (PE 21)¹²⁰

Rousseau deals with the question of jurisdiction first and concludes that parents will be effectively transferring their parental rights to the state: "by taking the fathers' place and assuming this important function, the public authority assumes their rights by performing their duties". (PE 21) This analysis is similar to that given by both Locke and Rousseau in the *Emile* that delegating the performance of education to a third party transfers some of the rights, particularly the right to command and govern the children which is necessary for their education. Rousseau wants to argue that parents do not actually lose their parental rights, but exercise them collectively instead of individually: "under the name 'citizen' they will have in common the same authority over their children which they exercised separately under the name *fathers*, and they will be no less obeyed when they spoke in the name of law, than they were when they spoke in the name of nature." (PE 21) In a certain respect, this explanation for how states can have jurisdiction over children's education resembles the Lockean possibility for indirect control over children by governing the parents. The salient difference is that for Locke the consensually established legislature makes laws for the people, while for Rousseau, the people themselves as the sovereign are the authors of those laws, even when governments execute them. Either way, the discussion of jurisdiction is simply meant to change the underlying assumption about children's citizenship. Rousseau covers his bases by deriving authority over children's education first from an argument about their enjoying the

¹²⁰ There is a similar argument in Hegel's *Philosophy of Right*. "In the face of arbitrariness and contingency on the part of parents, civil society has the duty and the right to supervise and influence the upbringing of children insofar as this has a bearing on their capacity to become members of society" (239).

rights of citizenship from birth and second by deriving it indirectly from parents' organization into a legitimate political body that can make collective decisions about education. Once the conception of children's political status has been changed, however, the conversation moves into a consideration of the advantages of public education and its contributions to the public good.

Rousseau calls public education a maxim of popular government: "Public education under rules prescribed by the government, and under magistrates established by the sovereign is, then, one of the fundamental maxims of popular or legitimate government." (PE 21) This form of education has collective objectives that are oriented towards the public good of the community: regarding one's fellow-citizens as brothers, public spiritedness and the willingness to serve in the military.¹²¹ For education to accomplish these goals, it would have to be designed with them in mind by focusing on equality, respect for the laws and patriotism. Rousseau only briefly mentions some of the ways in which he hopes public education can lead to the advantages he describes:

"If children are raised in common in the midst of equality, if they are imbued with the laws of the state and the maxims of the general will, if they are taught to respect them above all things, if they are surrounded by examples and objects that constantly speak to them of the tender mother [the *patrie*] that nurtures them, of her love for them, of the invaluable goods she bestows on them, and of what they owe her in return [...]" (PE 21)

Rousseau describes the choice of magistrates to preside over the educational program as "the most important business of the state." (PE 22) While he doesn't go into extensive detail on the choice of magistrates, the brief description he gives speaks to the

¹²¹ The parts that seem most concerning for today's multiethnic and multi-religious societies refer to the ethnic character of nationalism that makes one resist interacting with and intermarrying with members of different ethnic groups. This has the potential of destabilizing large states with ethnic and religious cleavages in addition to sounding morally appalling to certain more cosmopolitan sensibilities.

importance of the task. Later in the *Considerations on the Government of Poland*, he fills in the details of the organization of the national education system. He wants "illustrious warriors, bent under the weight of their laurels" to teach the young about courage and "upright magistrates grown grey in high office" to teach them about justice. Teachers for Rousseau are not simply experts in pedagogy. He envisions teaching children as a sinecure granted to the most virtuous citizens in their old age: "the reward for their labors of those who had worthily discharged all the other offices". (PE 22) The role of these elite teachers is to ensure intergenerational transmission of skills and values that promote the public good such as political expertise, courage and patriotism: "transmit from age to age unto succeeding generations the experience and talents of chiefs, the courage and the virtue of citizens, and the emulation common to all of them to live and to die for the fatherland." (PE 22) Even though in the long run Rousseau expects the character of people to be the product of their government and political institutions, he also describes the quality of government as entirely dependent upon the quality and character of its citizens.

In the *Discourse on Political Economy*, Rousseau is committed to an alternative view of children's political place that I have been referring to as "the child as citizen". This view does not imply that children have the same capacities for self-government as adults or that they should be required to fulfill the same obligations of citizenship as their elders. It merely rejects the "apolitical child" conception that assigned exclusive jurisdiction over children's education to parents while regarding children as independent from any political community, including the one they reside in. The prima facie problem with "the child as citizen" is that it seems incompatible with liberalism. Rousseau's deployment of this conception is part-way responsible for this perceived incompatibility. All of Rousseau's examples of public

education come from the ancient world. He gives three examples, namely Crete, Sparta and ancient Persia, neither of which could be called liberal by any stretch of the imagination. The other exceptional education program he mentions is the Roman, which he describes as a hybrid between private and public: "[the Romans] turned all their homes into so many schools of citizens". (PE 22) The Roman situation is unique, according to Rousseau, because fathers' unlimited right of life and death over their children accomplished the same goals as public education: "the fathers' unlimited power over their children made for such severity in private governance that the father, more feared than the magistrate, was the censor of morals and the avenger of laws in the domestic tribunal." (PE 22) This parental authority over children that includes magisterial powers such as the power of life and death would have struck Locke as profoundly illiberal, as it does a contemporary reader. Finally, Rousseau's description of the changes in identity that he expects the state to undertake is enough to strike certain readers as downright totalitarian: "they are taught from sufficiently early on 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" (PE 20) This altered sense of identity in which one's community carries more weight than one's individual existence, taken to the extreme, is precisely the vision of citizenship that Rousseau had described at the beginning of the *Emile*.

Associating public education with a Spartan training program accounts for some of the negative reactions from liberals, then and now. A particularly relevant reaction to this association of public education with ancient societies comes from Benjamin Constant in his *Liberty of the Ancients and the Moderns*. I quote this in full both because of how effectively it

illustrates the liberal revulsion to ancient societies that do not respect individual rights and agency and because it reads like a reply to Rousseau's discussion of public education:

"As for example, education; what do we not hear of the need to allow the government to take possession of new generations to shape them to its pleasure, and how many erudite quotations are employed to support this theory! The Persians, the Egyptians, Gaul, Greece and Italy are one after another set before us. Yet, Gentlemen, we are neither Persians subjected to a despot, nor Egyptians subjugated by priests, nor Gauls who can be sacrificed by their druids, nor, finally, Greeks or Romans, whose share in social authority consoled them for their private enslavement. We are modern men, who wish each to enjoy our own rights, each to develop our own faculties as we like best, without harming anyone; to watch over the development of these faculties in the children whom nature entrusts to our affection, the more enlightened as it is more vivid; and needing the authorities only to give us the general means of instruction which they can supply, as travelers accept from them the main roads without being told by them which route to take."

(Liberty of Ancients and Moderns, 14)

Constant's critiques are valid as far as they go. And his analogy between the public provision of education and public provision of public roads has interesting reverberations in the liberal thought of Adam Smith and John Stuart Mill. However, it is also important to acknowledge the limitations of this critique as it applies to Rousseau. Although Rousseau mentions Spartans, Romans and Persians, he explicitly argues that these societies protected the life, liberty and estates of their citizens, making them seem more modern and more liberal. Without pronouncing on the validity of Rousseau's descriptions of these societies, I offer a series of examples to show Rousseau's overall point that love of country requires a country worth loving. He claims of Sparta, Macedonia and Rome that they accorded extensive individual protections and respect to individuals, calling them "examples of the protection the state owes its members, and of the respect it owes their persons" (PE 18). Of Rome, he discusses the government's "scrupulous care to respect the inviolable rights of all

members of the state." (PE 18)¹²² Of Macedonia, that not even the emperor Alexander would have dared to violate the right to a fair trial of an accused: "Alexander, that powerful monarch, would not have dared to have a criminal Macedonian put to death in cold blood, without having the accused appear and defend himself before his fellow-citizens, and been condemned by them" (PE 18). Of Sparta, the comment is more open to interpretation, but the intention seems to be to defend the Spartans commitment to fair treatment of all individual citizens: "Everyone knows how perplexed the entire republic was when the question of punishing a guilty citizen arose in Sparta." (PE 18) Given Rousseau's description of these regimes engaging in public education, you would think they were ancient liberal regimes. While we may question all of these characterizations, it is important to notice that simply changing over to a conception of children as citizens does not automatically have to commit one to totalitarian or illiberal views.

The language of the social contract is already present in this early work of Rousseau's and it is closely tied to property rights. For example, Rousseau tells us that property can be considered even more important to individual citizens than freedom and that its protection undergirds the social compact: "the foundation of the social pact is property, and its first condition that everyone be maintained in the peaceful enjoyment of what belongs to him." (PE 29-30) In describing what makes a country worthy of the love of its citizens, Rousseau

¹²² Rousseau lists a number of examples of this high regard for individual rights, including the claim that the entire people of Rome had to be assembled in order to condemn any individual citizen and that the death penalty could be commuted to exile for any who could imagine surviving the loss of membership in the political community. Despite all of these examples of adult citizen's rights, Rousseau himself had explained that the foundation of such a system was a completely authoritarian family where the male citizen retained the right of life and death over his wife, children and slaves. Roman children began life with no individual rights and their entire childhood was spent obeying their father upon penalty of death. This conception of parental rights is more Filmerian than Lockean.

goes so far as to pronounce any violation of individual rights to constitute a dissolution of the social contract:

"Private safety is so closely bound up with the public confederation that, if it were not for the concessions that have to be made to human weakness, this convention would by right be dissolved if a single citizen in the state perished who could have been saved; if a single one were wrongfully kept in jail, and if a single lawsuit were lost through a manifest injustice [...]" (PE 17)

Although the *Discourse on Political Economy* only offers a limited treatment of children and public education, it gives us enough of the alternative conception of children's political status to see its advantages and possible downsides. The main advantage is that it allows a consideration of policies concerning education on the basis of arguments about the public good, asking what type of education would be most conducive to maintaining public spiritedness and the perpetuation of good institutions. The main limitation is that the association with ancient illiberal republics makes it seem incompatible with liberalism. Although Rousseau does some work to convince his readers that ancient republics are not as illiberal as we might think, his later writing on public education in Poland more fully describes a modern public education.

3.4. The Public Education of Polish Children

In the *Political Economy*, Rousseau had argued that public education would no longer be possible in the modern world: "Once the world was divided into nations too large to be well governed, public education was no longer practicable; and other reasons which are readily evident to the reader further prevented its being tried among modern people." (PE 22) Rousseau's *Considerations on the Government of Poland and Its Proposed Reformation* is one of Rousseau's last political writings. By the time he writes *Poland* in 1776, public education was

already being tried in Prussia.¹²³ The discussion of children and public education in this writing shows Rousseau working out the contours of a modern education system. While the system proposed takes a nationalist direction that should be concerning to contemporary liberals, my focus in this section is on the organization of the education system and Rousseau's justification for various proposals. My contention is that *Poland* shows us how changing from the conception of "the apolitical child" to "the child as citizen" drives the conversation into more productive directions when it comes to public policy concerning children. Even when the specific arguments about the public good strike us as wrong, we would be better served to respond with similar types of arguments rather than withdrawing into a rejection of the role of the state in education matters. And, as we will see in the next chapters, many 18th and 19th century liberals did.

Rousseau refers to education in this text as "the important subject". (P 189) Children, according to this account, are Polish citizens from their birth. However, their identity is not necessarily involved in their nationality. That is one of the tasks Rousseau perceives education to be playing: "It is education that must give souls the national form, and so direct their tastes and opinions that they will be patriotic by inclination, passion, necessity." (P 189) Poles are meant to perceive themselves from their earliest childhood as members of an abstract and difficult to grasp entity called "the fatherland" or "Poland". For education to accomplish this extensive identity creation exercise, particularly on small children, its efforts must be extensive and pervasive:

¹²³ The 1763 edict establishing the German *Generallandschulreglement* was authored by Johann Julius Hecke, whose writings were beginning to have broad European appeal. Although Rousseau never discusses German influence, he was close friends with Grimm, a German, during his 40s and 50s and the developing education system may have been a matter of general knowledge among the European literary circles at the time

"Upon opening its eyes, a child should see the fatherland, and see it only until his dying day. Every true republican drank love of fatherland, that is to say love of laws and freedom, with his mother's milk. This love makes up his whole existence; he sees only his fatherland, he lives only for it; when he is alone, he is nothing; when he no longer has a fatherland, he no longer is, and if he is not dead, he is worse than dead." (P 189)

Rousseau outlines a course of study for Polish children that reads almost like the reverse of the civic education plan in the *Emile*. While Emile began his studies in political theory and comparative politics in his early 20s, the education of the Polish young man will be complete by this time: "At twenty a Pole should not be just another man; he should be a Pole." (P 189) The course of studies Rousseau describes includes no principles of political right and no discussion or experience with any alternative governments. It is entirely focused on the national history that we were promised but never received at the end of Emile's civic education. The education in Polish laws and government proper is reserved for adolescence, but by sixteen, the young man is expected to know "all of its laws, that in all of Poland there not be a single great deed or illustrious person of which his memory and heart are not full, and of which he could not then and there give an account." (P 189-190) The previous subjects studied all lead up to this course of education. The entire curriculum is oriented towards knowledge of Poland: "I want that on learning to read, he read about his country." (P 189) At the age of 10, he is expected to know the products of Polish agriculture, at 12 its geography ("all of its provinces, roads, towns") and, at 15 its history. All of the teachers are to be Polish citizens of good moral standing: "They should have only Poles for teachers, all of them married, if possible, all distinguished for their morals, their probity, their good sense, their lights" (P 190). Rousseau explicitly excludes either foreigners or members of the clergy from the important task of educating the young. He also argues that teaching should

not become a profession, but rather remain a temporary position on the way to an equally honorable sinecure: "all [teachers] destined, when after a number of years they will have fulfilled this employment well, for employment that is no more important or honorable, for that is impossible, but less strenuous and more resplendent." (P 190)

Rousseau argues that "national education is suitable only for free men; only they enjoy a common existence and are truly bound together by Law." (P 189) In a similar manner as in *Political Economy*, Rousseau combines an emphasis on patriotism and emotional attachment to one's country of birth with an emphasis on ensuring that the country is worthy of the love fostered in the children. The connection between public education and successful republics may seem like an old idea, but Rousseau presents it as an original contribution: "Since it is on these institutions that the hope of the Republic, the glory and fate of the nation depend, I must admit that I attach to them an importance I am rather surprised it has not occurred to anyone anywhere else to attribute to them." (P 192) His justification for the tight connection between public schools and other republican institutions has four dimensions: equality, military service, patriotism and quality. I briefly explore each of these considerations in Rousseau's policy proposals concerning Polish education. While I follow Rousseau's usage here in speaking of republics and republicanism, his vision could also be characterized as liberal based on the emphasis on private property, individual liberties and representative government.¹²⁴

¹²⁴ For a discussion of liberal republicanism and its historical origins, see Hawley, *Cicero's Legacy and the Story of Modern Liberty*.

First, equality. Given that this is a constitutional proposal for Poland, Rousseau initially takes for granted the constitutional distinctions between the different classes in the state: nobility, bourgeois and serfs, or as he puts it: "the nobles, who are everything, the bourgeois, who are nothing, and the peasants, who are less than nothing". (P 194) Rousseau's educational reforms start small, equalizing opportunities among the rich and poor nobility, but eventually his proposals target social mobility between classes as well as the elimination of serfdom. The first educational proposal is educating rich and poor Polish nobles in the same institutions, thereby removing the distinction between schools for the poor nobles and academies for the rich ones. Rousseau's justification focuses on equality: "Since all are equal by the constitution of the State, all ought to be educated together and in the same fashion, and if it is impossible to establish a completely free public education, it must at least be set at a cost the poor can afford." (P 190) Although Rousseau argues that parents retain the right to educate their children at home if they choose to do so, he insists that certain games or exercises must be communal and mandatory because of its effect of the character of the children: "to accustom them from early on to rule, to equality, to fraternity, to competitions, to living under the eyes of their fellow-citizens and to seeking public approbation." (P 191) Such preparation is particularly useful in a country where the people are expected to elect rulers from among themselves and to scrutinize their behavior. It is also useful in any regime that prizes equality before the law and civic friendship. Rousseau's justifications for his educational proposals are arguments about practicing the virtues and skills of citizenship, among them equality.

Second, patriotism and *fraternité*. The goal of the national education system, as Rousseau presents it, is to turn *amour propre* from one's narrow self towards the love of one's

compatriots and therefore of one's country of birth. By operating on the sentiments, the entire project is one of increasing one's sense of brotherhood and identification with one's fellow citizens and creating a sense of distance and even disgust for members of other political communities. Under these circumstances, exercising one's natural right to leave one's country of birth should be rendered inconceivable to a young Pole, whose love of fatherland drives every decision, including the one to give his life in the service of his countrymen. The inspiration Rousseau draws from ancient legislators is the importance of distinctive customs, both in mundane matters such as clothing and national forms of entertainment, and in matters of religion and politics. He gives the example of Moses and how effectively the peculiar practices of the Jews created a unique Jewish identity: "he [Moses] gave it [the Jewish people] morals and practices which could not be blended with those of other nations; he weighed it down with distinctive rites and ceremonies" (P 180). This distinctive identity prevented Jews from being absorbed by foreign countries even while lacking a territory of their own, remaining "forever a stranger among other men, and all the bonds of fraternity he introduced among members of the republic were as many barriers which kept it separated from its neighbors and prevented it from mingling with them." (P 180) The project of creating a unique national culture is presented as the creation of barriers to exit from one's native country. The more distinctive one's particular national identity, the more difficult it is to change countries, intermarry a foreigner or otherwise abandon the culture of one's youth.

Rousseau explicitly presents the limitation of the possibility of exit as the advantage of his method. In his diagnosis of Poland, he found it at great military risk of being conquered and incorporated, particularly into the extending Russian Empire. In addition to

the threat from Russia, the Polish state (which was actually the Kingdom of Poland and Lithuania) was surrounded by the Ottoman Empire in the South-East, the Austro-Hungarian empire to the South-West and the developing Prussian empire to the West. By creating sentimental barriers to exit, the Poles could be conquered by Russia without becoming assimilated into Russian culture, thereby maintaining a degree of autonomy that could result in regaining independence: "You may not be able to keep them from swallowing you, do at least see to it that they cannot digest you." (P 183) and "If you see to it that a Pole can never become a Russian, I assure you that Russia will never subjugate Poland." (P 183) The national institutions will "cause it [the Polish people] to die of boredom among other peoples in the midst of delights of which it is deprived in its own" (P 183). These particular national customs and habits will "set them apart from other people" and "will keep hem from merging, from feeling at ease, from inter-marrying with them." (P 184) Rousseau considers the set of cultural, educational and religious methods to accomplish this separation the most important insight of the ancient Lawgivers:

"All of them sought bonds that might attach the Citizens to the fatherland and to one another, and they found them in distinctive practices, in religious ceremonies which by their very nature were always exclusive and national (see the end of the *Social Contract*), in games which kept the Citizens frequently assembled, in exercises which increased their pride and self-esteem together with their vigor and strength, in spectacles which by reminding them of the history of their ancestors, their misfortunes, their virtues, their victories, stirred their hearts, fired them with a lively spirit of emulation, and strongly attached them to the fatherland with which they were kept constantly occupied." (P 181-2)

Children's education is meant to reaffirm these unique bonds among citizens even before the age of reason. Instead of choosing one's country on the basis of its goodness (*Ubi bene, ibi patria*), Rousseau wants the Poles to only feel good in their country of birth (*Ubi patria, ibi bene*) (P 186). This particular approach to national education is in tension with other

goals that promote the quality of institutions. By making children unable to contemplate alternatives, this type of education would make them less likely to contemplate institutional improvements or change in traditions that no longer serve their original purposes. As the empirical literature on patriotism shows, it can be a double-edged sword.¹²⁵

Third, military service. Rousseau argues that the duty to serve in the army ought to be a natural counterpart to Polish citizenship: "Each citizen ought to be a soldier by duty, none by profession." (P 234) He proposes for emulation the model of Geneva and the Swiss confederation, where the entire male citizenry is subject to military service and training. This is different from the system of either maintaining a paid army of the Crown, as was the case in Poland prior, or of creating standing popular armies, as was the case in Russia or France at the time. The connection between citizenship, military service and marriage is brought out explicitly in this proposal: "In Switzerland, every individual who marries must be provided with a uniform which becomes his holiday dress, with a rifle and the full equipment of a foot-soldier, and he is enrolled in the company of his precinct." (P 235) These citizen-soldiers will undertake regular drills and training ("in summer, on Sundays and holidays") and develop a particular Polish military style, reliant on guerilla warfare.

The challenge in transforming the Polish military in the way Rousseau recommends is that the profession of citizen-soldier has to be made honorable and admirable through changing Polish general opinion on the issue: "in Poland a soldier is no longer looked upon

¹²⁵ Some studies have found that countries with higher levels of patriotic pride exhibit higher levels of civic engagement (Huddy and Khatib 2007) and contribute more funds to redistributive efforts (Qari, Konrad, and Geys 2012). Others have found that countries with high level of national identification have a lower propensity for income equalization (Shayo 2009). Rousseau's claim that patriotism leads to less empathy towards outsiders is also not as clear-cut. De Figueiredo et al (2003) show that national pride can take two directions (patriotism and nationalism), with opposite implications for the treatment of outsiders.

as a bandit who sells himself for a few pennies a day in order to live, but as a Citizen who serves the fatherland and does his duty." (P 236) By making service a matter of duty rather than monetary gain, Rousseau is engaging the higher motives of the Poles who have been educated their entire childhood to be loyal to the fatherland. But to change public opinion on this issue, according to Rousseau, requires that military career be open to all citizens and promotion be entirely dependent on merit rather than birth: "To achieve this, it is important, in the selection of officers, not to take account of birth, position and wealth but only of experience and talent." (P 236) This proposal anticipates Napoleon's 'career open to all talents', an important revolution in meritocracy in the French army. In addition, Rousseau wants promotion to be standardized, made public and dependent on the general public perception of the virtues of fellow-citizens. By creating a general system of promotions that includes being stationed as a teacher, Rousseau wants to bring out the sense of public accountability in public administration: "He has to know that, in every aspect of his conduct, he is being seen and judged by his fellow-citizens, that his every step is being observed, that all his actions are being weighed, and that a faithful account is being kept of the good and evil [he does], which will influence the whole of the rest of his life." (P 239) He also wants each Polish child to look towards a future serving the fatherland, regardless of one's initial station in life. Rousseau's nationalist project has important egalitarian and meritocratic elements.

Rousseau insists that each of the public schools must be equipped with "a gymnasium or place for physical exercise" (P 191). In emphasizing physical education, Rousseau is returning to principles that were prominent in the *Emile*: "I cannot emphasize often enough that good education has to be negative. Prevent vices from arising, and you

will have done enough for virtue." (P 191) The distinction between 'positive' and 'negative education' is one that Rousseau articulated in his *Letter to Beaumont* in a defense of Emile:

"What I call *positive education* tends to form the mind before maturity and to give the child knowledge of the duties of man. What I call *negative education* tends to perfect the organs, the instruments of our knowledge, before giving us this knowledge, and prepares for reason through the exercise of the senses." (B 35)

Rousseau recommends "keeping children always alert, not by boring studies of which they understand nothing and which they come to hate simply because they are made to stay put, but by exercises they like" (P 191). These activities are helpful both in forestalling the development of vices and the preparation of the fitness for military service.

Finally, quality. Rousseau's proposed education system is meritocratic and focused on preparing the people for recognizing leadership skills and the elites for developing such skills. Rousseau is clearly drawing inspiration from a number of different contemporary models. For example, he points to the innovative exercise of "the moot State" that has been adopted in Berne for the education of the elite. This proposal is the equivalent of student government: "a copy on a small scale of everything that makes up the government of the Republic: a Senate, Chief Magistrates, Counselors, Officers, Bailiffs, Advocates, lawsuits, judgments, solemnities." (P 191-2) Rousseau had travelled to Berne on a number of occasions, including on official diplomatic missions, and was therefore familiar with the institutions of this growing city-state. Rousseau praises this particular innovation in educating the ruling elite as "the nursery of Statesmen who will one day direct public affairs in the same capacity which they first exercise only in play." (P 192)

Rousseau has in mind an entire education system which has strong resemblances to the Prussian education system that was being established around the same time. He describes

the administration of the education system as requiring a separate body of Magistrates charged exclusively with managing the nation-wide system, including appointments, promotions and transfers:

"Regardless of the form given to public education, about which I do not enter into detail, it is important to establish a College of Magistrates of the first rank charged with its supreme administration, and which appoints, dismisses and transfers at will not only the Principals and heads of school who, as I have already said, will themselves be candidates for the higher magistracies, but also the coaches whose zeal and alertness will also have to be aroused by higher positions which will be open or closed to them depending on how they will have filled their present positions." (P 192)

He returns to the administration of the education system later in the text, where he proposes a system of graduated promotions for all Polish civil servants. The project of graduated promotions is a particularly meritocratic element. It is Rousseau's most ambitious transformation of the Polish social and political structure. It includes removal of any distinctions of status among the Polish nobility on any other basis than virtue/merit, the gradual emancipation of the enslaved Polish peasants, and the gradual promotion of the Polish cities and bourgeoisie to a higher rank. Rousseau regards this extensive project as an example of equality of opportunity on the basis of talent and virtue: "how one might go about having everyone see the road before him open to attain everything, having everything that serves the fatherland well gradually tend to the most honorable ranks, and having virtue open all the doors which fortune sees fit to close." (P 248) This radical plan begins with all male citizens at the age of maturity.¹²⁶ As a first step, each of these young men, regardless of rank, would be subject to a three year probationary period in either the legal profession or

¹²⁶ Much of this system resembles the educational proposals in Plato's *Republic*. The important differences are the exclusion of women from the education system, and the more democratic means for the selection of the educators.

financial administration (or any other lower level administrative position). Upon successfully discharging these functions, the men would receive "certificates from their superiors" and be promoted to the class of "Servants of the State", marked by a permanent display of a gold plaque. The citizens who have been promoted to this first class are then eligible to run for public office. The condition for promotion to the second class, that of "Citizens Elect", is successful reelection for three consecutive terms at one of the lower levels in the Polish Diet. Rousseau insists on making public opinion and therefore accountability towards the public the decisive condition for reelection and therefore for subsequent promotion. It is only the citizens who receive this level of public scrutiny that are qualified to serve as school principals and "inspectors of primary education" (P 241). Rousseau wants to make service in the school system a mandatory burden to all who aspire to the Senate and therefore to ascent to the third and highest class of citizens ("Guardians of the Laws") and a matter of approval by both the administrative body in charge of the public education system ("the College of the administrators of education") as well as the approval of the general public. (P 241) The final step in the promotion requires serving in yet another three terms as Senator with the full approval of one's constituents. It is only among these highest ranked citizens that the selection of the administrators of the education system can be made, making it one of the most distinguished positions within the state. Rousseau makes here his only concession to the religious establishment, which is to reserve the presidency of the College to a member of the clergy: "The Presidency of this college might be reserved for the Primate or some other Bishop, on condition of stipulating further that no other Ecclesiastic, even if he should be Bishop and Senator, may be admitted to it." (P 243) This system corresponds to the age requirements that Rousseau considers appropriate for each of the particular

positions of public responsibility. The entire process would begin at 20 with the expectation that promotion to the second class would only happen during one's forties, which Rousseau considers "the age best suited to bring together all the qualities one should look for in a statesman" (P 243).

Having explained the promotion system as if only considering the class of current Polish nobles (even after leveling any distinction of wealth among these nobles), Rousseau proceeds to advise that the other two classes of Poles be gradually included in the class of citizens. Poland still functioned with a system of indentured servitude well into the end of the 18th century and Rousseau regards slavery as incompatible with a free republic. In discussing the existing constitution of Poland, Rousseau had already suggested to the nobility that Poland will never be free so long as a majority of the Polish people are enslaved: "Nobles of Poland, be something more, be men. Only then will you be happy and free, but never flatter yourselves that you are so, as long as you keep your brothers in chains." (P 196) He also reminds them of the common humanity that unites the Polish elites with the Polish peasants: "recognize that your serfs are men like yourselves, that they have in them the stuff to become all that you are" (P 197). In his discussion of graduated promotions, Rousseau returns to this point to give practical suggestions about the gradual emancipation of Polish peasants without causing a revolution. Rousseau recommends that each Polish administrative unit compile registers of all males of all stations and their conduct. In particular, he wants the administrators of each regional unit to compile "on the basis of trustworthy accounts and the carefully checked reports of the public voice, a roster of the Peasants who distinguished themselves by good conduct, good husbandry, good morals, the good care of their family, fulfilling well all the duties of their station." (P 245) These peasants

would then qualify for emancipation, in numbers and through procedures established by law, but that carefully avoid giving the peasant's master a decisive individual veto. Rousseau hopes that entire villages will eventually be emancipated and even granted communal lands to manage on the model of the Swiss communal land-holdings. Similarly, Rousseau recommends the promotion of members of the bourgeoisie into the class of the nobles which alone contains the citizens of Poland. He proposes either allowing individual bourgeois roles in the public administration or even collectively bringing entire commercial centers (cities) to a higher rank. Rousseau considers this entire plan to diminish the influence of birth and increase the influence of virtue as an essential component of the project of patriotic attachment by all citizens, regardless of social station: "one would kindle in all the inferior ranks an ardent zeal to contribute to the public good" (P 247).

Overall, the *Considerations on the Government of Poland* is the most developed expression of Rousseau's thoughts on public education: its goals, its structure, its justification. Like *Political Economy* and unlike *Emile*, it relies on a conception of children as already citizens. *Poland* has a definite proto-nationalist flavor that should make readers worry, particularly when it comes to the relationship of xenophobia to patriotism. Although other liberal arguments in favor of public education from the 18th and 19th also emphasized the connection between military service, citizenship and public education, a defense of liberal civic education does not necessarily require a defense of exclusive and inflexible national identity formation. In the following two chapters, I explore two visions of liberal civic education that justify a role for the state in regulating and sponsoring public education for all children precisely in order to avoid illiberal political institutions. Both Smith and Guizot were readers of Rousseau and engaged with some of his arguments concerning political

obligation, children's political status and public education. By rejecting both the apolitical child and the justification of political obligation on the basis of consent, Smith and Guizot were able to construct their educational proposals only on the basis of their systematic considerations of the public good. Smith relied primarily on economic analysis, while Guizot used historical investigation, but both constructed their visions of a liberal civic education from the assumption that children are citizens of particular political regimes from birth even if they retain the individual right to leave their country as adults.

Civic Education and Conceptions of Children's Citizenship

Rousseau's political thought highlights the differences between the two ways of considering children's political status. In the *Social Contract* and *Emile*, he draws out the full implications of John Locke's conception of "the apolitical child". When employing "the apolitical child", Rousseau proposes a fully private education system aimed at fostering children's full independence from citizenship. Civic education under this set of assumptions comes down to preparing the young man to choose his future country of citizenship from an open-ended choice set. While Rousseau backs down on some of the apolitical implications for the adult Emile, it is difficult to imagine a defense of public education on the basis of "the apolitical child". However, one can assemble some of the desirable features of a liberal civic education on a fully private model. These would include self-reliance and self-sufficiency combined with a healthy suspicion about the possibility of enjoying one's property rights under any real-world government. These liberal values remain important irrespective of one's conception of children's status within the state.

In the *Political Economy* and *Poland*, Rousseau draws primarily on ancient models to explore the implications of the alternative conception of "the child as citizen". When employing the alternative default for children's political place, Rousseau ends up defending an extensive public education program that begins to take on some of the characteristics of proposals for universal public education in the 19th century. Of course, Rousseau's attempts to combine modern liberal ideas with ancient educational practices did not always strike the right balance. For example, patriotic education in service of a liberal political regime may unite justice and expediency, but the risk of creating loyal subjects for a despotic ruler is insufficiently explored by Rousseau. For a full discussion of this problem, we would have to turn to Guizot's writings on French education four decades later in the aftermath of the Terror and the First Empire. Regardless of their practical limitations, Rousseau's proposals concerning public education begin to highlight the potential advantages of the "child as citizen" perspective. His arguments about the Polish education move beyond a conflict of jurisdiction between parents and the state. Instead, the criteria used to evaluate the public education system are based on the public good and the particular political circumstances of 18th century Poland. In the following two chapters, I develop two visions of liberal civic education that take the child as citizen as their underlying default. Establishing a role for the state in promoting a liberal program of civic education, however, is only the first step. The second is actually settling the criteria that would guide a liberal consideration of the public good when it comes to education. This is primarily the role of the second part of the dissertation.

Before proceeding to the second part of the dissertation, however, I want to briefly consider the contradiction in Rousseau's thought opened up by these two alternative

conceptions of children's citizenship. Regarding children as citizens from birth is incompatible with at least some of the arguments Locke makes in the *Second Treatise*, particularly concerning the claim that legitimate political obligation is based on the consent of the governed. However, Rousseau's understanding of consent even in the *Social Contract* is distinct from both Locke's original construal and from Hannah Pitkin's interpretation of hypothetical consent. A country with just institutions is worthy of consent, regardless of whether individual citizens are actually able to understand the advantages of living under a free regime. And an un-free regime is incapable of obtaining genuine consent from citizens, no matter how well-indoctrinated they may be. While a full consideration of the meaning of consent in Rousseau's political thought would require a separate treatment, I would argue that his oscillations concerning children's political status map onto his ambivalence about whether the social contract merely rearticulates an objective set of requirements for a legitimate political community or whether there is a separate normative force to the voluntary agreement of citizens. I will return to some of these considerations when discussing Guizot's rejection of the will of the people as the foundation for political legitimacy in chapter 5.

Chapter 4: Children as Citizens: Adam Smith and Liberal Civic Education

John Locke published his educational treatise *Some Thoughts Concerning Education* in 1693, at least a century before the period of rapid economic growth we have come to refer to as the Industrial Revolution. In the 1670s, the average Englishman was employed in farming. Children lived at home well into their teenage years and generally began

employment around the age of 12-14, usually on the family farm or in apprenticeships or domestic service in the vicinity of the family home.¹²⁷ Children's education was almost exclusively a family affair with occasional assistance from religious institutions who would establish local parish schools to teach children to read the Bible. Jean-Jacques Rousseau wrote *Emile* in 1762 at a time of important social and political changes in France. Despite the changing structures of taxation and administration that Alexis de Tocqueville describes in his *Ancien Régime and the French Revolution*, the French economy at the time was still driven primarily by agricultural production. French children expected to live at home for extended period of time during which they would receive the rudiments of an education from their parents. Rousseau learned how to read in Geneva at his father's side around the age of 5 or 6 and his own unpleasant experience as a print-maker's apprentice began around the age of 13.¹²⁸ Although the intervention of European states in education was beginning to be felt by the time Rousseau wrote *The Government of Poland* in 1776, the French education system, as we will see in the following chapter on Guizot, was still under the direction of private religious or charitable organizations.

By the time Adam Smith is writing *The Wealth of Nations* in 1776, the English economy had begun to change drastically, with particularly pronounced effects on family life, children, and education.¹²⁹ As factory labor became more common and as the tasks of industrial production became simplified to a set of simple operations, children became

¹²⁷ For the dramatic changes in child labor and children's employment in England, see Jane Humphreys, *Childhood and Child Labour in the British Industrial Revolution*.

¹²⁸ See Cranston, *Jean Jacques*.

¹²⁹ I use the following abbreviations for in-text citations: LJ(A) and LJ(B) for the *Lectures on Jurisprudence*; TMS for *The Theory of Moral Sentiments*; WN for *An Inquiry into the Nature and Causes of the Wealth of Nations*; EPS for *Essays on Philosophical Subjects* and Letter for *A Letter to the Authors of the Edinburgh Review*.

sought after as workers. During the late 1700s, over 50% of boys under the age of 10 had already started work. For a breakdown of the ages at which boys started work, see Figure 1 below. Not only did children begin to be employed earlier, but the type of employment rapidly shifted from agricultural labor on the family farm to industrial labor in unhygienic and dangerous working conditions.

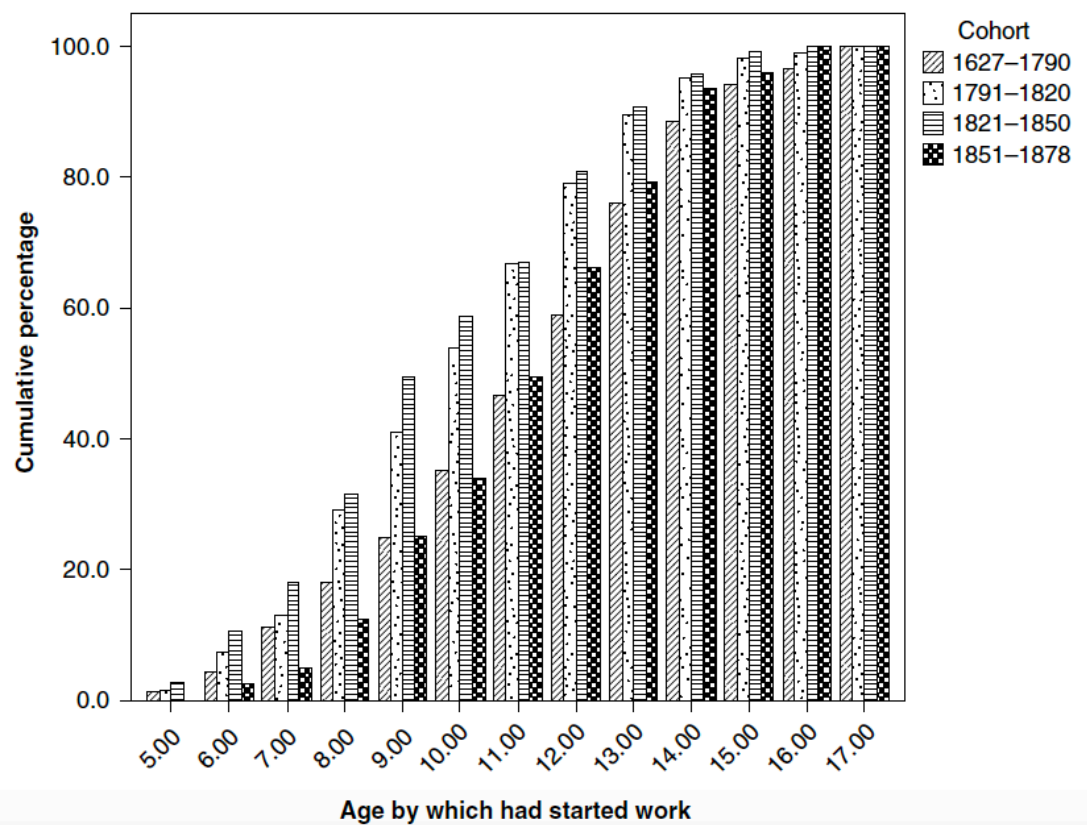


Figure 1: Child Labor in England from the 17th to 19th Century¹³⁰

This had immediate effects that Adam Smith was quick to point out in his evaluation of the effects of commerce. He compared the circumstances of children in Scotland, where economic development was less advanced, to the circumstances of children in England. In

¹³⁰ The figure comes from Jane Humphreys, *Childhood and Child Labour in the British Industrial Revolution*.

Scotland, he claimed, even the poorest children learn how to read and write. Since parents had no other productive way to employ a 6 or 7 year old boy, they would procure a basic education for their child. Here is Smith's account from his *Lectures on Jurisprudence*: "In this country, indeed, where the division of labour is not far advanced, even the meanest porter can read and write, because the price of education is cheap, and a parent can employ his child no other way at six or seven years of age" (LJ(B) 256). This, however, was not the case in England. Children could be productively employed in factory work from as early as five and parents could receive an important supplement to the family income by employing their children in the labor market rather than ensuring their education: "A boy of six or seven years of age at Birmingham can gain his threepence or sixpence a day, and parents find it to be their interest to set them soon to work; thus their education is neglected" (LJ(B) 256). This neglect of the education of children from the working classes worried Smith for both intrinsic reasons having to do with human dignity and for political reasons having to do with the aggregate effect of mass ignorance and moral decline, both of which I explore in this chapter. The important point to remember from the beginning, however, is that Smith is theorizing children's political status and children's education in a world altogether new from the worlds inhabited by Locke and even Rousseau. The state intervention to mandate children's education that Smith supported came from concerns about this new and unprecedented disconnect between the economic interest of parents and the civic interest of the community.

Education in a Changing World: The Scottish Enlightenment

The 18th century was a time of unprecedented changes in the political, economic and intellectual climate of Scotland. In 1707, two Acts of Union marked the creation of a single Parliament for both England and Scotland, which became "United into One Kingdom by the Name of Great-Britain".¹³¹ The two countries had been ruled by the same monarch since the Union of the Crowns in 1603, but had had independent legislatures until the beginning of the 18th century. The treaty uniting England and Scotland carried both political and economic importance, as it opened up the English markets to free trade with Scotland, adding a potential 5 million consumers to the existing approximately 1 million Scots at the time.¹³² Adam Smith referred to the rise in the price of Scottish cattle subsequent to the extension of the market after the Union as one of the main advantages for Scotland and "perhaps [...] the principal cause of the improvement of the low country." (WN I.xi.3)

Although the economic benefits to the Scottish economy were slow in coming, Scotland grew during the 18th century, both in population and in economic output. The first Scottish census was in 1755 and it estimated the population at 1.2 million. By the time the census became a regular procedure in 1801, the population had grown to 1.6 million and it continued to grow much faster during the 19th century to 4.4 million inhabitants in 1901. There are a number of debates about the Scottish economy during the second half of the 18th century. While economic historians generally suggest the economy was growing and modernizing, others argue that the period was more stagnant.¹³³ Whatever the truth about

¹³¹ See *Articles of Union*.

¹³² References to England begin to mean "England and Wales" after a treaty in 1746.

¹³³ See Berry, *Idea of Commercial Society in the Scottish Enlightenment*.

the overall economy, certain commercial centers certainly experienced dramatic growth, key among them Glasgow, whose economy grew tenfold between 1730 and 1770 to overtake Bristol and become the largest Scottish port (Devine 1990: 73). Although Scotland's economy was predominantly agricultural, urban areas steadily grew in size and importance during the 18th century.

The main manufacturing industry in Scotland was the linen industry, with production primarily concentrated in the homes of individual workers through a process called "putting-out" or the "domestic system". Workers received the raw materials to produce textiles either in their own homes or in small centers and then return the completed products to a central distributor. This was the precursor to the factory system more characteristic of the 19th century. Although industrial production in 18th century Scotland was primarily characterized by this domestic production system, a number of inventions in England during the second half of the 18th century were preparing the way for the industrial revolution. These included the spinning jenny in 1764, the water frame in 1767 and the Watt steam engine in 1775. In 1795 there were only around 11 factories in the West of Scotland, but by 1829 there were 10,000 people at work in Scotland as power loom weavers, mostly in and around Glasgow.¹³⁴

These changes in the Scottish political economy coincided with changes in the intellectual landscape in Scotland, both at the highest level and at the level of basic education. Scotland passed a number of laws mandating the creation and funding of parish schools throughout the region. Many historians viewed the Scottish basic education system as superior to the English and uniquely developed for the 18th century, although there have

¹³⁴ See *Industrial Revolution: 1770s to 1830s*.

been recent dissenting voices of this evaluation.¹³⁵ Some have claimed that Scotland had the most literate population in the 18th century.¹³⁶ Smith looked upon the Scottish higher education system as much superior to the English one, where "they had given up altogether the pretense of teaching" (WN V.i.137) In moral philosophy, the contributions of David Hume, Adam Smith, Adam Ferguson and Francis Hutcheson, among others, were recognized as groundbreaking throughout the continent, with the University of Glasgow becoming an important intellectual center for Europe. Voltaire claimed that "We look to Scotland for all our ideas about civilization".¹³⁷

These developments were significant enough to attract historical attention to the Scottish transformation as a singular phenomenon within a larger set of changes affecting all European monarchies. Since the 20th century, historians have been describing the 18th and 19th centuries as "the Scottish Enlightenment" in order to signal both Scotland's contributions to the intellectual revolution described as the Enlightenment and to distinguish it from the main intellectual contributions of the French Enlightenment. In recent years, the Scottish Enlightenment has received more scholarly attention, with an important revival of the moral psychology of David Hume and Adam Smith (Frazer 2010; Krause 2008), as well as debates about the emerging political economic climate scholars refer to as "commercial society" (Rasmussen 2008; Rasmussen 2014; Berry 2013). Although political theorists have recently revived the reputation of Adam Smith as a moral philosopher and political

¹³⁵ For an overview of the conversation on this matter, see Anderson, *Scottish Education before the 1800s*.

¹³⁶ Stone, *Literacy and Education in England, 1640–1900*.

¹³⁷ Voltaire, *Gazette littéraire de l'Europe* (1764).

economist (Hont 2015; Force 2003; Hanley 2008), his discussion of education has received comparatively little attention.¹³⁸

In this chapter, I focus explicitly on Adam Smith's political economy of education, as he most clearly articulates it in the *Wealth of Nations*, using the *Theory of Moral Sentiments* to supplement this account whenever necessary. Smith, of course, never wrote a book primarily concerned with education and he did not provide systematic thoughts on the proper pedagogical techniques and subject matter appropriate to educating the young. In this respect, the neglect of his thoughts concerning education may seem justified in light of other more focused educational treatises of the Scottish Enlightenment, such as George Turnbull's *Observations upon liberal education* (1742), David Fordyce's *Dialogues on education* (1745–1748) and Lord Kames' *Loose hints on education* (1781).¹³⁹ I argue that this conclusion would be unjustified. Although Smith never wrote a systematic treatise on education, his discussion of institutions for the education of both children and adults is key to understanding both Smith's political economy and the history of liberal arguments concerning civic education.

Smith's *Wealth of Nations* is a masterful work of both descriptive and normative political economy. Although Smith generally endorses commercial society and the economic development produced by division of labor and the growing size of markets, these economic changes were also raising serious concerns for the politics of European monarchies and vice-versa. According to Smith, politics often got in the way of good economic policy. Politicians pursuing power often passed tariffs and quotas, subsidies and taxes that stifled economic

¹³⁸ The only recent and much welcome exceptions is Weinstein, *Adam Smith's pluralism : rationality, education, and the moral sentiments*. My account is less comprehensive than Weinstein and I do not subscribe to his method of prioritizing TMS over WN.

¹³⁹ For a treatment of these texts, see Hanley, *Educational theory and the social vision of the Scottish Enlightenment*.

growth. They engaged in destructive wars and undermined the wealth of nations through misguided protectionism. But the commercial developments described above were also undermining the possibility of good politics. The steady decline in the leisure of the majority of the population and the standardization of most productive operations were limiting the moral and political development of the average citizens of these developing commercial societies. Smith was concerned that a population with minimal civic skills would be incapable of sustaining liberal institutions. These concerns led him to argue in favor of an extended state role in mandating and supporting the education of all citizens, especially the working classes. While wealthy elites had both the leisure and the resources to procure education for their children, the children of the working classes risked becoming part of the labor force early enough to miss out on any educational opportunities. As adults, these new citizens would endanger the political future of the country by responding to religious enthusiasm and economic populism and failing to display the moral and martial courage required to defend liberal political institutions.

Smith is one of two liberal thinkers whose thoughts on education I discuss in this second part of the dissertation, alongside François Guizot. Unlike Locke and Rousseau, Smith's writings on education focused primarily on the average citizens rather than the elite gentry. And unlike Locke who connected his liberal theory of political legitimacy to the apolitical status of children, Smith saw an extended role for the state in contributing to shaping the citizens of a liberal political regime. Instead of waiting for coming of age as the key moment of consent to government, Smith, like Hume, saw historical continuity among generations and a combination of utility and authority as the grounds for supporting a liberal

regime. This makes him more similar to both Guizot and J.S. Mill, providing the foundations for an alternative theory of liberal civic education.

The chapter is divided into two parts. In the first, I focus on the political status of children in Smith's political economy and in his theory of legitimacy. Because the wealth of nations consists in the product of a nation's labor and children constitute both the future labor force and an active part of the current labor force, Smith conceives of children as constituent parts of a nation rather than as apolitical inhabitants belonging exclusively to families. Instead of relying on a social contract justification of political authority, he sees citizenship as a feature of one's birth and liberal legitimacy as primarily a matter of utility and authority. In the second part of the chapter, I investigate Smith's arguments for the necessity of laws mandating children's education in at least the basics of reading and writing. These arguments fall into two camps: arguments about the intrinsic value of moral and mental development, which education can facilitate, and arguments about the civic value of education in sustaining liberal political institutions. The primary political concerns for Smith include the appeal of religious factions, illiberal political promises and counterproductive economic policies. While the citizens of an agricultural society naturally develop their political judgment in their daily activities, the citizens of a commercial society require a more intentional program of civic education. The arguments that Smith gives in favor of civic education do not uniquely pertain to the education of children, but he acknowledges that these interventions would be particularly effective if the education took place in childhood.

Before I begin, a quick word about the status of Smith as a liberal and his arguments as liberal arguments in favor of civic education. Although liberalism is a contested term with a contested intellectual history, no historians of political thought to my knowledge contest

the association of Adam Smith with liberalism. The grounds of this association vary, from his emphasis on property rights and religious pluralism to his discussion of individual liberty and a government responsive to the people it governs - a government limited in its scope and size. Because Smith is seen as a liberal by both the opponents and the proponents of contemporary liberalism, no account of the role of civic education in liberal political thought can afford to ignore Smith's writings about education. Smith was a professional educator throughout most of his adult life, lecturing about rhetoric, political economy, moral sentiments, law and jurisprudence and the belle arts. Although underexplored in the secondary literature, his writings on education provide an important bridge between his economic analysis and his political prescriptions, allowing us to see new connections between his theory of legitimacy, his economic theory and his theory of the role of the state. And with respect to the overall project of the dissertation, his writings serve to demonstrate some of the advantages of the child as citizen perspective over the apolitical child perspective without jettisoning the commitment to liberal political institutions.

4.1 Children as Workers and Citizens

4.1.1 Children in Adam Smith's Political Economy

As the full title of the work indicates, *An Inquiry into the Nature and Causes of the Wealth of Nations* is not only a causal account of economic growth and policy prescriptions to promote it, but an investigation into the *nature* of national wealth. Unlike mercantilists, who thought the primary source of national wealth was a supply of precious metals and a favorable balance of trade, and unlike the French Physiocrats, who saw productivity

exclusively in agricultural labor, Smith defines the wealth of a nation as the annual product of its labor in agriculture as well as manufacturing:

"The annual labour of every nation is the fund which originally supplies it with all the necessaries and conveniences of life which it annually consumes, and which consist always, either in the immediate produce of that labour, or in what is purchased with that produce from other nations. " (WN *Introduction*)

This product of domestic labor is then consumed by those living within the nation, whose standard of living depends on (1) "the skill, dexterity, and judgment with which its labour is generally applied" and (2) the proportion between productive labor which is responsible for the annual fund and unproductive labor from those either too young, too old or otherwise unable to work (WN *Introduction*). In focusing on labor, Smith's analysis of the domestic product leads him to investigate population dynamics over time, both changes in the size of the labor force and changes in the ratio of productive labor to total number of consumers. Children therefore turn out to play an important role in Smith's account of national wealth. Because of their contributions both to national production and national consumption, children have to be included in the analysis of the wealth of a particular nation. From the economic perspective, they are therefore members of particular nations whose contributions and consumption should be included as part of the gross domestic product of the respective nation within which they labor. And, from the political perspective, the effects of commercial society on children's development and education turn out to be particularly important for the political future of the nation. As I show in this section, children in Adam Smith's thought cannot be apolitical in the sense John Locke and the Jean-Jacques Rousseau of *Emile* and the *Social Contract* conceived of them. By prioritizing political economy and political institutions over theories of natural freedom and equality, Smith gives

an alternative starting point for theorizing education, one that is sensitive to the political demands of the time.

Like Jean-Jacques Rousseau, Smith describes naturally increasing population as a key sign of national prosperity: "[t]he most decisive mark of the prosperity of any country is the increase of the number of its inhabitants" (WN I.viii.23). This is because population growth is the effect of a growing demand for labor which is itself the effect of a growing economy.¹⁴⁰ It is only when the economy is growing on a yearly basis that real wages also increase, thereby driving the demand for new laborers.¹⁴¹ Real wages represent the amount of goods and services that individuals are able to purchase in exchange for the nominal wages they receive. Even if the dollar amount of wages stays constant, so long as goods and services become relatively cheaper, consumers have a higher available real income and higher real wages. This new surplus for the laborers, Smith argues, gives them incentives to have and raise multiple children. These children then become the new labor force of the nation, the producers of its domestic product. This connection between children, population and economic growth is a core issue in Smith's analysis of a number of countries.

Smith's example of a wealthy but stagnating 18th century nation was China. China's domestic product was constant, which meant that employment was already at full capacity, driving down demand for labor and forcing any new workers to compete for the existing

¹⁴⁰ "The liberal reward of labour, therefore, as it is the effect of increasing wealth, so it is the cause of increasing population. To complain of it is to lament over the necessary effect and cause of the greatest publick prosperity" (WN I.viii.42).

¹⁴¹ "It is not the actual greatness of national wealth, but its continual increase, which occasions a rise in the wages of labor" (WN I.viii.22).

jobs. This process can lower real wages all the way to subsistence level.¹⁴² The severe poverty of the working classes of China, particularly in the region of Canton, affected the production of children. According to Smith, who is drawing on Jean-Baptiste Du Halde's compilation of travel accounts: "Marriage is encouraged in China, not by the profitableness of children, but by the liberty of destroying them. In all great towns several are every night exposed in the street, or drowned like puppies in the water." (WN I.viii.24)¹⁴³ Despite this dire situation, Smith regards the Chinese economy as merely stationary in comparison to the declining economies in several English colonies in the East Indies. Anticipating Thomas Malthus' 1798 *Essay on the Principle of Population*, Smith predicted that countries with a declining wealth will experience population decline through famine until the lower number of workers competing for the jobs will increase wages to a sustainable level at which the labor force can continue reproducing. Smith describes the high death rate from famine in places like Bengal as a powerful indictment of colonial policy that allows corporations like the East India Company to exploit the local resources and the population for short-term gain.¹⁴⁴

The highest real wages and therefore the highest number of children, exist in countries with a growing economy, regardless of existing levels of wealth. In comparing Great Britain and its American colonies, Smith argues that while Britain is the richer country, the American colonies are growing at a much faster rate. According to Smith's calculations,

¹⁴² "If in such a country the wages of labour had ever been more than sufficient to maintain the labourer, and to enable him to bring up a family, the competition of the labourers and the interest of the masters would soon reduce them to this lowest rate which is consistent with common humanity" (WN I.viii.24).

¹⁴³ It's unclear whether this analysis is factually correct. While there are certainly moments during the middle of the first millennium when China's population stagnated, it began rising quite rapidly sometime in the 18th century. For an account of the history of Chinese demography, see Banister, *A Brief History of China's Population*.

¹⁴⁴ "The difference between the genius of the British constitution which protects and governs North America, and that of the mercantile company which oppresses and domineers in the East Indies, cannot perhaps be better illustrated than by the different state of those countries" (WN I.viii.26).

most European countries, including Britain, were doubling their population every 500 years, while the American colonies were doubling their population every 20 to 25 years, even setting aside the large number of migrants settling in the colonies. This remarkable difference in growth rates prompts Smith to speculate that the American colonies would overtake Britain in prosperity within a century. The growing American economies had a low ratio of labor to capital and land. This meant that demand for labor was very high, causing landowners and manufacturers to compete for the existing workers, driving up wages and increasing the profitability of children:

"Labour is there so well rewarded that a numerous family of children, instead of being a burthen is a source of opulence and prosperity to the parents. The labour of each child, before it can leave their house, is computed to be worth a hundred pounds clear gain to them. A young widow with four or five young children, who, among the middling or inferior ranks of people in Europe, would have so little chance for a second husband, is there frequently courted as a sort of fortune. The value of children is the greatest of all encouragements to marriage." (WN I.viii.23)¹⁴⁵

The labor of children discussed in the case of the American colonies is still labor on the family farm or inside the home. The ability of the four or five young children described above to assist in the family production saves the parents the need to employ farm hands and pay the extravagant wages labor could demand during that time period. This is why the parents can keep the surplus of a hundred pounds referenced above. This calculation is different inside a town like Birmingham where the value of children's labor to the parents consists primarily in the waged labor children can perform outside the home in factories or mines. This distinction will prove important for the discussion of education in the following

¹⁴⁵ "The liberal reward of labour encourages marriage. The children, during the tender years of infancy, are well fed and properly taken care of, and when they are grown up, the value of their labor greatly over-pays their maintenance. When arrived at maturity, the high price of labour, and the low price of land, enable them to establish themselves in the same manner and their fathers did before them." (WN IV.vii.b.2)

section. For the purpose of national economic accounting, however, both forms of child labor are relevant for measuring the labor product of a particular country.

Smith's discussion of reproduction treats human beings as any other factor of production. He describes their labor as any other commodity whose production depends on supply and demand: "It is in this manner that the demand for men, like that for any other commodity, necessarily regulates the production of men" (WN I.viii.40). At a time before contraception, the number of children born to poor families was not necessarily lower than the number of children born into wealthier families (WN I.viii.37).¹⁴⁶ However, children's survival rate was lower as a result of the insufficient resources: "This great mortality, however, will every where be found chiefly among the children of the common people, who cannot afford to tend them with the same care as those of better station." (WN I.viii.38) Through a combination of abandoning children to hospitals where mortality rates were above 50% and failing to provide necessary food or medical care, Smith claims, poorer families are naturally restricted in their birth rates in the same way as any animal species is prevented from reproducing beyond the natural capacity of its environment.

As long as people are choosing to bring up multiple children, real wages must be high enough to support a family. In a piece of analysis that Karl Marx draws on in *Das Kapital*, Smith discusses the minimum wage that is actually required for the labor force to continue reproducing itself:

"A man must always live by his work, and his wages must at least be sufficient to maintain him. They must even upon most occasions be somewhat more; otherwise

¹⁴⁶ "A half-starved Highland woman frequently bears more than twenty children, while a pampered fine lady is often incapable of bearing any, and is generally exhausted by two or three."...

it would be impossible for him to bring up a family, and the race of such workmen could not last beyond the first generation." (WN I.viii.15)

Despite this seemingly insensitive treatment of the plight of the poor, part of Smith's project in the *Wealth of Nations* is to explain the interactions within the political and economic system that lead to declines in the state of the working poor and the ways in which they can be avoided. From the point of view of national accounting, the welfare of the working classes is essential to the welfare of society: "No society can be flourishing and happy, of which the far greater part of the members are poor and miserable." (WN I.viii.36) Smith argues this on two independent grounds. On utilitarian grounds, laborers represent the majority of the population, making their happiness of primary importance: "servants, laborers and workmen of different kinds, make up the far greater part of any political society" (WN I.viii.36). In addition, Smith claims that it is a matter of justice for the laborers who add value to the national domestic product should receive a fair share: "it is but equity, besides, that they who feed, cloath and lodge the whole body of the people, should have such a share of the produce of their own labour as to be themselves tolerably well fed, cloathed and lodged." (WN I.viii.36)¹⁴⁷ In the *Introduction and Plan for the Work*, Smith contrasts life in hunter-gatherer societies with life in commercial society to illustrate the relative wealth of the latter. In hunter-gatherer societies, Smith argues, every able-bodied individual is constantly at work and yet the society is so poor that the exposure of children, the elderly and the infirm is a common practice. In commercial society, by contrast, the work of only a part of the able-bodied population is sufficient to sustain all, even maintain some in

¹⁴⁷ In order to meet the demands of both expediency and justice, a nation requires economic growth, because "it is in the progressive state, which society is advancing to the further acquisition, rather than when it has acquired its full complement of riches, that the condition of the laboring poor, of the great body of the people, seems to be the happiest and most comfortable." (WN I.viii.43)

idleness. As Dennis Rasmussen and others have pointed out, the increase in the standard of living for the poor was one of Smith's defenses of commercial against agricultural society.¹⁴⁸

In this new approach to calculating the wealth of nations, Smith considers labor together with land and capital as the three primary national resources - what later political economists describe as factors of production. In Smith's analysis, there is a virtuous cycle that occurs in a particular nation where the increase in the capital stock increases the productive power of labor, which results in the increase of population that he views as a sign of a healthy national economy. Excessive tariffs and other restrictions on either manufacturing or agriculture tend to decrease real wages by making the basic products of consumption more expensive and therefore decreasing the quality of life for those at the bottom of society, producing a vicious cycle in which the rents extracted by some negatively affect the overall economic growth. Although Smith does not explicitly argue that children should be citizens prior to the age of consent because of their economic contributions to the national product of labor, his concerns with population dynamics and children's role in the economic system make it conceptually harder to consider children apolitical and exclusively under the jurisdiction of parents. In the next section, I show that this intuition arising from the economic analysis is confirmed by Smith's discussion of jurisprudence and political legitimacy.

4.1.2. Children as Citizens in Adam Smith's *Lectures on Jurisprudence*

Given Smith's political economy, the well-being of children residing in the territory is a matter of national economic concern, irrespective of whether they are officially registered

¹⁴⁸ See Rasmussen, *The Problems and Promise of Commercial Society*, 101-108.

as citizens. However, Smith's lectures on law give us reasons to see that he has considered the legal status of children as well as their economic status and came to reject the social contract perspective proposed by John Locke which sees children as incapable of consent and therefore not subject to political authority. Smith's descriptive account of citizenship laws showed that citizenship was generally determined by birth. And his normative account supports a view of children as citizens, justifying political authority on other grounds than consent.

In Smith's *Lectures on Jurisprudence*, he describes the two primary ways of acquiring citizenship in different types of political societies: "In great states the place of birth makes a citizen and in small ones the being born of parents who are citizens." (LJ(A) 63). Both ways of acquiring citizenship depend on birth rather than consent, and Smith rejects the conception of government as arising from the consent of the governed. In these *Lectures*, Smith lists his predecessors as Grotius, Hobbes, Puffendorf and the Baron of Coccei, with no mention of John Locke. Although he acknowledges the prominence of the social contract doctrine in British politics,¹⁴⁹ he rejects its validity. The reasons he gives for the rejection are similar to the reasons given by Hume in his 1748 *On the Social Contract*.¹⁵⁰ First, the average citizen would not report that his allegiance to government comes from a contract. This doctrine of government based on contract is peculiar to Great Britain, whereas governments have existed in all times and places without ever considering its foundation as contractual (LJ(A) 11). Not only would the citizens of other countries fail to mention contracts as the

¹⁴⁹ "It has been a common doctrine in this country that contract is the foundation of allegiance to the civil magistrate." (LJ(A) 11)

¹⁵⁰ The analogy of the man brought in the middle of the sea is very similar to the one given by Hume.

foundation of political authority, but even the citizens of Great Britain would give different answers about why they obey the laws of the country: "Ask a common porter or day-laborer why he obeys the civil magistrate [...] you will never him mention a contract as the foundation for his obedience" (LJ(A) 11-12). Second, even if the original foundation of government rested in a contract, the descendants of those original contractors have a different basis for obedience. It may be the case, claims Smith, that "when certain powers of government were first entrusted to certain persons upon certain conditions, ... the obedience of those who entrusted it might be founded on a contract, but their posterity have nothing to do with it, they are not conscious of it, and therefore cannot be bound by it" (LJ (A) 12). Smith dismisses the Lockean argument from tacit consent by emphasizing the involuntary nature of one's own birth:

"It may be said that by remaining in the country you tacitly consent to the contract and are bound by it. But how can you avoid staying in it? You were not consulted whether you should be born in it or not. And how can you get out of it? Most people know no other language nor country, are poor, and obligated to stay not far from the place where they are born to labour for a subsistence." (LJ(A) 12)

Smith then proceeds to list the majority of David Hume's objections to the supposition of an original contract as the foundation of political obligation and legitimate political authority. His conclusion is that it cannot be the case that the foundation of a duty is completely unknown to the inhabitants who are subject to that duty. While their ideas about the grounds of political obligation may be murky or confused, they must at least have some understanding of the principle: "They must have some idea, however confused, about the principle upon which they act." (LJ(A) 12).

Instead of consent, Smith suggests that the foundation of civil government lies in a combination of authority and utility (LJ(A) 9). The primary sources of authority, according

to Smith, are age, virtue, birth and wealth. Smith discusses these four sources of authority in consistent ways across his corpus, especially in the *Lectures on Jurisprudence*, Book V of *Wealth of Nations* and in Books I and VI of *Theory of Moral Sentiments*. I only briefly summarize some of these points in this chapter, leaving the rest for a more sustained future investigation. In the *Lectures on Jurisprudence*, Smith tells his readers that every society or association places persons of superior abilities at its head. These superior abilities might be "superior strength" in a warlike society or "superior mental capacity" in a so-called "polished society" (LJ(A) 9). Age is generally seen as an indication of either wisdom or experience or both and thus often commands authority. And wealth itself can also convey the impression of superior skill and attracts a disproportionate amount of respect and admiration. In the *Lectures on Jurisprudence*, Smith cites his *Theory of Moral Sentiments* for further discussion of this last point. His own summary of why it might be that the poor respect the rich turns on sympathy: "it arises from our sympathy with our superiors being greater than with our equals or inferiors" (LJ(A) 9).

In Book V of *Wealth of Nations*, Smith returns to the list of characteristics that confer political authority of some over others: personal qualifications, age, fortune and birth. Among personal qualifications he includes "superiority of strength, beauty and agility of body; of wisdom, and virtue, of prudence, justice, fortitude, and moderation of mind" (WN V.i.b.5), noting that physical prowess unsupported by moral or mental skills is rarely accepted as legitimate authority. Although these moral and mental qualities are the most respected sources of authority, they are unfortunately both contestable and hard to discern with precision. As a result, Smith argues that historically all societies have sought to make use of easier to measure qualities, among them age, wealth and birth: "No society, whether barbarous or civilized, has ever found it convenient to settle the rules of precedence of rank

and subordination, according to these invisible qualities; but according to something that is more plain and palpable" (WN V.i.b.5). Among nations of hunters, the preference was for old age (WN V.i.b.6). The same standard applies in civilized societies among those who are otherwise equal in birth and status. Among primitive agricultural societies, wealth is given higher preeminence, although its effects are also felt in commercial societies (WN V.i.b.7). Finally, birth is generally important subsequent to the development of distinctions based on wealth, serving alongside wealth as one of the most common markers of distinction in both shepherd and commercial societies (WN V.i.b.11).

Authority in general is a more prominent ground for legitimate political power in monarchies, while utility is a principle more common in democracies (LJ(A) 11). Smith does not define utility or explore it systematically in the *Lectures*, but he does draw on Humean arguments about the utility of justice, especially the justice of civil institutions: "By civil institutions the poorest may get redress of injuries from the wealthiest and most powerful; and though there may be some irregularities in particular cases, as undoubtedly there are, yet we submit to them to avoid greater evils." (LJ(A) 10). Even when we might think that we obtain greater private utility if we disobey, Smith claims, we are inclined to consider the public utility and understand that others will not find it in their interest to let us get away with injustice. For a fuller discussion of both utility and authority as principles of legitimate political obligations in Smith's corpus and the connection to the political theory of David Hume, one can turn to Haakonssen's excellent book on the topic.¹⁵¹ Although Smith describes subjects in monarchies as generally more inclined to obey on account of authority

¹⁵¹ Haakonssen, Knud, *The Science of a Legislator: The Natural Jurisprudence of David Hume and Adam Smith*.

rather than utility, he describes the two British parties (Whigs and Tories) as committed to different principles of political obligation. According to Smith, the Whigs "submitted to government on account of its utility and the advantages which they derived from it" while the Tories "pretended it was of divine institution, and to offend against it was equally criminal as for a child to rebel against its parent" (LJ(A) 11).

Without committing to either authority or utility as the normatively preferable ground, he explicitly rejects both the empirical claim that the British government is founded on consent and the normative claim that consent should serve as such a ground of political obligation. Political institutions are meant to operate on non-consenting members of society, particularly children not yet born. In discussing the emergence of a separate branch of legislative power, he confirms that its role is weighty precisely because it makes laws for both the current generation and future generations not yet born: "It was indeed long before legislative power was introduced, as it is the highest exertion of government to make laws and lay down rules to bind not only ourselves, but also our posterity, and those who never gave any consent to the making them." (LJ(A) 17) Instead of seeing this as a condemnation of legislative power, Smith regards the separation of powers as a desirable feature of more advanced societies. These are the institutions that promote the public good. The fact that children do not get the opportunity to consent to these benefits does not invalidate them.

In his explicit discussion of citizenship, Smith gives both a descriptive and a more prescriptive account. In Britain during his time, Smith reports the law as being citizenship by birth without further constraints on the citizenship of one's parents: "In Britain one born within the kingdom is under the protection of the laws, can purchase lands, and if of the established religion, can be elected to any office." (LJ(A) 63) Those not born in Britain could

obtain citizenship either from the king (through a letter of denization) or from parliament (through a bill of naturalization), with different constraints on political status coming from each of these methods. Regardless of the method of naturalization, Smith reminds his readers that nations pursue citizens who leave their borders and remain suspicious of new citizens in times of warfare, confirming the priority of citizenship by birth over citizenship by consent (LJ(A) 12). Whether citizenship laws are strict or more open such as Britain's has an important effect on a nation's ability to defend itself. According to Smith, the Greek city-states lost their liberty partly as a result of their overly restrictive citizenship laws: "Rome stood out much longer than Greece because the number of its citizens was daily increasing." (LJ(A) 28) Citizenship in Rome did not confer extensive financial benefits, which made it easy for the Romans to bestow it widely upon all born in the territories belonging to Rome. Citizenship in Greece, however, constituted a small monopoly on public goods: "But at Athens the right of citizenship was given to very few, as it was itself a little estate." (LJ(A) 28) Among the privileges of Greek citizenship, Smith includes access to the justice and education system, as well as direct wealth transfers from non-citizens: "entitled to attendance on the court of justice, to have their children educated at the public expense, to have certain distributions of money among them, with many other emoluments." (LJ(A) 62) This concentration of citizenship among a small group eventually led to a decline in the military strength of Athens and Sparta and the loss of independence.

Although Smith never wrote a book about the grounds for political legitimacy, his discussion indicates a firm rejection of consent as the foundation of legitimacy and a simultaneous, and I would argue related, endorsement of birth as the ground for citizenship. Since children are citizens of the countries they are born into, the state has the authority and

potentially the responsibility to intervene in their education in order to promote the survival and flourishing of liberal political and economic institutions. It is to the justification of this state intervention in education that I turn to in the next section.

4.2. Why does Commercial Society require Civic Education?

Smith's *Wealth of Nations* is a macro-level analysis of the effects of political, economic and religious institutions on the wealth of the nation. However, this analysis is not altogether independent from a consideration of what we might call the welfare of the nation - the moral and material wellbeing of the majority of citizens. Although Smith did not generally condemn economic inequality,¹⁵² he was consistently preoccupied with the welfare of the working class and the effects of commercial society on their moral and political development. Much like Rousseau, Smith saw unprecedented effects of commercial society on the character of ordinary citizens. The decline in moral and political skills that Smith attributes to the emerging economy has dangerous political consequences that he was consistently concerned to avoid.¹⁵³

Smith provides his own account of human development across the centuries. Much like Rousseau's, society begins with nomadic groups of hunter-gatherers ("societies of hunters") and eventually settles into permanent dwellings after the invention of agriculture

¹⁵² See Rasmussen (2016) for an argument for why Smith cared about economic inequality, drawing on the *Theory of Moral Sentiments* and the corruption of sentiments.

¹⁵³ What may be more surprising is that his analysis of the need for public support for education draws on an analysis of political development similar to the one deployed by Jean-Jacques Rousseau in both the *First* and the *Second Discourse*. In 1756, Adam Smith published a review in the *Edinburgh Review* concerning Rousseau's *Discourse on Inequality*. Smith saw both great insight and great faults with Rousseau's work and the impact of Rousseau on Smith's work has been extensively discussed by various scholars (Hont, Griswold, Rasmussen, Hanley, etc.) Despite Smith's critique of Rousseau, it is clear that he took seriously some of the predictions made by the Frenchman, not only in his *Second Discourse*, but also in his *First Discourse*.

("societies of shepherds").¹⁵⁴ In both of these early societies, Smith claims, the moral and political capacities of individual citizens were naturally compatible with the requirements of government. As Smith put it:

"In those barbarous societies, as they are called, every man, it has already been observed, is a warrior. Every man too is in some measure a statesman, and can form a tolerable judgment concerning the interest of society, and the conduct of those who govern it. How far their chiefs are good judges in peace, and good leaders in war, is obvious to the observation of almost every single man among them." (WN V.i.f.51)

The average citizen's capacities in agricultural societies are well-suited for the regular functions of government. Smith describes these functions in a minimal way as the ability to judge the quality of one's political leaders in peace and war. As societies modernize and become commercial societies, the everyday training of the average citizen no longer leads to developing the same capacity for political judgment required in either the election or the removal of political leaders in times of both peace and war. This argument has two dimensions that I unpack separately. First, the experience of living in an agricultural society is sufficient for making political judgments about the political leaders of the society. There is no supplementary training required to determine whether one's leaders are qualified to hold their office. Second, the types of political judgments citizens are expected to make within agricultural societies are themselves low in complexity and accessible to the average citizens. As societies themselves become more complex, the level of education required to make political judgments can itself increase to include basic knowledge of subjects such as trade and economics. Unfortunately, as political judgments become more complex in commercial

¹⁵⁴ Most commentators distinguish between the stage of shepherds and the stage of agriculture. While the distinction may be relevant to certain part of Smith's argument, it is not a prominent distinction he makes in the section dealing with education.

society, the leisure and education of average citizens makes them less qualified to make political judgments than even the average citizens of agricultural societies.

In primitive societies, Smith claims, each laborer performed a variety of tasks, contributing to his steady intellectual development: "the varied occupations of every man oblige every man to exert his capacity, and to invent expedients for removing difficulties which are continually occurring" (WN V.i.f.51). This constant need for creative solutions kept the mind engaged. On the other hand, laborers in commercial society are focused on single occupations. The labor of the average citizen in a society with advanced division of labor becomes limited to as little as a simple and repetitive task. Given no stimulation in their ordinary occupations, laborers receive no opportunities to develop their judgment. According to Smith, the mass of the population in commercial society experiences an erosion of their higher moral capacities: "all the nobler parts of character may be, in a great measure, obliterated and extinguished in the great body of the people" (WN V.i.f.51). The pin-makers become pin-heads.¹⁵⁵

In addition to the mind-numbing exertion of everyday labor, the laboring poor have no leisure, leaving them with no opportunities to pursue education outside of their work. Within wealthy families, children's labor may be spared until well into their teens and twenties, leaving a copious amount of time for basic and even advanced education. Common people, however, cannot afford such a luxury: "They have little time to spare for education. Their parents can scarce afford to maintain them even in infancy. As soon as they are able to work, they must apply to some trade by which they can earn their subsistence." (WN

¹⁵⁵ I owe this phrase to Michael Gillespie.

V.i.f.53) Given these constant demands on common people from childhood, many of them do not even acquire the basics of reading, writing and arithmetic. Although Smith does not think laborers in commercial society would have the leisure to pursue education to the same extent as the leisured elite, he is convinced that all children would have the time to acquire these three basic skills prior to entering the labor force, at least with some legislative and financial assistance from the state (WN V.i.f.54).

At the same time as the absolute level of mental and moral development of the working poor in commercial society decreases compared to the laboring poor in predominantly agricultural societies, the complexity of political decisions increases. The dangers of religious fanaticism, economic populism and other illiberal political interventions into the overall functioning of the economy has the highest impact on precisely the working classes, whose real wages depend on economic growth over time (as we saw in the previous section). The *Wealth of Nations* systematically condemns a variety of government policies that harm the economic interests of all citizens, especially the working poor. These include expensive military operations, granting exclusive monopolies to corporations in overseas colonies, mercantilist uses of import and export subsidies and taxes, granting exclusive monopolies to professional guilds to determine licensing requirements, just to name a few. For citizens to understand their political and economic interest, they would need to understand a more complex and interconnected system of political economy and the dangers of mercantilism. There would be little hope of that as long as the working poor do not even learn the rudiments of reading, writing and arithmetic.

In *Some Thoughts Concerning Education*, Locke had argued that the education of the gentlemen's children is the most pressing educational concern and that the parents had a direct responsibility to promote this education:

"The well educating of their children is so much the duty and concern of parents, and the welfare and prosperity of the nation so much depends on it, that I would have every one lay it seriously to heart; and after having well examin'd and distinguish'd what fancy, custom, or reason advises in the case, set his helping hand to promote every where that way of training up youth, with regard to their several conditions, which is the easiest, shortest, and likeliest to produce virtuous, useful, and able men in their distinct callings; tho' that most to be taken care of is the gentleman's calling. For if those of that rank are by their education once set right, they will quickly bring all the rest into order." (*STCE Dedication*)

Although there are important similarities between the points made by Smith and those made by Locke, particularly with respect to the importance of education for the welfare and prosperity of the nation, I argue that Smith turns Locke's *Dedication* on its head in three different respects. First, he extends responsibility for education to include the state and not just parents. Second, he rejects the notion that the principal educational concern is preparation for men's different vocations or callings. Third, he prioritizes the education of the working classes rather than that of the leisured elites. In these three important respects, Smith liberal vision of civic education constitutes a radical departure from the educational vision of John Locke and other social contract liberals. All three of these aspects of Smith's educational project will become clear in the process of explicating his arguments for universal primary education.

Smith is sometimes read as an opponent of state involvement in education. His own experience at Oxford had taught him that teachers on a fixed public salary with guaranteed job security will not invest much effort into teaching their students socially beneficial skills. Despite the extensive diatribes against public universities in England, however, Smith does

not conclude that states need to stay out of education altogether. In fact, he makes a clear distinction between societies in which the natural course of daily life prepares the majority of citizens for the responsibilities of citizenship and societies in which more active involvement by the state would prove necessary:

"In some cases the state of the society necessarily places the greater part of individuals in such situations as naturally form in them, without any attention of government, almost all the abilities and virtues which the state requires, or perhaps can admit of. In other cases the state of the society does not place the greater part of individuals in such situations, and some attention of government is necessary in order to prevent the almost entire corruption and degeneration of the great body of the people." (WN V.i.f.49)

While hunter-gatherer and agricultural societies are the types of societies that may not require any supplementary state involvement in order to promote the education of average citizens, commercial society represents a different scenario. Because of the effects of declining leisure time for the working classes and the more advanced division of labor, the education of the majority of the people is unlikely to naturally supply the necessary "abilities and virtues which the state requires". This justifies a variety of state interventions with the liberty of parents to make decisions over the education of their children. Instead of condoning the economically natural decision of parents to exploit their children's labor from the earliest possible date, Smith sees room for the state to use its administrative, financial and legislative powers to promote universal primary education. I return to the question of the best institutions for the provision of education at the end of the chapter.

In commercial society, not only should the state be involved with matters of education, but Smith considers and endorses the possibility that the state should prioritize investment in the education of the commoners over investment in the education of the elites: "The education of the common people requires, perhaps, in a civilized and

commercial society, the attention of the publick more than that of people of some rank and fortune." (WN V.i.f.52) The reasons for this are two-fold. First, the elites naturally acquire an education within commercial society, even a more extensive education than in prior stages of economic development. Second, these elites rarely acquire political power in commercial societies, leading Smith to rely more on the education of the common people who either elect members to the legislature or join religious or political factions to seize control of the political system.

In more primitive societies, superior political and philosophical insight is comparatively rare as individuals' common occupations lead to similar moral and political capacities among all citizens. Things are precisely the opposite in commercial society in which the inequality of occupations produces higher inequalities in the mental and moral capacities of citizens. Given the increased productivity that comes with division of labor and a larger market, some members of society will be maintained without the necessity of working for a living. The leisure of these citizens together with the variety of objects for contemplation allows them to develop their skills and talents to an extraordinary degree (WN V.i.f.51). While Smith speaks with admiration of these uniquely insightful individuals, he is skeptical that they can make significant political contributions: "Unless those few, however, happen to be placed in some very particular situations, their great abilities, though honourable to themselves, may contribute very little to the good government or happiness of their society." (WN V.i.f.51) The argument here resembles Plato's argument about philosopher-kings. Unless a stroke of good luck produces either the birth of an enlightened leader in a line of monarchical succession or a uniquely fortunate set of circumstances brings such an individual to power, there are no reasons to expect that commercial societies will

invite more enlightened citizens to either seek or hold political office.¹⁵⁶ The dilemma of commercial society is that while it brings greater economic and political liberty to all citizens, it also indirectly contributes to the decline of the mental and moral capacities that are required to sustain liberal institutions. The role of the average citizen therefore becomes simultaneously more important and more difficult to perform:

"In free countries, where the safety of government depends very much upon the favorable judgment which the people may form of its conduct, it must surely be of the highest importance that they should not be disposed to judge rashly or capriciously concerning it." (WN V.i.f.62)

In this section of the chapter, I explore three liberal commitments that Smith argues require an extended role of the state in at least mandating the basic education of all children: (i) courage in defense of liberty, (ii) religious pluralism and (iii) the protection of property rights. For a political society to retain its commitments to a liberal political order which includes private property, religious pluralism and individual liberties, citizens must at least have the time to develop their mental and moral capacities, if not the actual financial resources to afford education outside of the home. These considerations are important enough that Smith includes institutions for the education of youth among the enumerated responsibilities of the state alongside defense, infrastructure, courts and tax collection. While some of his educational requirements are justified instrumentally as fulfilling a necessary civic function, Smith also gives us grounds to independently justify supporting and sponsoring education for the lower classes on intrinsic grounds.

¹⁵⁶ Although Smith does not develop the argument about the relative political impotence of the wise further in the *Wealth of Nations*, he offers a more extensive treatment of the preference for riches over virtue in *Theory of Moral Sentiments*.

Even if there were no benefits for a liberal political order in promoting the education of its citizens, Smith argues, there would still be grounds to promote mental and moral development as compatible with human dignity. Smith, like Locke, thought innate characteristics to be significantly less important in determining the course of a human life than "habit, custom and education". As Smith poignantly explains, "[t]he difference between the most dissimilar characters, between a philosopher and a common street porter, for example, seems to arise not so much from nature, as from habit, custom, and education" (WN I.ii.4). Since education together with habit and custom play such an important role in the mental and moral development of human beings, creating the type of institutions that produce mental and moral decay beneath the dignity of a human being cannot be justified morally. Although this line of argument is important to Smith, my focus in this chapter is primarily on the civic justification of education. In the final chapter, these civic justifications for extending basic education to all children within a particular country will serve in my own sketch of liberal civic education attentive to the political economy and political context of a given society.

4.2.1 Courage in Defense of Liberty

One of Smith's concerns with education and "the safety of governments" is, quite literally, defense. This is the first topic that occupies Smith in Book V of WN in a section titled "Of the Expence of Defense". In writing about defense, Smith argues against the popular republican thesis about the need for a citizen militia to defend liberty. Instead, he gives a much more nuanced liberal argument that combines a preference for professional standing armies for national defense with public support for martial training as a form of

civic education to develop courage among the citizens. Smith values courage both instrumentally, as protecting citizens from encroachments of government against their liberty, and intrinsically, as a desirable moral feature of free individuals.

In the section on national defense, Smith discusses two primary methods to provide for national defense: a citizen militia and a standing army. The first option is the preferred choice of ancient republics. By employing the police force of the state, these societies mandated military training for vast numbers of their male citizens, forcing all adult male citizens to simultaneously serve as both soldiers and laborers: "enforce the practice of military exercises, and oblige either all the citizens of the military age, or a certain number of them, to join in some measure the trade of a soldier to whatever other trade or profession they may happen to carry on." (WN V.i.a.17) The second option is a standing army, which takes advantage of the principle of the division of labor in order to employ some as soldiers while allowing the rest of the population to pursue their own preferred employments: "by maintaining and employing a certain number of citizens in the constant practice of military exercises, it may render the trade of a soldier a particular trade, separate and distinct from all others." (WN V.i.a.17)

After describing both options, Smith argues that "a well-regulated standing army is superior to every militia" (WN V.i.a.39). As Smith was well-aware, ancient and modern republicans have recommended militias as effective tools against tyranny and have warned against standing armies: "Men of republican principles have been jealous of a standing army

as dangerous to liberty." (WN V.i.a.40)¹⁵⁷ To refute this argument, Smith shows (1) citizen militias are only appropriate at a particular stage of economic development and (2) that Greece and Rome were both militarily weak compared to large standing armies. Relying on the same analysis of the stages of economic development, Smith argues that hunter-gatherer societies have the weakest defense forces because the societies themselves are nomadic and small. These societies are easily conquered by more economically developed communities. Agricultural societies, however, have much larger populations and they have generally found it possible to train the entire male population to serve as soldiers. Because agriculture does not require constant attention and the work may continue to be done by the wives, children and elderly parents left at home, large numbers of citizens can afford to leave their fields and fight in a war. In short campaigns, many of the soldiers may be willing to serve without pay, especially considering that they can return to an uninterrupted stream of revenue. The only cost upon the state is the maintenance of the citizens while they are on longer campaigns, but their livelihood is not generally threatened by short periods of military activity. Things change, however, in commercial society. The manufacturing trades require constant attention to the particular activity during the course of a whole year. When these workers leave their job, they lose their entire revenue that comes to them from their trade and require full public support: "But the moment an artificer, a smith, a carpenter, or a weaver, for example, quits his workhouse, the sole source of his revenue is completely dried up." (WN V.i.a.9) The expense of maintaining a citizen militia in a field becomes much higher under these circumstances.

¹⁵⁷ Because both Greece and Rome were known as having citizen militias, there was a significant preference among intellectuals during Smith's time for militias as a republican means of defense.

Not only do campaigns become more expensive, but the actual military training of the general population becomes a much higher burden on the public. According to Smith, leisure declines with the progress of the arts and sciences: "A shepherd has a great deal of leisure; a husbandman, in the rude state of husbandry, has some; an artificer or manufacturer has none at all." (WN V.i.a.15) This decline in leisure with commercial development may seem surprising, particularly since commercial society produces a surplus which can be used to maintain at least some in idleness. While it is true that advanced division of labor frees some individuals up to dedicate themselves entirely to the liberal arts, which is the purview of a class of individuals who have both leisure and security, the daily life of the worker in commercial society requires constant exertion in order to live. In agricultural society, according to Smith, nature works alongside the laborer to supply his revenue. This is not so in manufacturing, where the worker has to be constantly employed at his trade:

"Without the intervention of his [the husbandman's] labor, nature does herself the greatest part of the work which remains to be done. But the moment that an artificer, a smith, a carpenter, or a weaver, for example, quits his workhouse, the sole source of his revenue is completely dried up. Nature does nothing for him, he does all for himself" (WN V.i.a.9).

Smith mentions these changes in the distribution of leisure in a number of his writings. In a lesser read essay called "Of the Imitative Arts", Smith uses the leisure explanation to account for the purported limited interest in music and dancing among civilized nations compared to more barbarous ones. Here he reminds his readers that "[i]n civilized nations, the inferior ranks of people have very little leisure" (EPS II.3.1). The "superior ranks" on the other hand have sufficient leisure but a variety of other amusements at their disposal. This is a different distribution of leisure than in less developed societies, where Smith claims that "the great body of the people have frequently great intervals of

leisure" (EPS II.3.1). Under these circumstances and with fewer alternatives for the employment of their time, more people dance and sing in primitive than in commercial societies - or so Smith's argument goes. If we accept Smith's argument that the average citizen in commercial society has less leisure than the average citizen in agricultural society, this leaves only two options for military training: either the state can make education mandatory and sponsor citizens to obtain such training or it can pay some of the citizens to specialize in the profession of soldier while others specialize in productive activities.

This analysis implies that the type of military training that might have been affordable and accessible in ancient Greece or Rome may no longer be appropriate in modern societies. For the Greeks, each citizen had to engage in military education as a requirement of citizenship: "In all the different republics of antient Greece, to learn his military exercises, was a necessary part of education imposed by the state upon every free citizen." (WN V.i.a.12) The same was the case in ancient Rome: "In antient Rome the exercises of the Campus Martius answered the same purpose with those of the Gymnasium in antient Greece." (WN V.i.a.12) Similar ordinances were in place in feudal society. However, in commercial society, the greatest part of citizens of the towns have no available leisure to engage in such regular training. Not only that, but improvements in farming technology begin to change the activity of the farmer/husbandman and eat away at the leisure of this class as well in comparison to more primitive agricultural societies. The result is a general decline in time spent on military education: "Military exercises come to be as much neglected by the inhabitants of the country as by those of the town, and the great body of the people becomes altogether unwarlike." (WN V.i.a.15)

Not only is a citizen militia incompatible with the political economy of modern commercial societies, but Smith argues that such militias were never as strong as advertised. According to Smith, militias generally lose contests against standing armies: "The fall of the Greek republics and of the Persian empire, was the effect of the irresistible superiority which a standing army has over every sort of militia." (WN V.i.a.29). Furthermore, even the Roman army at its peak was not a citizen militia, but a standing army in its own right: "From the end of the second Punic war till the fall of the Roman republic, the armies of Rome were in every respect standing armies." (WN V.i.a.35) However, once the Romans relaxed their military discipline and allowed their soldiers to return to their more normal employments and to pick up various trades within the city, which led to their military decline and defeat: "the standing armies of Rome gradually degenerated into a corrupt, neglected, and undisciplined militia, incapable of resisting the attack of the German and Scythian militias, which soon afterwards invaded the western empire." (WN V.i.a.36). While the militias of less developed (what Smith calls barbarous) societies have often defeated the militias of more developed societies, Smith claims that the standing army of a commercial society will always prove superior. This is primarily due to the ability of a commercial society to spend more on fire-arms and other military technology, overwhelming any citizen militia from a less wealthy country. As Smith puts it (presciently): "In modern war the great expence of fire-arms gives an evident advantage to the nation which can best afford that expence; and consequently, to an opulent and civilized, over a poor and barbarous nation." (WN V.i.a.43)

Finally, Smith responds to the republican critique that standing armies represent a threat to liberty by arguing that civilian control over the military can go a long way towards defusing the dangers to liberty. Smith agrees that Caesar's standing army proved dangerous

to Rome and Cromwell's standing army was dangerous for the long Parliament. But such dangers do not apply when civilian and military authority are in the same hands: "where the military force is placed under the command of those who have the greatest interest in the support of the civil authority, because they have themselves the greatest share of that authority, a standing army can never be dangerous to liberty" (WN V.i.a.40). Not only are standing armies not dangerous for liberty, but in fact they might be more conducive to liberty than the citizen militias in republics. Small republics with citizen militias must constantly be vigilant about the actions of citizens since a small political or religious faction that draws in a portion of the body of citizens can overthrow the entire government. As Smith puts it, "where a small tumult is capable of bringing about in a few hours a great revolution, the whole authority of government must be employed to suppress and punish every murmur and complaint against it" (WN V.i.a.40). This argument can be read as a direct response to Rousseau's preference for small, homogeneous republics which require the most careful supervision of the morals of all citizens from their early childhood. In monarchy supported by a large standing army, on the other hand, Smith argues that the sovereign can tolerate religious pluralism and liberty without immediately being concerned about political stability. He concludes that "[t]hat degree of liberty which approaches to licentiousness can be tolerated only in countries where the sovereign is secured by a well-regulated standing army" (WN V.i.a.40). Although this is not an argument in favor of license, it is a direct refutation of the civic republican argument that liberty requires a citizen militia. Political and religious liberties require an underlying guarantee of political stability, which is easiest to accomplish with the institutional structure of a large constitutional monarchy supported by a standing army.

Given all of these arguments against a citizen militia, one might think that Smith abandons any hope for the project of military education as a component of civic education. The opposite is in fact the case. Smith justifies the importance of military training by connecting courage to both moral virtues and political consequences. Morally, courage is connected to the virtues of self-command, while cowardice is a vice that corrupts one's moral character. Politically, courage is necessary to defend one's liberal political institutions not only against external attack, for which a standing army is sufficient, but against internal usurpations as well.

Smith analyzes courage and cowardice in a section of the *Theory of Moral Sentiments* entitled "Of Self-Command". In this section, he is concerned to show that perfect knowledge of virtue is insufficient so long as it is not supported by self-command (TMS VI.iii.1). Human passions consistently act to undermine the resolve to behave in a virtuous manner and follow the dictates of duty. Smith agrees with the so-called "ancient moralists" who saw two categories of passions that threaten self-command. The first are those "violent and turbulent passions" such as fear and anger that require considerable moral fortitude to resist for even a short period of time (TMS VI.iii.13). The second category are the weaker impulses that are easy to momentarily restrain but that "by their continual and almost incessant solicitations are, in the course of a life, very apt to mislead into great deviations" (TMS VI.iii.1). A proper degree of self-command over these weaker but more consistently operating passions translates for Smith into the everyday virtues of "temperance, decency, modesty and moderation", as well as "industry and frugality" (TMS VI.iii.13). The entire section on self-command speaks to the connection between courage and the ability to resist both the strong and short-lasting passions, and the weak and long-acting temptations. Smith

describes magnanimity as a form of tranquility and self-command in the face of the greatest threats and considers war as "the great school both for acquiring and exercising this species of magnanimity" (TMS VI.iii.7) Once human beings are able to retain their composure in the face of extreme dangers, including the fear of death, Smith contends, they find it easier to retain self-command in other aspects of their moral life: "the man who has conquered the fear of death, is not likely to lose his presence of mind at the approach of any other natural evil" (TMS VI.iii.7). So important is courage as a component of virtue that we occasionally admire those who display courage even in morally reprehensible ways. Smith gives the example of our admiration for the highway robber who is firm and decent when brought to the scaffold (TMS VI.iii.7) or our interest in the stories of the pirates and buccaneers who "in pursuit of the most criminal purposes, endured greater hardships, surmounted greater difficulties, and encountered greater dangers, than, perhaps any which the ordinary course of history gives an account of" (TMS VI.iii.8). Smith gives these examples not to argue that such characters are in fact praiseworthy, but to show us how praiseworthy courage is as a component of a virtuous character. Courage is a necessary but not sufficient component of self-command, which in its turn serves as the foundation for other virtues: "Self-command is not only itself a great virtue, but from it all the other virtues seem to derive their principal lustre." (TMS VI.iii.11).

In addition to his praise of courage, which he connects to the virtues of self-command, Smith describes cowardice as a moral vice in both WN and TMS. In TMS he claims that "[n]o character is more contemptible than that of a coward" (TMS VI.iii.17). In WN he describes a coward as having a 'mutilated mind', suffering from a serious infirmity that is more conducive to unhappiness and to misery than any equivalent bodily disability

could be. The comparison he chooses to explain the importance of avoiding cowardice is to leprosy. According to Smith, leprosy is a non-fatal contagious disease that only serves to mutilate the body, but not completely destroy it. Despite its non-fatal status, he would still defend the prevention and eradication of leprosy as a serious point of public policy, if only on account of the intrinsic value of the bodily integrity of citizens. In much the same way, Smith would recommend serious government attention to the moral integrity of citizens and cowardice is the equivalent of a potentially non-fatal moral disease that mars human character the way leprosy mars the human body:

"Even though the martial spirit of the people were of no use towards the defense of society [...] [it] would still deserve the most serious attention of government; in the same manner as it would deserve its most serious attention to prevent a leprosy or any other loathsome and offensive disease, though neither mortal nor dangerous, from spreading itself among them; though, perhaps, no other public good might result from such attention besides the prevention of so great a public evil." (WN V.i.f.60)

This argument in favor of the intrinsic value of moral courage fits with a number of other arguments Smith makes about the proper moral development of human beings. Although he does not generally appeal to a doctrine of natural rights, in his *Lectures on Jurisprudence* he gives a brief account of the consensus regarding certain individual rights: "The origin of natural rights is quite evident. That a person has a right to have his body free from injury and his liberty free from infringement unless there be a proper cause, nobody doubts." (LJ(A) 8) If we concede that certain rights are owed to human beings simply in virtue of being human beings, then it might be equally obvious that depriving individuals of their basic moral and intellectual capacities would be a form of mutilation as significant as bodily harm. Smith uses this argument to argue that the state would have an obligation to

intervene and prevent such general decline in the capacities of the population even if it provided no positive consequences whatsoever:

"A man, without the proper use of the intellectual faculties of a man, is, if possible, more contemptible than even a coward, and seems to be mutilated and deformed in a still more essential part of the character of human nature. Though the state were to derive no advantage from the instruction of the inferior rank of people, it would still deserve its attention that they should not be altogether uninstructed." (WN V.i.f.61)

Although Smith emphasizes the intrinsic importance of mental and moral development of the population, he does not regard it as plausible that either of these features have neutral or negative political consequences. The opposite is in fact the case. The state draws important benefits from both the moral courage and the intellectual capacities of the general population. For Smith, courage plays an important role in maintaining the liberty of a society by ensuring that citizens could resist a king who used the standing army to attack the existing constitution and therefore the liberties of the citizens:

"That spirit, besides, would necessarily diminish very much the dangers to liberty, whether real or imaginary, which are commonly apprehended from a standing army. As it would very much facilitate the operations of that army against a foreign invader, so it would obstruct them as much if unfortunately they should ever be directed against the constitution of the state." (WN V.i.f.59)

Smith's considered views on national defense do not align with the simply republican arguments, although they overlap with a variety of traditional concerns about the morality of the citizen body. By rejecting citizen militias in favor of standing armies, he challenges republican arguments that support military training for the population as a means to defend against foreign invasion. However, he provides a different, liberal argument in favor of military training as a way to promote courage and therefore virtue among the citizens, both as an intrinsically desirable policy and as a way to resist encroachments upon liberty by the government. To accomplish this military education, Smith returns to a consideration of the

institutions of the Greeks and the Romans, who had supported public venues for military training as a way of cultivating the moral character of citizens.¹⁵⁸ These venues allowed for the physical education of all male citizens from an early age and throughout their adult lives. Smith's preference is for the Roman style over the Greek, arguing that the Greek inclusion of music among the required training of the citizen came more from ancient prejudice than enlightened views. According to him, the Roman exercises in the Campus Martius were more effective at inculcating the appropriate virtues for citizens. In considering the effects of military training on the Romans, Smith emphasizes the citizens' overall moral character rather than simply courage in battle, giving support to the idea that Smith views courage as reinforcing and supporting self-command and virtue in general: "The morals of the Romans, however, both in private and in public life, seem to have been, not only equal, but upon the whole, a good deal superior to those of the Greeks." (WN V.i.f.40).¹⁵⁹ Although Smith does not go into extensive detail about the most appropriate training regimen to develop the moral courage required of citizens in free countries, his admiration of the Roman model would speak to a combination of public venues for physical training, legal encouragement for all citizens to procure such training, and limited public provision of instructors.

4.2.2 Religious Pluralism and Religious Conflict

In connection to the previous argument about courage, Smith is concerned with the ability of the average citizen to resist dangerous political and religious factions: "The more

¹⁵⁸ "The antient institutions of Greece and Rome seem to have been much more effectual, for maintaining the martial spirit of the great body of the people, than the establishment of what are called the militias of modern times." (WN V.i.f.60)

¹⁵⁹ Smith never answers his own concern about the leisure and expenses required for such universal education among all the citizens of a modern commercial republic, giving the impression that moral demand to avoid cowardice is so profoundly important as to require state intervention.

they [the poor] are instructed, the less liable they are to the delusions of enthusiasm and superstition, which, among ignorant nations, frequently occasion the most dreadful disorders" (WN V.i.f.61). In this section, I primarily explore this connection between education and the preservation of liberal institutions (i.e. religious pluralism). Unlike illiberal societies, liberal societies allow individuals religious freedom and a number of civil and political liberties that follow from this freedom of association. This freedom, however, can be dangerous for the political order if the citizens are easily responsive to religious enthusiasm and superstition.

In *TMS*, Smith spends some time explaining the difficulty of determining the best course of action in cases of political and religious internal conflict. Love of country or patriotism, according to Smith, involves two different principles which ordinarily operate in concord: first, respect for the existing constitution ("a certain respect and reverence for that constitution or form of government which is actually established") and second, a desire to improve the condition of one's fellow-citizens ("an earnest desire to render the condition of our fellow-citizens as safe, respectable and happy as we can") (TMS VI.ii.36). In times of peace and political stability, these two principles reaffirm each other. So long as the peace is the product of a constitution conducive to the safety, respect and happiness of the citizens, the patriotic citizen can follow both principles by supporting the government.¹⁶⁰ However, in times of political turmoil (what Smith calls "times of public discontent, faction, and disorder"), the two principles actually pull in different directions (TMS VI.ii.37). Even the wisest citizens face a difficult decision in deciding whether to support the status-quo or to

¹⁶⁰ Such a government we might call liberal, but I leave open the possibility that liberal governments are not the only governments that may accomplish these goals.

join the faction that is pushing for reform and change. Unlike Hobbes, Smith is not a defender of the status-quo under all circumstances. His position on resistance may be considered closer to Locke. For our purposes, the important point is that it takes a very high degree of wisdom and a very refined capacity for political judgment to know which of these courses of action is patriotic: "In such cases, however, it often requires, perhaps, the highest effort of political wisdom to determine when a real patriot ought to support and endeavor to re-establish the authority of the old system, and when he ought to give way to the daring, but often dangerous spirit of innovation" (WN VI.ii.37). An uneducated multitude subject to religious enthusiasm and superstition could easily fall prey to factions aiming to overthrow the status-quo in order to obtain political dominance, as the rest of this section shows. If the majority of citizens are incapable of the political judgment required in such situations, the entire regime rests on precarious foundations. In this section, I investigate Smith's prescriptions concerning religious and scientific education as necessary supports to a stable liberal political order (i.e. one that permits religious pluralism).

Smith dedicates an entire section of Book V of *Wealth of Nations* to a sustained investigation to the role of religious education.¹⁶¹ At first glance, the primary role of religious education might seem to be other-worldly rather than civic. In other words, we might expect religion to foster a concern for the soul and the afterlife rather than the types of skills necessary to citizens. Smith begins by acknowledging that the focus of religious instruction is on the afterlife rather than political circumstances in the here and now: "This is a species of instruction of which the object is not so much to render the people good citizens in this

¹⁶¹ The section that covers this discussion is titled "Of the Expence of the Institutions for the Instructions of People of All Ages".

world, as to prepare them for another and better world in a life to come." (WN V.i.g.1) Despite this caveat, Smith's entire discussion of religion and education concerns the intersection of religion and politics. His primary concerns are political and civic: powerful religious establishments tend to use the political power of the state to infringe the liberties of citizens belonging to other religions; less powerful religions often rely on the religious enthusiasm of the average citizens to promote seditious behavior and political conflict over the state apparatus. To ensure a peaceful relationship between religion and politics, Smith proposes a combination of increasing religious diversity and promoting basic science education and public support for the arts.

Smith's analysis begins with members of historically prominent churches. The clergy of what Smith calls "an established and well-ordered religion" are generally men of learning whose teaching appeals most directly to an educated elite. Their manners and education would render them exemplary members of the political community in addition to their role as spiritual leaders. Unfortunately, this religious establishment is easily challenged by religious upstarts who try to wrestle converts from among the masses, especially the laboring poor. When faced with such a threat, established religions are usually quick to resort to the protection of the law in order to oppress and persecute the newcomers: "Such a clergy, upon such an emergency, have commonly no other resource than to call upon the civil magistrate to persecute, destroy, or drive out their adversaries, as disturbers of the public peace." (WN V.i.g.1) As a result, the religious establishment is always prone to the use of political power in order to guarantee their monopoly on both souls and the material resources that easily attach to the care of souls (tax exemptions, state funding through tithes, voluntary contributions etc.).

Given this analysis, we might believe that the newcomers are on the side of the public peace. In their beginnings, all religious sects, according to Smith, appeal to the masses rather than to the elites. The preachers who seek new converts to their new faith are always better endowed with what he calls "the arts of popularity" (WN V.i.g.1). Because their entire livelihood depends on donations from members of the general population, they have an interest in exerting themselves to their fullest and address the congregation in a language that they are able to understand. This would generally seem like a positive feature of new religious sects. However, Smith is quick to point out that the best way to gain loyal followers is to promote a dislike of all other religious sects. Preachers thereby add "superstition, folly and delusion" to their ordinary teachings. According to Smith:

"Each ghostly practitioner, in order to render himself more precious and sacred in the eyes of his retainers, will inspire them with the most violent abhorrence of all other sects, and continually endeavor, by some novelty, to excite the languid devotion of his audience." (WN V.i.g.6)

Given this general behavior, the religious contestation easily spills into the political realm, following religious conflict with political conflict: "Times of violent religious controversy have generally been times of equally violent political faction." (WN V.i.g.7) Different political parties find it in their best interest to ally themselves with different religious parties in order to benefit from the proselytizing efforts of the itinerant preachers. When multiple parties join different sects, it leads to vigorous political contestation. At the end of the day, one of the political parties emerges victorious, alongside its religious allies. But the first move of the newcomers to political power is inevitably to attempt to root out the contrary opinions using the arm of the state: "The sect that had the good fortune to be leagued with the conquering party, necessarily shared in the victory of its ally, by whose

favor and protection it was soon enabled in some degree to silence and subdue its adversaries." (WN V.i.g.7)

The solution to this particular problem is to avoid, as far as possible, the entanglement of the state in matters of religion. According to Smith, this is most difficult to accomplish when either one sect has a monopoly of religion or there is an oligopoly of religion (two or three sects are vigorously contesting each other for control). Smith concludes that such situations are going to prove most dangerous to political stability: "The interested and active zeal of religious teachers can be dangerous and troublesome only where there is, either but one sect tolerated in the society, or where the whole of a large society is divided into two or three great sects" (WN V.i.g.8). On the other hand, one religion is least likely to control state power in situations in which there is a multitude of small religious sects, none of which is able to use the state in order to censor its opponents: "But that zeal must be altogether innocent where the society is divided into two or three hundred, or perhaps into as many thousand small sects, of which no one could be considerable enough to disturb the publick tranquility" (WN V.i.g.8). Smith gives the example of Pennsylvania, where the Quaker majority is not strong enough to impose itself violently on other sects, as one of the examples of a regime of religious toleration worthy of emulation.

In general, Smith is inclined to promote religious diversity as a way to diffuse the politically pernicious consequences of religion. In general, small sects are excellent at enforcing higher moral standards upon the lowest classes in society. Smith is in this case particularly concerned with the urban working classes. Men of rank and fortune are generally on display to all their fellow-citizens. Similarly, individuals living in small rural communities have their conduct constantly observed by their neighbors. This produces salutary moral

effects with salutary political consequences: "He dare not do any thing which would disgrace or discredit him in it, and he is obliged to a very strict observation of that species of morals, whether liberal or austere, which the general consent of society prescribes to persons of his rank and fortune" (WN V.i.g.11). The situation changes when those of lower rank leave their country residence and enter a city in which they are anonymous: "His conduct is observed and attended to by nobody, and he is therefore very likely to neglect it himself, and to abandon himself to every sort of low profligacy and vice" (WN V.i.g.11). Joining a small sect therefore returns the watchful eye of one's fellow citizens who share in the same religion and has a salutary effect on the morals of the urban poor.

However, even if the situation were somehow favorable enough to prevent state capture by a single religious group, Smith points to a lingering problem with small religious sects with an ascetic mentality - the kind that usually appeal to the mass of regular citizens. Smith describes this somewhat cryptically as a problem with the unsociable morals of small sects: "The morals of those little sects, indeed, have frequently been rather disagreeably rigorous and unsocial." (WN V.i.g.12) Since Smith never defines the precise issue of "unsocial" behavior, I turn to the 1828 edition of the Johnson dictionary of the English language which defines "unsocial" as "not beneficial to society" or "hurtful to society". Given the general concern in this section with religious enthusiasm and religious factions contending for political power, it may be appropriate to assume that this unsocial conduct is primarily relevant through its potential to destabilize political institutions.

In order to address the potential 'unsociability' of small sects, Smith proposes two remedies, both focused on educating the citizens. Both of these "remedies" are non-violent solutions that Smith endorses as preferable to the more coercive possibilities of the state:

"the state might, without violence, correct whatever was unsocial or disagreeably rigorous in the morals of all the little sects into which the country was divided" (WN V.i.g.13). The two remedies are science education and public support for the arts.

With respect to "the study of science and philosophy", Smith argues that effective state intervention would be capable of promoting it widely among the middle classes: "the state might render almost universal among all people of middle or more than middling rank and fortune" (WN V.i.g.13). Smith's preference is generally for requiring a certificate confirming successful examination in matters of basic science prior to entry into any trade or profession. He strongly rejects residency requirements that tie the receipt of a certificate to attending a particular group of universities with approved privileges. This according to Smith promotes the lack of application that plagues many universities while limiting the responsiveness of these institutions to changing standards of science and natural philosophy. Smith is confident that thus promoting science and philosophy among the professional classes and the bourgeoisie will serve as an effective antidote to religious superstition and religious-based factionalism, leading to a trickle down effect of scientific literacy: "Science is the great antidote to the poison of enthusiasm and superstition; and where all the superior ranks of people were secured from it, the inferior ranks could not be much exposed to it" (WN V.i.g.14). We today may be a little more skeptical of the mechanism, while still accepting Smith's discussion of the effect of scientific literacy on controlling religiously motivated sedition and the religious capture of the state.

In a different section of *Wealth of Nations*, Smith provides an entire curriculum for what an education in philosophy and science might look like. His diatribe against English universities is one of the most memorable parts of his analysis of education and directly

responsible for views that read Smith as arguing strongly against public endowments for universities. I believe this section could be read as an indication of the type of education Smith would like to see among the middle classes in society, with the expectation that their moral standards will affect the morality of the rest of the population (WN V.i.g.14). During Smith's time, European universities and public schools had primarily provided instruction in theology and preparation for a career as a clergy member. The curriculum, as Smith critically describes it, involved a combination of ancient languages (first Latin, then Greek, then Hebrew), metaphysics instead of natural science and a version of moral philosophy focused on the afterlife rather than character formation in the here and now.¹⁶² Even though their original purpose was narrowly professional, these universities attracted to them all of the young members of the upper and middle classes, providing them with at most an antiquated and impractical education. The even newer practice of sending young people abroad to travel through Europe is, according to Smith, such a terrible pedagogical suggestion, that parents could have only decided upon it out of profound dissatisfaction with university curricula: "Nothing but the discredit into which the universities are allowing themselves to fall, could ever have brought into repute so very absurd a practice as that of travelling at this early period of life." (WN V.i.f.36)

The second portion of the proposal, namely the preference for public entertainment, sounds like an argument in favor of state funding of the arts. Through a combination of fine art and theatre, Smith argues, the public can be cured of ill humor that lends itself to ascetic fanaticism: "that melancholy and gloomy humour which is almost always the nurse of

¹⁶² Smith largely agreed with Locke about the opposition to such antiquated subjects that are at odds with the practical realities of economic and political life.

popular superstition and enthusiasm" (WN V.i.g.15) In addition to fostering the type of good humor that is pro-social and opposed to religious fanaticism, Smith argues that the theatre can itself diffuse the seriousness of ascetic preachers through comedy. Connecting back to his argument about the "unsocial" character of certain religious sects, Smith reminds his readers that the leaders of religious sects tend to look with both fear and hatred towards the theatre: "[p]ublic diversions have always been the objects of dread and hatred, to all the fanatical promoters of those popular frenzies" (WN V.i.g.15).¹⁶³ By contrast, "gaiety and good humour which those diversions inspire were altogether inconsistent with that temper of mind, which was fittest for their purpose, or which they could best work upon" (WN V.i.g.15). Given this explanation of the effect of theatre and the arts, I argue that we can further read Smith's political concerns about religious factions and enthusiasm into his concern about "unsocial" religions.

By promoting religious diversity, science education and a public program for supporting the arts and sciences, Smith hopes to reduce the risk of political persecution on religious grounds, as well as reduce the risk of violent civil war fought between various political parties supported by religious doctrines.

4.2.3 Private Property and Economic Populism

Another of Smith's arguments in favor of civic education, particularly for the poor, concerns another threat to political stability that comes from factions organized along economic rather than religious lines. Much of Smith's analysis of religious and political factions draws on the political and historical writings of his contemporary and friend David

¹⁶³ One may suspect there is a jab at Rousseau's arguments against the theatre buried in there.

Hume, who had provided a more detailed analysis of the economic, political and religious causes of factions.¹⁶⁴ In this final section, I briefly explore the possibility that an uneducated body of citizens would positively respond to government policies which violate the protections generally afforded to private property out of unenlightened economic views. I would call this particular concern a worry about economic populism (what Smith called mercantilism), namely the false promise of economic advantages through economically unsound means (tariffs, quotas, expropriations, exclusive monopolies, etc.)

If properly educated, Smith's argument goes, the majority of the population would be more reflective and thereby less likely to give political support to factions seeking political power through conflict: "They are more disposed to examine, and more capable of seeing through, the interested complaints of faction and sedition, and they are, upon that account, less apt to be misled into any wanton or unnecessary opposition to the measures of government." (WN V.i.f.61) Smith's concern here is actually two-fold. The upper and middle classes and the laboring poor each have their own interests in supporting factions corresponding to their particular group interests. Smith was concerned about both merchants and laborers who attempted to use the state in order to further their economic interests at the cost of the welfare of the rest of the citizens.

Smith's economic analysis in the *Wealth of Nations* often points to policies that, while serving the interest of a particular group, raise prices on basic consumer goods and thereby negatively affect the welfare of consumers. He is particularly concerned with the pernicious effects of guilds, commercial associations and other trade-based associations that use their

¹⁶⁴ For further discussion, see Hume, *Of Superstition and Enthusiasm* and *Of Parties in General*.

power in order to either impose voluntary restrictions on their members or coordinate to demand tariffs, subsidies and other special favors from the government that promote their interests at the expense of the public interest. This problem is a general issue in commercial society. Smith describes this bombastically as an issue of 'conspiracies': "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices." (WN I.x.c.27) Smith does not argue that the state should therefore pass laws against this freedom of association. However, he argues that the state should not facilitate the power of these organizations. He gives a few examples of the ways states indirectly facilitate either price increases beyond the natural equilibrium or, alternatively, wage decreases below the natural equilibrium. An example of the latter is state-sponsorship of vocational education which increases the number of trained members of a profession artificially, raising the supply of labor in a particular trade beyond the demand for such labor and therefore lowering the wages of all involved in the particular trade. Smith's example of such a development is in the public funding of clerical education.

Although Smith's concern over the monopolistic tendencies of the middle and upper classes, he is also concerned with the possibility of populist leaders convincing the masses to expropriate the rich. This latter is more directly the focus of the argument in favor of civic education, although one could easily see a symmetrical argument in favor of civic education for the wealthy. In his *Lectures on Jurisprudence*, Smith describes the primary end of government as the preservation of property, particularly the protection of the property of the rich against the poor: "Til there be property there can be no government, the very end of which is to secure wealth, and to defend the rich from the poor." (LJ(A) 15) In the brief

history of property Smith gives in the second version of *Lectures on Jurisprudence*, Smith argues that the first challenge of primitive societies is protecting property from individuals infringing on each other's property rights: robbery, pillaging, and other forms of attack. During the early stages of development, government is too weak to prevent these violations of property rights. As a result, there is limited economic development until the police force is able to guarantee individual property rights. At more advanced stages of development, the increasing power of government becomes dangerous for the public interest as the risk of war and detrimental legislation becomes higher.

One example of the violence of the masses against the propertied occurs in times of food shortages and scarcity. Smith regards the most severe famines as generally government caused rather than naturally occurring within commercial societies. Even in cases of severe drought, an open market would still allow a majority of inhabitants to be supplied with food. It is the artificial scarcity created by exploitative practices such as those of the East India Company that generally create the greatest humanitarian tragedies. In addition to often acting as the cause of famines, governments often undermine the efforts to remedy the scarcity by passing laws forcing all farmers to sell their product at a low price. When governments force farmers to sell corn, they quickly produce scarcity by both making further production unprofitable and promoting the rapid consumption and sale of existing resources. In addition to improper government regulation, the corn trade is, according to Smith, regularly exposed to "popular odium". Because the regular people direct their anger at corn merchants and threaten to expropriate or attack them, the incentives for corn production are even further reduced by this lowered protection of property rights:

"In years of scarcity the inferior ranks of people impute their distress to the avarice of the corn merchant, who becomes the object of their hatred and indignation. Instead of making a profit upon such occasions, he is often in danger of being utterly ruined, and of having his magazines plundered and destroyed by their violence." (WN IV.v.b.8)

Given this counterproductive behavior of both the government and the general public, the trade of corn merchants becomes subject to adverse selection, where only the least reputable and most despicable members of the general population are willing to take on the anger of the public and the high risk of expropriation: "[t]he popular odium, however, which attends it in years of scarcity, the only years in which it can be very profitable, renders people of character and fortune averse to enter into it" (WN IV.v.b.8). This generates a vicious cycle of creating further public disdain, all the while resulting in further famines and loss of human life. Smith regards the low public esteem towards merchants, bankers and other figures involved in manufacturing as one of the causes limiting economic development: "The mean and despicable idea they had of merchants greatly obstructed the progress of commerce." (LJ(B) 233). These prejudices have been the equivalent of increasing the risk premium of any commercial enterprise, with the highest damages being done in the production and sale of agricultural staples such as corn and grain. In the aggregate, a more educated people would be more likely to respect property rights and even to tolerate inequalities, so long as these were lawful and legitimate:

"An instructed and intelligent people besides are always more decent and orderly than an ignorant and stupid one. They feel themselves, each individually, more respectable, and more likely to obtain the respect of their lawful superiors, and they are therefore more disposed to respect those superiors." (WN V.i.f.61)

Although Smith never proposed a specific curriculum for the type of education that would allow citizens to distinguish between appropriate economic reforms that they should support and factional politics that undermine the system of natural liberty described in the

Wealth of Nations, his general concerns can still serve as a good starting point for normative theorizing about liberal civic education. Such an education would primarily focus on allowing individuals to understand their own economic interests and the ways in which the government can either promote or hinder those interests through economic policy.

From Children to Citizens: Avoiding the Perils of Commercial Society

Dugald Stewart's *Account of the Life and Writings of Adam Smith, LL.D.*, read to the Royal Society of Edinburgh in 1793, a few years after Smith's death, began his summary of the argument of the *Wealth of Nations* by emphasizing the advantages of commercial societies over ancient societies. His intention was to connect Smith's concerns in *The Theory of Moral Sentiments*, namely "human improvement and happiness", with his investigation of his "system of commercial politics" (EPS IV.11). In order to do so, his account focused precisely on children and education. The passage is worth quoting at length for how it approaches Smith's corpus only a few years after his passing:

"Without this diffusion of wealth among the lower orders, the important effects resulting from the invention of printing would have been extremely limited; for a certain degree of ease and independence is necessary to inspire men with the desire of knowledge; and to afford them the leisure which is requisite for acquiring it; and it is only by the rewards which such a state of society holds up to industry and ambition, that the selfish passions of the multitude can be interested in the intellectual improvement of their children. The extensive propagation of light and refinement arising from the influence of the press, aided by the spirit of commerce, seems to be the remedy provided by nature, against the fatal effects which would otherwise be produced, by the subdivision of labour accompanying the progress of the mechanical arts: Nor is anything wanting to make the remedy effectual, but wise institutions to facilitate general instruction, and to adapt the education of individuals to the stations they are to occupy." (EPS IV.10)

The goal of this chapter has been threefold. First, I began by showing that Smith relies on a different conception of children's political status than social contract theorists such as John Locke and Jean-Jacques Rousseau. By regarding children as citizens from birth,

Smith's political economy includes a systematic concern for their education. Although Smith does not specify the precise educational requirements for youth in commercial society, his reconceptualization of children's place in society makes it imperative to consider their education as a matter of state policy. Based on an evaluation of the public good, Smith therefore concluded that the state should mandate that all children receive at least a basic education. He justified these proposals partly on civic grounds and partly on intrinsic grounds. While agricultural societies such as the ones described by Locke and Rousseau could have naturally expected that parents educated their children to fulfill their economic and political roles as citizens, such an expectation in commercial society would be unjustified. Due to the decrease in leisure for working class parents and to the value of children's labor in factories and manufacturing, parents had to be compelled to procure an education for their children and, where necessary, assisted from the public treasury to procure such an education. This new perspective on children's political status together with his commitment to liberal political institutions led Smith to reconsider the role of civic education in limiting the risks of religious enthusiasm, economic populism and the overall decline in the civic virtue of citizens.

In the following chapter, I turn to the work of Guizot, whose analysis of the need for state intervention in order to promote the universal education of all children, especially children of the lower orders in society, follows a similar set of liberal concerns as Smith's. Unlike Smith, however, Guizot dedicated an entire book outlining his proposals for a system of public education and worked to implement his proposals as Minister of Public Education. What Smith and Guizot share, against the earlier social contract liberals, is an understanding of children as citizens of particular countries. Children's moral and mental development is

therefore essential for the maintenance and development of political institutions, making it the business of the state to intervene in children's education.

Since both Smith and Guizot are liberals, their educational projects are not concerned with simply maintaining political stability within any political regime. Political stability is an important value, but its primary importance is as a liberal value. When stability guarantees individuals' civil and political liberties, as well as private property, religious freedom and a non-arbitrary and non-absolute government, both Smith and Guizot endorse educating children to respect and even love the existing institutions. The focus on avoiding religious, political and economic factions therefore assumes an existing liberal political order in need of preserving and maintaining. Guizot's writings offer some perspective on what state involvement in education might entail under a despotic ruler such as Napoleon. Although his proposals for the structure of an education system differ from Smith's, the two offer productive examples of how liberal political theory can engage with civic education from the perspective of the child as citizen.

Chapter 5: François Guizot: Public Education for a Liberal Political Order

"Before the revolution, primary instruction was almost completely abandoned to the charity of the public and that of the church, that, in certain places, provided it for the poor, whereas in many others no one thought of care or received it."

Guizot, *History and Current State of Public Education in France*¹⁶⁵

¹⁶⁵ I am using the following short-hand citations throughout the chapter:

GF - *Du gouvernement représentatif et de l'état actuel de la France*

HORG - *The History of the Origins of Representative Government in Europe*

HCE - *The History of Civilization in Europe*

PE - *History and Current State of Public Education in France*

S - *Philosophie politique: de la souveraineté*

"France wanted, on the contrary, an education which would have reconciled religion with science, order with liberty, which gave to childhood moral habits, which regulated its spirit without paralyzing it, which brought back to honor the good studies, favored the dissemination of useful knowledge, which finally satisfied the needs of the time and interests of all"

Guizot, *History and Current State of Public Education in France*

That François Guizot has been forgotten by political theorists in both the English and French speaking worlds was, until a few decades ago, unquestionable. Even today, after the publication of Pierre Rosanvallon's *Le Moment Guizot* (1985) and Aurelian Craiutu's *Liberalism under Siege* (2003), he still remains at best a weakly rehabilitated figure, an eccentric "moment" in the history of French liberalism.¹⁶⁶ My goal in the dissertation is to connect Guizot to the larger European history of liberal political thought. Instead of constituting an odd "moment", Guizot participates in the transformation of liberal political thought from its original skepticism about the intervention of the state in the education of children to a more

¹⁶⁶ The scholars undertaking the project of returning Guizot to *publicité*, whether through new translations or scholarly engagement with his work, begin their rehabilitation from a diagnosis of the grounds for neglect. The most common explanation is that his association with the July Monarchy and his opposition to the extension of the franchise put him on the wrong side of history. Swept away from power by the Revolution of 1848, Guizot had been too conservative for the coming political egalitarianism corresponding to the new democratic social state (*état social*) that he had already prognosticated. Given what Craiutu (2003) calls "a certain Hegelian tendency to worship success", the French Doctrinaires and Guizot in particular, were left behind in the unfolding saga of electoral democracy (4). While compelling, this explanation does not serve to explain contemporary political theorists' neglect of Guizot's contributions to theorizing and actively promoting public education. In his political writings about education, Guizot could be regarded as solidly on the right side of history. The alternative explanation for the neglect of Guizot's contributions to political theory ironically concerns his extensive political experience. Involved in politics in various capacities from his 20s to his 60s, Guizot's political writings often respond to immediate political circumstances. While this is less true of his main works of political and philosophical history - most notably, his *History of Civilization in Europe* and his *History of the Origins of Representative Government in Europe* - Guizot's extensive writings include a number of apparent contradictions between his support for democracy as a social state and his rejection of political democracy; his belief in the transcendent character of reason, truth and justice together with his support for representative government; his elitist understanding of political capacity together with his support for public education for the children of all citizens. Unsurprisingly, some scholars have therefore accused Guizot of political opportunism and inconsistency.

active role in shaping and promoting the type of education liberal regimes require for their stability. For Guizot, children born in France are undoubtedly French citizens whose education has very important implications for the possibility that a liberal regime can survive in France. Given the extremely turbulent political situation in France during the 19th century and the very recent failures of both the First Republic and the First Empire, Guizot harbors no illusions about the appeal of populist demagogues and the risk they pose to liberal political institutions. Caught between secular revolutionaries and religious absolutists, Guizot draws on his extensive historical research into the nature of representative government and the institutions for educating children in order to promote a public education system that simultaneously respects the role of science and of religion in developing the type of character appropriate for liberal citizens.

Driven by his analysis of the failure of the pre-Napoleonic system of private and religious education aimed almost exclusively at the children of the elites, but simultaneously concerned about the despotic and secular control exercised over public education during the First Empire, Guizot attempts to walk a fine moderate line in crafting his educational proposals. The primary civic goal of education was raising the educational floor for all (male) children, especially the children of the poor. Their education had been neglected consistently by both the private system of education before the Revolution and the ambitious and idealistic projects of the First Republic. By giving all children an education combining literacy (reading and writing), culture (French history and literature), morality (religion and other moral instruction), and economic skills (teaching the system of weights and measures), he argued that the lower classes would simultaneously feel more invested in the liberal

political order and achieve the moral and economic independence appropriate for citizens living under representative governments.

In this chapter, I continue Craiutu and Rosanvallon's recovery of Guizot's political thought by highlighting the educational implications of his alternative conception of children's political status and its connections to his broader defense of liberal political institutions. At the same time, I attempt to integrate Guizot into the history of liberal political thought. I do this in two ways. First, I show his rejection of social contract theory and of the turn towards democratic sovereignty in French liberal and republican thought beginning with Rousseau. Second, I show the continuity between his historically grounded analysis of educational requirements and Adam Smith's discussion of the conditions that make state intervention into education necessary. Although Guizot's proposals for the organization of the teaching profession take a more corporate direction than Smith would have likely endorsed, his justifications for mandating primary education for all French children and the content of the education proposed have strong resemblances to Smith's. I contend that this is not accidental, since Smith and Guizot saw similar threats to liberal political institutions, including populism, religious fanaticism and political violence.

Guizot's writings about public education are an integral part of his thinking about legitimacy, sovereignty, representative government and political capacity. Not only do his educational writings fit naturally with his other political writings, but they serve as important conceptual connections between his theory of legitimacy and his theory of representative government. Despite the relevance of these writings to the study of both Guizot and the history of liberal political thought, I was unable to locate any English translations of Guizot's educational writings. These writings primarily include his entries in the journal *Annales de*

l'Éducation, which he founded and edited together with his first wife Pauline de Meulan from 1811 to 1814,¹⁶⁷ his 1816 book *Essay on the History and Current State of Public Education in France* and the documentation surrounding the passage of the 1833 *Loi Guizot*, including the letter he sent to all primary school instructors following the promulgation of the law. This lack of availability of English translations coincides with the paucity of English-language engagement with these sources.¹⁶⁸ Throughout this chapter, I therefore employ my own translations of his educational writings and systematically introduce them into the conversation about Guizot and 19th century French liberalism for what I believe to be the first time. My argument is that these are important resources that require further scholarly investigation and engagement, particularly given what they reveal about an alternative liberal vision of civic education to those of Locke's *Some Thoughts Concerning Education* and of Rousseau's *Emile*.

This chapter proceeds in a few connected steps. First, I give a brief overview of Guizot's political context in the Restoration and July Monarchy. This allows us to see his driving theoretical commitment as reconciling order with liberty and his political project as avoiding the extremes of both the Terror and the Ancien Régime. Second, I show how Guizot rejects normative accounts of political legitimacy grounded in the will, particularly social contract theories such as Rousseau's, and give a brief account of the primary concepts of Guizot's political theory: legitimacy, sovereignty, representative government and political

¹⁶⁷ See Bates, *Madame Guizot and Monsieur Guizot: domestic pedagogy and the post-revolutionary order in France, 1807–1830*.

¹⁶⁸ On the other hand, French engagement with these sources has not focused explicitly on working out the connection between Guizot's educational proposals and liberalism. The exception is Rosanvallon, who discusses education 241–54. Most of the other accounts are histories of the French education system. A couple of particularly informative studies are Nique, *Comment l'école devint une affaire d'État* and Terral, *Les savoirs du maître: Enseigner de Guizot à Ferry*.

capacity. This section highlights how Guizot's political theory makes room for him to conceive of children as citizens whose education is essential to the survival of a liberal political order while simultaneously thinking of children as incapable of political participation due to limited capacity. Third, I present Guizot's vision of public education, highlighting the importance of (1) a public education system that regulates the education of all French children; (2) religious and moral education combined with scientific education and (3) the creation of a professional and national body of teachers. Guizot's arguments in favor of public education primarily deal with the civic function of education. He focuses on its role in promoting the stability of liberal political institutions, avoiding all forms of despotic authority (monarchical, revolutionary or religious), and the development of capacity over time. While Guizot's arguments concerning public education closely resemble Smith's, his proposals for the management, organization and funding of the education system give a unique direction to his liberal political thought.

5.1. Guizot's Political Theory: Reconciling Order with Liberty

From his early childhood, François Guizot was unable to escape politics. Guizot was born in Nîmes in 1787 to a Protestant family in Catholic France. He was born right after Louis XVI signed the Edict of Versailles, a document officially ending the legal persecution of non-Catholics in France. Despite the promise of political safety coming from the Edict of Toleration, Guizot's childhood was quickly interrupted by the French Revolution. When he was only six years old, his father André Guizot was pursued, jailed and executed by the Revolutionary Tribunal. André Guizot had been a talented young lawyer attracted to the Revolutionary cause. He had been a Girondist and an early victim of the Terror. Despite his

prolific writing career that included a memoir, Guizot never spoke about his childhood and the experience of losing his father. However, in a letter to his mother from 1808, when Guizot was 21 years old, he wrote: “I hardly ever talk to you about my father (...) If you only knew how the memory of him is still with me, how I think of him constantly.”

The experience of losing his father to a revolutionary government turned despotic was hardly Guizot's only early experience with politics forcing its way into his life. The political instability of the Revolutionary regime drove his mother to take her two young children and move to Geneva a few months before the coup of 18th Brumaire that first brought Napoleon to power. Guizot returned to Paris in 1805 at around the age of 17 to study law like his father. A talented young writer and visitor of the French anti-Napoleonic salons, Guizot was offered the position of Professor of Modern History at the Sorbonne in 1812 at the very young age of 25. In his introductory lecture, he refused to include the expected praise of the Emperor Napoleon despite the urging of the grand-master of the University. He takes pride in this stance in his *Memoirs*. After the fall of Napoleon in 1814, Guizot's connections with Royer-Collard and other important leaders of liberal circles got him appointed to the position of Secretary General to the Ministry of the Interior. Too young to run for political office - for which the age threshold was set at 40 - he served in a number of different advisory posts until the Hundred Days return of Napoleon to power forced him to quickly resign from politics. He returned to government with the Second Restoration (1815-1830). He was affiliated with the political party of the so-called Doctrinaires - a centrist liberal group supporting a constitutional monarchy over both Republican critics on the left who sought the end of the monarchy and Royalist critics on the right who sought a return to the Ancien Régime.

In 1820, when the Royalists gained control over the Chamber, Guizot and the Doctrinaires were pushed into the opposition and his lectures at Sorbonne were discontinued. The First and Second Restorations were a time of prolific engagement with political theory, partly fueled by the young man's ongoing political experiences in a highly volatile political environment. Guizot wrote a number of short and important works on freedom of the press (*Quelques idées sur la liberté de la presse*, 1814; *Sur le nouveau projet de loi relatif à la presse*, 1814), education (*Essai sur l'histoire et l'état actuel de l'Instruction publique en France*, 1816), representative government (*Du gouvernement représentatif et de l'état actuel de la France*, 1816), political power and sovereignty (*Des moyens de gouvernement et d'opposition dans l'état actuel de la France*, 1821) and a draft of his unfinished treatise *Philosophie Politique: de la souveraineté* and the death penalty (*De la peine de mort en matière politique*, 1821). He delivered a series of lectures on the history of civilization in Europe and France, which the young Alexis de Tocqueville attended and which were published in book form as *Histoire de la Civilisation en Europe* in 1828. This is the book that Tocqueville famously requested from France during his American travels, the *only* book he asked for.¹⁶⁹ He also lectured on the history of representative government in England and more broadly, although these lectures were only compiled in book form in the 1850s.

Guizot's political career took priority over his literary career during the July Monarchy (1830-1848). From 1831 to 1837, with minor interruptions, he served as the Minister of Public Education, where he left his mark on the history of French primary education through his famous *Loi Guizot* of 1833 among other important reforms to the

¹⁶⁹ According to Craiutu, *Liberalism Under Siege*, 7.

French education system. After the Revolution of 1848, Guizot effectively withdrew from active participation in political life to a career of popular writing, focusing especially on large scale historical works aimed at both intellectuals and the general public.

In this section outlining the basics of Guizot's theory of legitimacy, sovereignty and representative government, I draw primarily on Guizot's writings during the Restoration and the July Monarchy, which contain some of the fundamental ideas that pervade his other political and educational writings. While a lot of this discussion agrees with Craiutu and Rosanvallon, my focus is to set up the conceptual framework for understanding the role of children and education in his political theory. Guizot rejected both social contract theory and other accounts of sovereignty that located legitimate political power in an individual, a group or the people as a whole. The only fully legitimate sovereigns are reason, truth and justice and these sovereigns can never be a permanent feature of a political regime. All human political societies that survive the passage of time are at least partially legitimate or else they would collapse. But legitimacy is earned over time and the regimes best suited to approximate reason, truth and justice are representative governments that attempt to collect the fragments of wisdom scattered throughout society. Representative governments do this through publicity, elections and division of power, functions that operate best when all the citizens who demonstrate political capacity participate in political rule. Because capacity is not a fixed feature of any political society, the number of citizens who are qualified to exercise political rule changes in response to the economic, social and educational conditions available.

5.1.1. Political Legitimacy

"All those then who have attempted at various times to set up this idea of legitimacy as the foundation of absolute power, have wrested it from its true origin. It has nothing to do with absolute power. It is under the name of justice and righteousness that it has made its way into the world and found footing. Neither is it exclusive. It belongs to no party in particular; it springs up in all systems where truth and justice prevail. *Political legitimacy* is as much attached to liberty as to power; to the rights of individuals as to the forms under which are exercised the public functions."

(HCE 45, emphasis added)

Guizot's theory of legitimacy separates him not only from the social contract liberals, but also from the conservative royalists and the revolutionary republicans. He systematically rejects the possibility that legitimacy lies in divine right or in tradition, both arguments that conservatives have made. But he also rejects the possibility that legitimacy lies in the people as a whole and the strength of their numbers or their collective will, which revolutionaries had been making. Guizot describes both as "usurpations" (GF 201-203). For him, *political* legitimacy has two sources: first, *moral* legitimacy grounded in reason, truth and justice and second, *political* stability, as a reflection of the first source of legitimacy. In this section, I briefly reconstruct Guizot's theory of legitimacy and illustrate his rejection of social contract theory. The primary sources for understanding Guizot's theory of political legitimacy are his two political and philosophical histories of Europe, namely the *History of Civilization in Europe* and *History of the Origins of Representative Government in Europe*. Because Guizot builds up to general principles from the interpretation of concrete historical circumstances, I reconstruct his theory following a similar path from particulars to general theoretical claims.

In Lecture 3 of *HCE*, Guizot identifies four historical schools which look to fifth century Europe after the fall of the Western Roman Empire to identify who had the

legitimate title to rule. These can be broadly described as the aristocratic, monarchical, democratic and theocratic schools and they represent four conflicting arguments about the grounds of political legitimacy. In illustrating the flaws of each of their exclusive arguments, Guizot sets us up to view political legitimacy in a different light. The first school, which Guizot calls "the school of civilians", supports the claims of the European nobility as the legitimate descendants of the conquering peoples at the fall of the Roman Empire (HCE 42). The second school consists of the advocates of monarchy who justify the royal claims on secular lines of succession. They view the European monarchs as legitimately succeeding to the rights of the Roman Emperors against which the attempts of the aristocracy to gain power have been attempted usurpations. The third school, according to Guizot, brings together the advocates of free institutions: "The liberals, republicans, or democrats, whichever you may choose to call them, form a third school." (HCE 43) According to this so-called popular school, the society of the fifth century was mainly composed of "assemblies of freemen" and the subsequent encroachments by aristocratic and monarchical powers were the illegitimate usurpations. (HCE 43) Finally, the fourth school focuses on the Catholic Church and its claim to rule on the basis of "her sacred mission and divine right" (HCE 43). Guizot does not think these four historical schools are contingent features of the particular historical question or the French situation, but he claims that they are encountered everywhere. Their contest over the grounds of political legitimacy opens up the possibility to establish which, if any, of these claims are correct.

Faced with these four historical schools disputing over legitimacy, he poses and answers the political theoretical question: "[For] what is political legitimacy? Evidently nothing more than a *right* founded upon *antiquity*, upon duration, which is obvious from the

simple fact, that priority of time is pleaded as the source of right, as proof of legitimate power." (HCE 43, emphasis added) From this response, Guizot is able to show why all four schools are correct in trying to establish their historical priority and why all are wrong in assuming that legitimacy rests exclusively in a single group or society.

The first thing a legitimate government does is identify a principle of moral legitimacy that accounts for its rule and that explicitly repudiates violence (HCE 44).¹⁷⁰ The duration of a regime then confirms legitimacy by showing that human beings have continued to live under the government and felt themselves morally compelled to obey it:¹⁷¹

"Its foundation [political legitimacy] in the first place, at least to a certain extent, is moral legitimacy—is justice, intelligence, and truth; it next obtains the sanction of time, which gives reason to believe that affairs are conducted by reason, that the true legitimacy has been introduced" (HCE 45).

For Guizot, duration positively contributes to legitimacy, but it is not a sufficient condition. In a passage Rosanvallon quotes from the unfinished manuscript *Philosophie politique: De la souveraineté*, Guizot explains how the passage of time forces the government to adapt to society and vice versa. He describes a virtuous cycle of legitimacy where "better, the power is judged to be more legitimate; more legitimate; it becomes better [...] the presumed legitimacy of the government grows in this way towards true legitimacy, unique object of the efforts as well as the respect of the society."¹⁷² But this virtuous cycle never gets off the ground in tyrannical governments. As Guizot explains in *Du gouvernement de la France, depuis la Restauration, et du ministère actuel*, absolute governments that attempt to establish despotism on

¹⁷⁰ "The first characteristic, then, of political legitimacy, is to disclaim violence as the source of authority, and to associate it with a moral notion, a moral force—with the notion of justice, of right, of reason" (HCE 44).

¹⁷¹ Duration also serves to create legitimacy through the virtuous cycle it identifies in the case of long-lasting regimes. See GF, 201-212.

¹⁷² Cited in Rosanvallon 188.

the basis of their divine origin "become sterile and never delay in unraveling" (GF 202). Simple democracy grounded in the principle of the force of the highest number fares no better for Guizot. As he puts it, "When a people counted itself by heads, and proclaimed the total-power of number, it has founded tyranny." (GF 202) Governments that come to power as a result of the force of the greatest number "are for a long time prey to a profound agitation, to a veritable weakness" (GF 202). It takes time for a government to establish its legitimacy, and such a government obtained by force is not "rooted in moral beliefs" (GF 202).

Political legitimacy therefore brings together moral legitimacy and political necessity. Human beings carry ideas of order, justice and reason within themselves, ideas which they seek to recognize and realize in their political societies. They therefore incessantly labor to imbue the world with the moral meaning they carry within themselves and to shape the world to respond to their internal moral compass: "Man naturally brings reason, morality, and legitimacy into the world in which he lives." (HCE 45) These individual-level moral needs translate into macro-level political necessities. Given the constitution of human beings, political systems cannot persist unless they are at least partly held together by common notions of justice and morality: "Independently of the labor of man, by a special law of Providence which it is impossible to mistake, a law analogous to that which rules the material world, there is a certain degree of order, of intelligence, of justice, indispensable to the duration of human society." (HCE 45) Societies that are completely unjust, tyrannical and absolute do not stand the test of time because, practically speaking, human beings cannot continue living under regimes they find morally abhorrent. This is a claim grounded

in the type of creatures human beings are - creatures endowed with reason and moral capacity and who care about the justice of political institutions.

5.1.2. The Sovereignty of Reason, Truth, and Justice

"I do not believe either in divine right or the sovereignty of the people, as we almost always understand them. I can only see them as usurpations of force. I believe in the sovereignty of reason, of justice, of right: there is the legitimate sovereign that the world seeks and will always seek [...]" (GF 201).

According to Guizot, political theorists mistakenly classified governments according to observable characteristics.¹⁷³ They focused on whether one or a few or many were officially rulers and assumed these regimes were distinct in important ways. But, as Guizot points out, England and France both experienced dramatic increases in prosperity during the 17th and 18th centuries while one was called a representative government and the other was ruled by an absolutist king. The real question to ask, is rather: "What is the source of sovereign power, and what is its limit? Whence does it come, and where does it stop?" (HORG 52) This is what Guizot calls "the real principle of government" (HORG 52). It would not take much to reformulate this question as the Lockean investigation into the "original, extent, and end of civil government" - the subtitle of the *Second Treatise*. Guizot is clearly aware that the questions he is proposing are the same as those posed by social contract theorists such as Locke and Rousseau. This is why he follows the claim about sovereignty with considering their hypothesis about the origins of political authority: "Where

¹⁷³ He singles out Montesquieu by name, but the critique would easily apply to Aristotle as well as Rousseau and others.

are we to look for this principle? Is it a mere conventional arrangement by man? Is its existence anterior to that of society?" (HORG 52)¹⁷⁴

In posing the same question as Locke and Rousseau, Guizot considers both their answer and the answer given by their old Filmerian opponents who grounded political authority in the paternal authority of fathers over sons. He rejects both, although his primary attack concerns Rousseau's account in the *Social Contract*. Guizot's critique of Rousseau is concentrated in a single paragraph that he unpacks throughout Lecture 6 in the *History of the Origins of Representative Government in Europe*:

"This necessary coexistence of society and government shows the absurdity of the hypothesis of the social contract. Rousseau presents us with the picture of men already united together into a society, but without rule, and exerting themselves to create one; as if society did not itself presuppose the existence of a rule to which it was indebted for its existence. If there is no rule, there is no society; there are only individuals united and kept together by force. This hypothesis then, of a primitive contract, as the only legitimate source of social law, rests upon an assumption that is necessarily false and impossible." (HORG 53)

The problem with Rousseau's account in the *Social Contract* is the attempt at an artificial separation of "society" and "government". In SC I.5, Rousseau had argued against Hugo Grotius that the people have to be a people first before they can agree to give themselves over to a king. In other words, the people have to form a society before they can choose a form of government. This allows Rousseau to argue that the true source of political authority, monarchical as well as republican, has to be the original agreement of the people to incorporate into a society. The only legitimate sovereign for Rousseau is therefore the assembled people who can then choose a form of government suitable for the political needs

¹⁷⁴ The question of sovereignty is intimately tied in with the question of legitimacy: "The most general idea that we can seek out in a government is its theory of sovereignty, that is, the manner in which it conceives, places, and attributes the right of giving law and carrying it into execution in society." (HORG 194)

of the time and corresponding to their will. While Rousseau's maxims concerning government prescribe better or worse forms of political organization for different population sizes, the ultimate arbiter are the assembled people whose will may be shaped or directed by political elites but not represented by them.

For Rousseau's argument to work, therefore, the act by which the people is a people, namely the social contract, has to precede the act by which the people choose their government. But, as Guizot argues above, a people in society have to be distinguished from a collection of "individuals united and kept together by force". This, incidentally, was precisely Rousseau's critique of Grotius:

"There will always be a great difference between subjugating a multitude and ruling a society. When scattered men, regardless of their number, are successively enslaved to a single man, I see in this nothing but a master and slaves, I do not see in it a people and its chief; it is, if you will, an aggregation, but not an association; there is here neither public good, nor body politic." (SC I.5, Gourevitch translation pg. 48)

So far, so good according to Guizot's account. However, to have a society as Rousseau describes it implies an already existing set of rules on the basis of which the people are organized to make collective decisions - a set of rules that the people recognize and follow. This, to Guizot, means that for a people to be a society in Rousseau's sense of the term, they must already have a government. *Society* and *government* are words that cannot exist apart from one another: "[t]he two facts—society and government—mutually imply one another; society without government is no more possible than government without society. The *very idea* of society necessarily implies that of rule, of universal law, that is to say, of government." (53, emphasis added) The premise of the social contract is that individuals living in an organized society can contract to establish political authority, but political authority is already present in any organized society that involves a collection of human

beings held together by a principle other than force. Although the critique is primarily aimed at Rousseau, it includes other theories that assume individuals consent to government from a pre-political stage, particularly Locke's.¹⁷⁵

The alternative to the social contract that Guizot considers is the old Filmerian possibility that society is an extension of the family. The problem with this account is less its logical impossibility than its incompleteness. Political society differs from the parent-child relationship in that both rulers and ruled are conscious of the existence of the rule as a rule instead of perceiving it as either pure will or pure force. The rule of adults over small children, on Guizot's account, does not meet the consciousness threshold for at least the younger party, making it a unilateral relationship. Only one of the parties is conscious of the rules governing their relationship: the parent. The child, implies Guizot's analysis, is merely feeling his or herself directed by either the capricious will of the parent or by superior force. For Guizot, as for Hegel, recognition of a higher law has to exist in at least an imperfect form before we can properly speak of society and government: "Society, whether in the family or out of the family, is only complete when all its members, those who command as well as those who obey, recognize, more or less vaguely, a certain superior rule, which is neither the arbitrary caprice of will, nor the effect of force alone." (HORG 53)

The problem with the social contract account, at least in the Rousseauian version he describes, is not simply in its logical structure. In attempting to derive government from the

¹⁷⁵ Hobbes' account is more complicated since he does not posit society prior to government. For Hobbes, a scattered collection of individuals becomes constituted as both society and government simultaneously.

consent of the governed, the social contract account assigns too much to the human will.¹⁷⁶ The "superior rule" that both rulers and ruled have to recognize is not created by either. According to Guizot, what is at stake is "a rule which constitutes the right of the government itself, a rule which individuals who submit to it have not themselves created, and to which they are morally bound to obey" (HORG 53). The ultimate source of this rule is transcendent. Guizot himself calls it of divine origin.¹⁷⁷ Reason, truth and justice, the different names we use for the moral truths that should govern the actions of both rulers and ruled, are the standards that different real world societies instantiate to various imperfect degrees. All real-world governments have to take into account the rules that individuals find themselves morally compelled by. But everything in the real-world is mixed: "in human affairs, various elements are mingled: nothing exists in a simple and pure state" (HORG 51). One cannot meaningfully speak of a *society* without at least the remnants of reason and justice because a collection of human beings who do not acknowledge either reason or justice in their social organization could not be held together by anything other than force, and a force so extensive as to compel all individuals to submit against their considered reason and moral sense is unlikely: "No form of society is completely devoid of reason and justice—for were all reason and justice to be withdrawn, society would perish." (HORG 51)

Simultaneously, however, no human societies are capable of perfect reason and justice because of the imperfect nature of human beings and human societies. Political

¹⁷⁶ On Dunn's interpretation of the meaning of consent in Locke, this critique does not apply. Consent for Locke does have many of the same features as Guizot's account of recognition. But other readings of consent leave more room for will and choice.

¹⁷⁷ "The source of the legitimacy of laws is, then, not to be found on earth; and this legitimacy originates, not in the will of him or them who make the laws, whoever they may be, but in the conformity of the laws themselves to truth, reason, and justice—which constitute the true law." (HORG 165)

theorists as well as political actors have frequently made mistakes by attempting to place sovereignty in particular individuals or institutions as a matter of right. The endless debates about whether sovereignty can be legitimately found in one, in many or in all were misguided because placing sovereignty in particular human beings always leads to tyranny and absolute power: "The voice of humanity, then, has proclaimed that the right of sovereignty vested in men, whether in one, in many, or in all, is an iniquitous lie." (HORG 54) A single absolute ruler is just as tyrannical as a multitude with absolute power. Because sovereignty as the wielding of legitimate power needs to correspond to justice and reason, principles that are not willed into existence by either few or many human beings, there is no guarantee that any group of people can be consistently just or reasonable. And the claim that an individual or a people might have truth and justice rest in them as a matter of right is the beginning of despotism and a failure to see the limitations of human nature.¹⁷⁸

5.1.3. Representative Government

"What I affirm is, that representative government does not attribute sovereignty as inherently residing in any person,—that all its powers are directed to the discovery and faithful fulfillment of that rule which ought ever to govern their action, and that the right of sovereignty is only recognized on the condition that it should be continually justified." (HORG 55, emphasis added)

Guizot understands representative government as simultaneously in opposition to monarchy, aristocracy, theocracy and democracy - at least in their pure instantiations. It is a form of government that depends on having no permanently settled legitimate sovereign since "the right of sovereignty is only recognized on the condition that it should be

¹⁷⁸ Sovereignty then "belongs as a right to no individual whatever, since the perfect and continued apprehension, the fixed and inviolable application of justice and of reason, do not belong to our imperfect nature" (HORG 55).

continually justified" (HORG 55). Instead of a precise definition, Guizot explains representative government by using the following aphorism from Pascal: "Plurality which does not reduce itself to unity, is confusion. Unity which is not the result of plurality, is tyranny." (HORG 55) He calls this "the happiest expression and the most exact definition of representative government" (HORG 55). Society represents the plurality while truth represents the unity. Representative government allows society to organize into a coherent unit and avoid anarchy. But this union needs to take place organically and converge slowly towards reason, truth and justice. Otherwise, it is unity imposed by the will of a particular group or individual and it represents tyranny. According to Guizot, "[t]he aim of representative government is to oppose a barrier at once to tyranny and to confusion, and to bring plurality to unity by presenting itself for its recognition and acceptance" (HORG 55).

The principle of representative government can therefore only be discerned historically and holistically. It cannot be identified with visible features such as having a royal family or elections. It also cannot be discerned from particular laws or regulations. It is the interaction of various political elements in society as they attempt to approximate justice and reason over a long period of time. To explain the metaphor of "bringing plurality to unity" concretely, Guizot considers the French government during the Second Restoration. Instead of exclusively locating sovereignty in a single body, the French had divided sovereign power between the King, the House of Peers and the Chamber of Deputies. Individually, they possessed no legitimate right to exercise power. Together, they were tasked with seeking legitimate rule: "Neither of them, isolated from the rest, possesses a right of sovereignty: it is required of them that they seek the legitimate rule in common, and they are supposed to possess it only when they have found it in a united deliberation, before or after action."

(HORG 55) Not only does sovereignty reside in no single body on a permanent basis, but elections continually renew the membership of the Chamber of Deputies, bringing new representatives to the deliberation so that they can continue seeking legitimate rules. If the powers do not agree, the government is in suspense. This gridlock is a check on illegitimate uses of power. Society owes obedience to the rules discovered and agreed to through this process of collective investigation although they do not thereby owe allegiance to particular sovereign entities.

Given Guizot's reconceptualization of legitimacy, sovereignty and representative government, his political prescriptions for the organization of government differ from many of his predecessors. Guizot's preference for a liberal constitutional monarchy on the English model is based on both principled reasons derived directly from his political theory and from pragmatic reasons drawn from his extensive study of European history. In HORG, Guizot gives three conditions that identify a particular government as representative.¹⁷⁹ The three are: (1) division of powers, (2) elections and (3) publicity. (HORG 67)

Division of powers follows naturally from the claim that sovereignty cannot rest in a single source lest it become absolute. The power that real governments wield is always absolute in practice, since society has to obey the laws in order not to degenerate into anarchy. The problem confronted by any real government is therefore how to make the wielding of that power legitimate by compelling it to seek after reason, truth and justice; making it "but the image, the expression, the organ of that power which is rightfully absolute and alone legitimate, and which never to be found localized in this world" (HORG 67).

¹⁷⁹ Although he does say that they might not all be found, so they are not strictly necessary.

Given that power located in a single body is necessarily absolute and under no pressure to seek legitimacy, Guizot deduces the division of powers from his political theory of legitimacy and sovereignty. Because he knows that sovereignty placed permanently in an individual or group is illegitimate, he is able to deduce division of powers by excluding simple forms of government as illegitimate: "A division of the actual sovereignty is then a natural consequence of the principle, that a right to sovereignty does not belong to any person." (HORG 68) The location of sovereignty in a particular individual or people necessarily invites the conclusion of infallibility and therefore despotism. Alexander the Great's desire to be regarded as a god was merely the logical consequence of his possession of absolute power (HORG 68). Analogously, the Roman people deduced the same consequences from their sovereignty when they pronounced "Vox populi, vox Dei." (HORG 68) Representative government relies on the division of sovereignty between "several powers, equal in extent and supplementary to each other" in order to remain actively engaged in the search for truth, justice and reason: "The feeling of their reciprocal interdependence can alone prevent them from regarding themselves as entirely irresponsible." (HORG 68)

Elections are one of the principal characteristics of representative government (HORG 68). They prevent government from becoming hereditary and pretending to exercise "a full and permanent sovereignty of inherent right" (HORG 68). As "a moveable element", elections constantly renew the composition of at least part of the governing bodies to prevent stagnation in the search for rational rules.¹⁸⁰ Their importance is reflected in the common move of absolutist governments to abolish them. Elections are usually present at

¹⁸⁰ See also: "Unless election occurred frequently to place power in new hands, that power which derived its right from itself would soon become absolute in right; this is the tendency of all aristocracies" (HORG 195)

the formation of governments, since new rulers seek the public recognition of their superiority (HORG 69). They are often abolished as governments consolidate their power and become absolute. However, the return of true electoral power that influences government composition and public administration is for Guizot a strong sign of representative government (HORG 69).

Guizot describes **publicity** as "the bond between a society and its government" and "perhaps the most essential characteristic of a representative government" (HORG 69).¹⁸¹ Publicity comes in a variety of guises, including public access debates in deliberative assemblies (HORG 56), the openness of judicial proceedings (HORG 57), the freedom of the press (HORG 69), and the publication of "acts, address, and resolutions of government" (HORG 69). The liberty of the press creates a new guarantee of the public space, one that is helpful to both the government and the people.¹⁸² As Guizot puts it: "the liberty of the press serves at once the sovereigns and the people. To the latter it is warranty, to the former it is a means of government."¹⁸³ Publicity is also intimately connected to elections. Without publicity, the electorate does not have the requisite information to make judgments concerning its representatives.¹⁸⁴ However, publicity does not only operate through elections. As long as the government has to conduct its affairs in an open manner and so long as the press is allowed to scrutinize and publicize those affairs, the so-called "eyes of all the people"

¹⁸¹ Despite its theoretical importance, publicity is often the last element of representative government to actually gain a foothold. Even the House of Commons originally kept its meetings secret until the press and the citizenry demanded that Parliamentary acts be made public (HORG 69).

¹⁸² Guizot connects the freedom of the press with the requirement of publicity in both HORG and in his 1814 writings, particularly *Quelques idées sur la liberté de la presse*, 1814; *Sur le nouveau projet de loi relatif à la presse*, 1814.

¹⁸³ Quoted in Rosanvallon, 67.

¹⁸⁴ See, for example, HORG 276n3.

scrutinizing the government affords an independent mechanism of keeping governments seeking after justice.

5.2. Children, Representation and Political Capacity

5.2.1. Representing Wills or Representing Reason

In the previous section, we considered representative government in opposition to what Guizot would term absolutist forms of government: simple democracies, aristocracies, theocracies and monarchies. In this section, I show Guizot's discussion about the meaning of representation against other French political theorists who viewed representation as primarily concerned with the so-called 'will of the people'. Although Guizot primarily refers to Rousseau, his argument also covers other liberals and republicans of the late 18th and 19th century. Because Guizot's model of representative government is grounded in reason rather than will, he makes "political capacity" a core feature of holding political power for representatives as well as for the electorate. This gives Guizot a principled reason to exclude children from political power without therefore excluding children from citizenship in the way that Locke's political theory did.

To show the problems with existing theories of "representation", Guizot considers how such theories account for the act of electing representatives. He imagines a discussion with an ordinary citizen about why he voted for a particular member of the Chamber of Deputies. The citizen, Guizot claims, would reasonably answer: "Because in the consideration of public affairs, I believe him to be more capable than any other of sustaining the cause to which my opinions, my feelings, my interests, are allied." (HORG 244) Guizot then goes on to colorfully illustrate how some theorists of representation would describe this

voter as enslaving himself to his representative, while others would describe the representative as enslaved to the voter.

Guizot imagines a Rousseau-influenced intellectual raining invectives down upon the unsuspecting head of the voter who does not understand that the act of selecting a representative is an act of forfeiting his liberty.¹⁸⁵ In this Rousseauian account, liberty consists in sovereignty over oneself, meaning the right to be governed by one's own will. This sovereignty cannot be represented because the will is impossible to represent. There are no guarantees that the deputy elected will always will in the same way as the voter. The interlocutor therefore chides the voter for giving himself a master in the guise of a representative.¹⁸⁶ Other theorists of representation then advise the voter in the precise opposite direction, flattering rather than chiding him. They tell the man that just as one can pay a doctor or a lawyer, he has contracted for a politician who is bound to execute his will faithfully. If the elected official does not accord with the will of the voter, then he is guilty of "abuse of trust". In this situation, the voter remains sovereign even while delegating some of his work to his public *servant*. The representative, on the other hand, has become enslaved and forced to abide by the will of another.¹⁸⁷

¹⁸⁵ The voter is excoriated as follows: "you are an indolent, grasping, cowardly individual, who pay far more regard to your own personal concerns than to public matters, who will rather pay for soldiers than go to war, who will rather appoint deputies and stay at home than go yourself and share in the deliberations of a national council." (HORG 245)

¹⁸⁶ "Who has certified you that your representative will always and on all occasions have the same will as yourself?" (HORG 244)

¹⁸⁷ "Let the same citizen be addressed by other doctors who, entertaining the same ideas of sovereignty and liberty as those held by Rousseau, and nevertheless believing in representation, endeavour to harmonize these different conceptions. They might say to him: "Most true; sovereignty resides in yourself and in yourself alone; but you may delegate without abandoning it;—you do so every day; to your steward you commit the management of your lands, to your physician the care of your health, and you place your legal affairs into the hands of your solicitor. Life is vast and complicated, your personal control is insufficient for all its activity and demands; everywhere you avail yourself of others in the exercise of your own power—you employ servants.

Guizot sides with the common sense of the voter who says he would prefer a system of representation where no one lost their liberty - neither the represented nor the representatives. Electing a competent deputy is not like hiring a servant. It is a distinct form of delegation that selects the individuals most capable of handling the common interests of all. All the while the electors retain the right to inspect the quality of the deputy's conduct:

"he only did what is virtually done every day by men, who, having interests which are identical and not being able to manage them individually and directly, entrust them to that individual among their number who appears to be most capable of efficiently conducting them, thus shewing by their confidence their respect for his superiority, and preserving at the same time the right to judge, by his conduct, if the superiority is real and the confidence deserved." (HORG 245)

This brief prelude is meant to underscore the problem with existing theories of representative government that focus on the representation of wills. Guizot's rebuttal does not stop at the level of common sense. He challenges the very logic of both Rousseau and Sieyes where it comes to thinking about sovereignty, legitimacy and representation. Following Rousseau's argument not only prevents representation, but it necessarily leads to an opposition to all political order. Following the Sieyes alternative leads to inconsistency unless one extends electoral power to all citizens, male as well as female, rich as well as poor, adult as well as child.

As long as the only legitimate law for a citizen is his individual will, no one can rightly assume power over him without his consent. Starting from this general premise of

This is only a new application of the same principle—you employ one servant more. If he swerve from your directions, if he fail in giving expression to your will, we grant that he abuses his trust. When you give him your suffrage, you do not surrender to him your liberty—he on the other hand in receiving them has renounced his own. The mandate which he holds from you makes him a slave while it makes you free. On this condition representation becomes legitimate, for the person represented does not cease to be sovereign." (HORG 245)

social contract theory, Guizot argues that not only is representation illegitimate, but political authority itself becomes impossible. The concept of a government based upon individual consent is either a fiction or a nightmare.¹⁸⁸ The will cannot bind itself for the future in any reliable way, a feature which Rousseau himself acknowledges in calling for frequent general assemblies.¹⁸⁹ Guizot credits Rousseau for pursuing his argument about individual sovereignty at least partway to its logical conclusion in his rejection of both representation and large political societies. The full conclusion, however, would force a continuous isolation upon each individual, who could not contract any obligations to others, and even challenge one's personal identity as one's past will becomes as impotent as the will of a stranger to bind present actions.¹⁹⁰

Unlike Rousseau, his followers have tried to take Rousseau's principle that "[n]o one is bound to obey laws to which he has not given his consent" and derive a theory of representation from it (HORG 246). These followers of Rousseau invent a modern theory of representation in the following way:

"While they do not allow to individuals the right only to obey laws conformed to their will, they substitute for it the right only to obey laws which emanate from a power which has been constituted by their will; they have thought to pay respect to the principle, by basing the legitimacy of the law on the election of the legislative power." (HORG 247)

¹⁸⁸ "The conclusion is inevitable—Rousseau's only fault was that he did not push it far enough. Going as far as this would lead him, he would have entirely abstained from seeking after the best government, he would have condemned all constitutions—he would have affirmed the illegitimacy of all law and all power." (HORG 246)

¹⁸⁹ Guizot cites SC II.1.

¹⁹⁰ "It imposes upon man an absolute and continued isolation, does not allow him to contract any obligations, or to bind himself by any law, and brings an element of dissolution even into the bosom of the individual himself, who can no more bind himself to his own nature than to any other person: for his past will, that is to say, what he no longer wills, has no more right over him than the will of a stranger." (HORG 246)

From the beginning, this system fails to explain how one might constitute such a power. The principle that requires minorities to subject themselves to the will of majorities is itself a principle that would require the unanimous agreement of all. (HORG 248) But, Guizot argues, let's assume such a power constituted. What then would the legitimate relationship be between the represented and the constituted power? The only two options are the options presented above in the discussion with the fictitious citizen. The first possibility is that individuals abdicate their will and leave it at the discretion of the appointed sovereign. Guizot sees this as the declarations of both Bonaparte and the Revolutionary Convention and describes them as "pure and un-mixed despotism" (HORG 248). Such a full transfer simultaneously signals "the destruction of all responsibility in power, and of all the rights belonging to citizens" (HORG 248). The second possibility is more plausible but still misguided. Sovereignty rests with the sovereign individuals, but they delegate political power to a government assigned with the task of serving. This has the advantage of refusing to grant sovereignty as the possession of a particular government, which corresponds to the principle of representative government. But it has the disadvantage of falsely granting sovereignty to the people as a matter of birthright.¹⁹¹

¹⁹¹ It also continues to suffer from the first problem of failing to actually give sovereign power to the government, which means either only those whose wills correspond to the government are free or everyone is still free to disobey political authority. Guizot's rejection of the will as the ground for sovereignty has both a political component and a philosophical component. Politically, the will remains a problematic source of legitimacy no matter how it is interpreted. If instead of requiring individual consent to the laws, one moves to think of the constitutive power as the representative power grounded in the consent of individuals, the problems continue to multiply. Either that power is absolute, in which the transfer of power enslaved the people (or at least the people whose will does not correspond to its every move). Or the power is still powerless and people retain their ability to will for themselves which laws to obey or disobey. In this case, less tyrannical, we fall back onto the other horn of the dilemma: anarchy.

The fundamental problem Guizot identifies with all versions of representative government grounded in the so-called will of the people is that the will itself carries no moral force unless it is a will that corresponds to reason, justice or truth. Guizot declares himself puzzled how philosophers seem universally willing to grant that an action does not become either just or reasonable by virtue of being voluntary but that they fail to apply the same logic to politics:

"All systems, on whatever principles they may found the laws of morality and reason—whether they speak of interest, feeling, general consent, or duty—whether they are spiritualistic or materialistic in their origin—whether they emanate from skeptics or from dogmatists—all admit that some acts are reasonable and others unreasonable, some just and others unjust, and that if the individual does in fact remain free to act either according to or in violation of reason, this liberty does not constitute any right, or cause any act which is in itself absurd or criminal to cease to be so because it has been performed voluntarily." (HORG 249)

Statements do not become true by our willing them so. Analogously, Guizot claims, political decisions do not become right or just by collectively willing them so. Human beings understand rightful authority as belonging to a transcendent realm beyond their own volition. In exercising their free will, they may refuse their obedience to these rightful authorities. But their refusal to obey does not affect the legitimacy of the institutions themselves which depends on their correspondence to reason, truth and justice. From this impossibility of the will to legitimately rule in the case of individual morality, political philosophers have correctly observed that an individual's will certainly cannot rule over another. That would be the purest despotism. Unfortunately, instead of then remaining consistent in denying the will as the source of any legitimacy, moral as well as political, they doubled down on protecting individuals from the arbitrary will of another by (mistakenly) making the will itself the source of political obligation (HORG 251).

To put to rest the possibility of will as the source of political obligation, Guizot then makes the Lockean move of considering the status of children (as well as madmen and idiots). If representation was merely a matter of counting wills, then everyone would have to be counted, because every individual has a will. *Universal* suffrage, which Guizot rejects, is the natural extension of the principle of government by consent. Guizot's political opponents who advocate universal suffrage, however, continue to insist on adding restrictions to their principle, restrictions inconsistent with the principle itself. On the one hand, they exclude women, whose will cannot justify their exclusion. More radically, they exclude children, whose will is perfectly capable of expression well before adulthood. And they exclude the insane and the mentally challenged, further expanding the list of inconsistencies since neither of these categories suffers from any failure to direct their actions. Like Guizot, I primarily focus on the status of children.

Similar to Sir Robert Filmer, Guizot reminds his readers that it is a generally accepted fact that parents can have authority over their children on a basis that is not grounded in consent. His claim is that the authority of parents over children is fully legitimate even though children have wills of their own that could be regarded as sovereign:

"Who has ever denied the legitimacy of parental authority? it has its limits, and may be carried to excess like every other human power; but has it ever been alleged that it is illegitimate so often as the obedience of the child, whom it seeks to control, is not voluntary?" (HORG 251)

Guizot claims that children do not differ from parents in their ability to will. Their will has the same nature as the will of adults: "Nevertheless the will of the child, considered in itself, does not at all differ from that of the fully-grown man; it is of the same nature, and it is equally precious to the individual." (HORG 251) In this again he is in agreement with

Locke, who sees that children value their liberty just as much if not more than adults. He is also in agreement with Rousseau, at least after the very early stages of development where the child is not yet self-conscious enough to be endowed with a will or a sense of self. Neither of the two thinkers regard the will of the child as fundamentally different from the will of the adult, other than to say that reason's relationship to the will changes and develops until adulthood.

According to Guizot, legitimate parental authority is based on the parent's superior reason and ability to properly educate the child.¹⁹² But this superior reason is not therefore a title for arbitrary rule over the child. Guizot reminds his readers that the authority of the father is not and cannot be grounded in his will. This is because the father cannot willfully impose unjust, unfair rules on the child. The boundaries of parental authority are the boundaries around the mission of parenting, which is the reasonable education of the child. To say that parental rights include the right to treat one's child in an unreasonable or unjust way is to clearly violate one's legitimacy as a parent:

"The rightful sway here does not belong to the will of the child, who wants the reason that is necessary for such sway, nor even does it belong to the mere will of the father, for will can never vindicate right from itself; it belongs to reason, and to him who possesses it. [...] The legitimacy of parental power is derived from the fact of this mission: this establishes its right and also determines its limits, for the father has no right to impose upon the child any laws except such as are just and reasonable." (HORG 251)

Given the contradictions produced by the concept of representation focused on the will of the people, Guizot develops his alternative principle of representative government

¹⁹² "And from whence does this power borrow its legitimacy? evidently from the superiority of the father's reason to that of the child, a superiority which indicates the position which the father is called to occupy by a law above him, and which establishes his right to assume that position." (HORG 251)

that is grounded in reason first. The principle of representation Guizot proposes does not start from the premise of the sovereignty of individual wills. Instead, it posits two alternative premises: (1) transcendent/divine principles of justice, moral truth and reason; and (2) an uneven distribution of reason and morality among the general population of any particular regime.¹⁹³ The role of representative government is to attempt to collect the *just* ideas and the *just* wills that adopt those ideas in order to collectively approximate the divine moral law. Instead of "an arithmetical machine employed to collect and count individual wills", representation on Guizot's account is "a natural process by which public reason, which alone has a right to govern society, may be extracted from the bosom of society itself" (HORG 253). Under this new account, the problem is no longer how to guarantee the agreement of the government with the will of the people, but the problem of how to identify and separate truth from error and justice from injustice, since all real-world societies contain mixtures of both. Against this problem, Guizot suggests two guarantees. The first is *publicity*. Guizot argues that publicity has generally been considered to side with truth and justice while error and evil have flourished under darkness and lack of transparency.¹⁹⁴

The second guarantee is *political capacity*, or as Guizot puts it "the determination of a certain amount of capacity to be possessed by those who aspire to exercise any branch of power" (HORG 253). The democratic principle that grounds sovereignty in the will has no justification for rejection the inclusion of the will of children, who can will just as much as

¹⁹³ "[t]here exists in every society a certain number of just ideas and wills in harmony with those ideas, which respect the reciprocal rights of men and social relations with their results. This sum of just ideas and loyal wills is dispersed among the individuals who compose society, and unequally diffused among them on account of the infinitely varied causes which influence the moral and intellectual development of men." (HORG 253)

¹⁹⁴ For a fuller account of publicity, see Craiutu, *Liberalism Under Siege*, 245-273.

adults. The limitation of political power to those possessed of political comes not from will but from reason:

"In the system of representing wills, nothing could justify such a limitation, for the will exists full and entire in all men, and confers on all an equal right; but the limitation flows necessarily from the principle which attributes power to reason, and not to will." (HORG 253)

5.2.2. Political Capacity

According to Guizot, representative government cannot simply be engaged in discerning and enacting the will of the people. Instead, representative government is concerned with approximating reason, truth and justice and becoming more legitimate over time. To accomplish this later goal, governments rely on elections to continually force the temporary holders of power to justify themselves to citizens who are possessed of reason to the requisite degree. For elections to lead governments towards increasingly reasonable and just laws, publicity is required to allow the electors to make informed political judgments. And for publicity and elections to accomplish these goals together, the citizens who exercise electoral power must be in possession of the *political capacity* required for the making of these complex decisions. In this section, I highlight how Guizot thinks of political capacity in contradistinction to the simple form of personal capacity that corresponds to adulthood and how Guizot's insistence on the complete flexibility of political capacity makes room for the extension of the franchise as more individuals are possessed of independence, property and education.

Guizot defines *political capacity* as possessed by "all men invested with real independence, free to dispose of their person and wealth, and in a position to rise to some ideas of social interest" (HORG 285), as "acting freely and reasonably for the promotion of

social interests" (HORG 286), as "capability of judicious election" (HORG 288), and as "recognizing and accepting the superiority which constitutes the capacity of being a good deputy" (HORG 296). Theories of government based on the will of the people start from the false premise that birth is sufficient to establish political rights over others: "The principle of the sovereignty of the people starts from the supposition that each man possesses as his birthright, not merely an equal right of being governed, but an equal right of governing others." (HORG 61) Grounding rights in the fact of birth is a feature that democracies share with aristocracies and hereditary monarchies, but not with representative governments as Guizot understands them. Political capacity is the normative ground for distinguishing between citizens who should have the right to direct the course of representative government and those who do not. Birth may determine which country, city, county or family an individual belongs to, but it does not automatically confer political rights upon the newborn. This in fact applies to other rights which are not political. Political capacity is a subset of the broader concept of capacity (*capacité*), which is the general ground for rights:

"It is capacity, then, that confers right; and capacity is a fact independent of law, which law cannot create or destroy at will, but which it ought to endeavor to recognize with precision, that it may at the same time recognize the right which flows from it. And why does capacity confer right? because in reason, and reason alone, is right inherent. Capacity is nothing else than the faculty of acting in accordance with reason." (HORG 286)

Guizot distinguishes between the capacity of individuals to manage their personal interests (what we might call personal or economic capacity) and the capacity of citizens to manage their social interests (political capacity) (HORG 286). Laws about the age of majority

exemplify the principle of capacity conferring rights in matters of concerning one's personal interests:

"What motive has assigned in all times and countries a fixed age at which a man is declared to have attained his majority, that is to say, is considered free to manage his own affairs according to his own will? This appointment is nothing more than the declaration of the general fact, that, at a certain age, man is capable of acting, freely and reasonably, in the sphere of his individual interests." (HORG 286)

Although these laws differ between different countries and at different time periods in the age at which they consider young adults capable of acting "freely and reasonably", they are not set at arbitrary thresholds. On the one hand, setting the age threshold as low as 10 years old would wrongly recognize capacity in children too young to direct their own affairs. On the other, setting it as high as 40 would illegitimately deny rights to a large portion of adults.¹⁹⁵ Although the threshold is not arbitrary, Guizot does acknowledge that rights are more fluid than laws are usually able to recognize. This is especially clear in Guizot's discussion of children and rights. Very small children initially have little to no right to govern their own conduct. Instead this right belongs to the will of the father, so long and to the extent that it corresponds to reason (HORG 309).¹⁹⁶ As the child develops his reason and becomes more capable, the rights of the father become restricted and the rights of the child are expanded. On a daily basis, the rights governing the relationship of a father and his son change. The right of the father "becomes changed and narrowed day by day with the

¹⁹⁵ "Is this declaration arbitrary? No, for if the period of his majority were fixed at ten years or at forty, the law would evidently be absurd; it would assume the presence of capacity where it did not exist, or else would not recognize it where it did exist—that is to say, it would confer or withhold the right wrongfully." (HORG 286)

¹⁹⁶ "Nobody will presume to assert that here no right exists, that is to say, that neither the father nor the child have any respective rights to be mutually observed, and that their will alone should arbitrarily regulate their reciprocal relations. In the outset, whilst the child is devoid of reason, his will has little or no right: the right belongs entirely to the will of the father, which even then is, doubtless, legitimate only so far as it is conformable to reason, but which is not and cannot be subordinate to that of the child, on which it is exercised and which it directs." (HORG 309)

progress of the intellectual and moral development of the child, up to the age when at length the child, having become a man, finds himself in a totally different relationship to his father" (HORG 309).¹⁹⁷ Even if the law is unable to perfectly track these changes in the intellectual and moral development of the child, justice dictates that these rights extend progressively with the passage of time (barring any traumatic developments).¹⁹⁸

Guizot's discussion of the changing rights of children as they develop their moral and mental capacities and the difficulty of the law in correctly identifying capacity serves as an analogy for the laws governing political capacity. For electoral laws to be just, they have to assign electoral rights to all individuals possessed of political capacity and only to them. It is a matter of injustice to assign rights to govern to those who do not have the capacity to exercise them. But it is also a matter of injustice to deny rights to those who actually possess the capacity under discussion. However, political capacity is similar to moral capacity in

¹⁹⁷ "In proportion as reason becomes developed in the child, the right of the father's will becomes restricted; this right is always derived from the same principle, and ought to be exercised according to the same law; but it no longer extends to the same limit, but becomes changed and narrowed day by day with the progress of the intellectual and moral development of the child, up to the age when at length the child, having become a man, finds himself in a totally different relationship to his father—a relationship in which another right holds sway, that is to say, in which the paternal right is enclosed within entirely different limits, and is no longer exercised in the same way." (HORG 309)

¹⁹⁸ Parental rights over the child vary throughout the entire cycle of development from earliest childhood into adulthood and these changes are hard to determine a priori. Guizot's discussion here is part of a broader claim about the philosophical and historical schools of thought. The philosophical school, according to Guizot, is correct in asserting the importance of rights, not only as goals of political society but also as starting points that precede the positive laws of society. The problem is that they fail to understand how to take their principles and account for the continually mixed structure of the world in which rights need to be flexible. Certain rights disappear as they become unsuitable (such as the original right of the parent over the child), while other rights come into being as individual and social circumstances change (such as the developing rights of the child). The historical school is much more capable of accounting for changes in the real world because they are most interested in facts. Unfortunately, their quest to understand causality and connections between facts lead them to overlook the normative significance of their work, as well as the important normative principles that precede and transcend the specific instances of facts in the real world. In other words, the historical school, according to Guizot, is easily subject to historicism. To correct for this, Guizot wants to account for both the transcendent standard of right represented by justice and for the variety of empirical and historical instantiations in the mixed world here on earth.

being generally hidden from the view of outsiders: "The capacity of acting freely and reasonably for the promotion of social interests, is revealed by no more distinct signs than any other internal disposition." (HORG 286) As a result, particular laws consistently make mistakes in assigning rights, creating more or less injustice in each particular case: "In their application to individuals they [laws] will often assume capacity where it is not, and will not in all instances discern it where it is." (HORG 286) This to Guizot is evidence of the imperfection characteristic of human science, whose errors can be limited but never fully eliminated (HORG 286). In addition to the problems in the application of a general law to particular human beings, problems which can never be avoided since every general rule will err in including either too few or too many of the qualified citizens, the most important problem with assigning electoral rights is the temptation to set fixed and inflexible rules over time.

As a historian, Guizot is particularly interested in the English Parliament and the way electoral rights began to take shape in England after the Magna Charta during the 13th and 14th centuries. The English electoral system shows both the advantages of properly recognizing political capacity among the body of citizens and the disadvantages of setting inflexible rules meant to operate over a long period of time. The English Parliament included four groups of people: (1) the higher nobility, (2) the clergy, (3) "deputies from the knights or freeholders of the counties" and (4) "deputies from cities, towns and boroughs" (HORG 272). While the first two groups were summoned individually by the King, the later two were sent to represent either the counties or the towns. Given the different existing rules governing counties and towns, two different electoral systems developed with parallel rules for recognizing capacity. In the case of counties, custom required that the king's indirect

vassals send representatives to Parliament and the election of two deputies per county took place in a similar manner throughout these similarly organized administrative units. Knights and freeholders (landowners) were the only residents of the county who owned property and could be legally regarded as free. They were also the only residents already engaged in local government and the care of local affairs (primarily the administration of justice). This made it natural that they constituted the county electorate. Guizot collects historical evidence against Tories that county elections included as electors all residents who owned land and not just the direct or indirect vassals of the king. The primary change introduced to the voting rights of counties in the 1430s was a limitation of electoral rights to freeholders whose income exceeded 40 shillings (HORG 276) - restriction still in place at the time Guizot was writing.¹⁹⁹ The case of towns and boroughs was much less uniform and organized. Because each town or borough was separately granted the right to incorporate through individual royal charters, there was little to no similarity between their internal organization and their rights. In some towns, the municipal rights belonged to a small corporate body, other times they belonged to all of the freeholders in the town and on some occasions they belonged to all of the inhabitants of the towns (HORG 279). Depending on the organization of municipal rights, different towns gave electoral rights to different groups of citizens. Because the ancient charters of incorporation decided who had municipal rights and therefore who had political rights, the towns were much more constrained in their ability to extend the franchise at a pace corresponding to the changing socio-economic conditions.

¹⁹⁹ The law was partially altered by the Reform Act of 1832.

This produced the infamous rotten boroughs whose political power was highly disproportionate to their socio-economic power.

From this brief overview of the English electoral system, the oldest in the West, Guizot is able to draw a few clear conclusions about what is required for electoral rights to be distributed according to political capacity. He claims that the English electoral system was likely to have been best calibrated at its very beginning, since "[i]t is very probable that, in the fourteenth century, all political capacity was almost entirely contained in the classes of the freeholders, the clergy, and the burgesses of the important towns." (HORG 286) Over time, however, the system showed its rigidity and thereby became less successful heading into the 17th century. On the one hand, new ways of owning land became possible (i.e. copy-holding) and these capable residents were deprived of political rights. On the other hand, the correspondence between landholding itself and capacity was weakened as economic production changed and the rising bourgeoisie acquired its wealth from commerce and industry not just landholding. In the case of certain towns who had political rights on the basis of "the material and intellectual development of their inhabitants", their decline and subsequent depopulation has made it appear that their lingering political rights were given to the land not the people ("the privilege appertained to the stones") (HORG 287). As economic, social and intellectual circumstances change, so does not only the distribution of capacity but even the external signs by which one can recognize political capacity.

The general principle underlying political capacity is universal: "It exists wherever we meet with the conditions, whether material or moral, of that degree of independence and intellectual development which enables a man freely and reasonably to accomplish the

political act he is required to perform." (HORG 285) The signs required to recognize such capacity, however, are themselves mutable. If land ownership constituted capacity in the 14th century, it was no longer either necessary or sufficient as a sign of capacity in the 17th. Similarly, the required 'enlightenment' for exercising political rights changes over time in response to the changing political circumstances: "This capacity varies according to time and place; the same degree of fortune and enlightenment is not everywhere and always sufficient to confer it, but its elements are constantly the same." (HORG 285) Based on these observations, Guizot concludes that laws which try to settle a fixed requirement for political capacity are not only going to be mistaken in particular instance, but they unjustly impose a settled standard in matters that do not allow for such a standard:

"The determination of the conditions of capacity and that of the external characteristics which reveal it, possess, by the very nature of things, no universal or permanent character. And not only is it unnecessary to endeavor to fix them, but the laws should oppose any unchangeable prescription regarding them." (HORG 288)

In making these theoretical moves, *political capacity* becomes a fluid concept that can change as the moral and material conditions change. While Guizot does not explicitly connect the discussion of political capacity with education in his historical writings (partly because a public system of education is largely inconceivable during the centuries under consideration), Guizot does consider the possibility that education can prepare more citizens for the exercise of political functions. In one of his most famous Parliamentary discourses from May 5th 1837, right after the end of his third term as Minister of Public Education, Guizot praised the electoral law of 1817 as founding representative government in France and praised the French system for simultaneously recognizing political capacity, of which the

middle classes were increasingly possessed, and working to bring more of its citizens to arrive at their political rights:

"It is the perfection of our government that political rights, limited in their nature only to those who are capable of exercising them, can extend at the rate at which capacity extends; and so it is at the same time the admirable virtue of our government that it provokes without interruption the extension of this capacity, which will sow the seeds in every corner of political enlightenment, intelligence in political matters, and attempt that at the moment itself where it assigns a limit to political rights, at that very moment it works to surpass those limits (*Very good! Very good!*), to extend them, to back them up and to lift in this way the entire nation."
(Histoire Parliamantaire, Vol. 3, 105)

Before proceeding to an investigation of Guizot's proposals for a public education system, I want to add one note on the relationship between political rights and other types of liberties and rights. Guizot consistently distinguishes between the political rights that depend on political capacity and a separate category of liberties that belong to adults possessed of personal capacity and even rights that extend to children. For example, the expectation that both society and other individuals respect one's independence and certain limits on their conduct towards him is a feature of human dignity that does is not grounded in any notion of political capacity but rather in human dignity: "Nothing can be more certain than that every man in society has a right to expect that this limit will be maintained and respected as regards himself by other men and by society itself. This is the primitive and unalterable right which he possesses in virtue of the dignity of his nature." (HORG 309)

5.3. Public Education for a Liberal Political Order

In rejecting the social contract account preferred by liberal political theorists such as Locke and Rousseau, Guizot's liberal political theory of legitimacy resembled those of David Hume and Adam Smith more than that of earlier liberals. Instead of investigating the external signs of consent and the age of consent at which young adults voluntarily incur

political obligations, Guizot's political theory has a two-fold concern with (a) the state's respect for civil rights and liberties owed to all human beings and (b) external signs of political capacity that indicate the qualification to exercise political rights. As a result, the state can have an obligation to provide education for children whose parents cannot afford to acquire such an education without thereby assuming that children have political rights to either elect representatives or serve as representatives. Furthermore, the society has a long term social interest in promoting the expansion of political capacity in order for representative government to better approximate the legitimacy of reason, truth and justice. Guizot makes use of both of these avenues in order to argue in favor of a public education system that can both supervise private and public education throughout France and fund and provide education to those citizens who either need or seek education in public schools.

One of the most influential contributions of Guizot to the development of the public education system in France was the law of 1833 (*Loi Guizot*) which was passed while Guizot served his second term as Minister of Public Education. This law is generally considered a key moment in the development of the French public education system. The number of schools in France grew from 31,000 in 1830 to 43,514 in 1847. The number of pupils doubled. Public spending on public education almost doubled during his ministry.²⁰⁰ In addition to writing the law, Guizot sent a letter to all of the primary school instructors in France in order to explain the principles underlying the new law and to emphasize the importance of the body of teachers in maintaining a liberal political order. The letter serves

²⁰⁰ Craiutu, 172-179. Although very recent histories of education fault him for failing to sufficiently promote either the equal education of women or free secondary education, by the standards of the 19th and much of the 20th centuries, his work on education would clearly be considered progressive

to illustrate the tight connection between Guizot's commitment to liberal political institutions and his promotion of public education:

"It is not for the towns alone and from a purely local interest that the law wants that all Frenchmen acquire, if it is possible, the knowledge indispensable for social life, and without which the intelligence languishes and often limits itself: it is also for the State itself and for the public interest; *it is because liberty is not certain and regular except among a people sufficiently enlightened to listen in all circumstances to the voice of reason.* Universal primary instruction is henceforth one of the guarantees of order and of social stability." (emphasis added)

Although education preoccupied Guizot throughout his entire career, from his first written contributions to the education journal he co-founded with his then wife Pauline de Meulan to the children's histories of France that occupied his decades of retirement from political life, there has been no sustained scholarly investigation of his major writings on public education. In this chapter, I primarily focus on his book-length study called *Essay on the History and Current State of Public Education in France* (1816). In addition to representing his most sustained engagement with public education in France, this essay is also one of Guizot's first works of philosophical and political history which exemplifies the approach he later takes to the study of other important political concepts such as "civilization" and "representative government".

In this section, I develop the connections in Guizot's political thought between public education, political stability and representative government. Guizot saw the pre-Revolutionary educational arrangements in France as partly responsible for the violent character of the revolution and its illiberal consequences. As a result, he advocates the development of a public education system where children can receive an education compatible with the civic goals of the regime. As a liberal, Guizot is aware that a public education system can also serve as an illiberal institution under the hands of a despotic ruler

such as Napoleon, so his discussion of public education is placed between a concern with the chaos of a fully private and unregulated education system and a concern with the attempts at using the public education system as a tool for oppression and control.

To benefit from the salutary effects of public education while avoiding the dangers of excessive centralization and despotic control over education, Guizot emphasizes the (a) complementary role of moral and religious education alongside scientific education, (b) proper distribution of education across different classes and income groups, and (c) development of an independent and qualified body of teachers. Although many of Guizot's arguments and proposals apply beyond the original context of 19th century France, it is important to note that his argument for the necessity of a public education system is grounded in the political, social and technological conditions of the time, leaving open the possibility for a different curriculum and organization under different historical circumstances.

5.3.1. The Theoretical Framework for Public Education

Guizot begins his philosophical history of public education in France with a general statement about the educational needs of society and the educational role of the state. This statement already connects the discussion of representative government and political capacity from the previous section with his understanding of education and public schools.

Every circumstance and every profession, according to Guizot, requires "some knowledge/expertise without which man would not be able to work productively either for society, or for himself" (PE 1). While some degree of education is universally necessary for any individual, other forms of education are more specialized and correspond to a particular

level of socio-economic or professional status. Guizot therefore divides education into primary, secondary and special, a classification that continues to be popular in the 21st century. **Primary education** is the name given to the type of education necessary to all the subjects of the state (PE 1). Guizot argues that this should include "the precepts of religion and morality, the general obligations of men in society, and the basic knowledge which has become useful and quite necessary among all walks of life, just as much for the interest of the State as for that of the individuals." (PE 2) In the particular application to France in 1833, the *Loi Guizot* spells out the components of primary education as "moral and religious instruction, reading, writing, the elements of the French language and of arithmetic, the legal system of weights and measures".²⁰¹ Primary education for Guizot accomplishes its civic mission through two different paths.²⁰²

First, primary education operates on the productive capacity of individuals as economic agents. As individual Frenchmen learn the basic skills required to operate in agriculture, trade and the growing urban industries, their individual productivity increases both their socio-economic standing and the overall wealth of the state. Particularly in the case of the lower classes, education serves their economic development: "*primary education* procures for the lower classes in society the means to extend their industry; to improve their lot and to unlock in this way, to the benefit of the State, new sources of wealth" (PE 4) This development corresponds to a rise in the economic power of the middle classes or the

²⁰¹ Letter to the Primary Teachers of France on 18 July 1833.

²⁰² The arguments I outline below are arguments for why universal education has salutary civic consequences without directly arguing for the state's involvement in providing education. The argument for a system of public education that Guizot develops comes from his observations concerning the insufficiency of the private educational establishments developed in France prior to the Revolution.

bourgeoisie, which Guizot sees as a salutary development for liberal political institutions. The growing wealth and independence of the lower classes translates into an increase in capacity that positively affects the entire political community.

Second, universal primary instruction fits the demands of justice, which has both an intrinsic and a political dimension that consistently reinforce each other. Always skeptical of the motivations of entrenched elites, particularly the old aristocracy, Guizot argues that if the upper classes had been able to prevent the lower classes from obtaining any education and "to condemn the people to an irrevocable ignorance" (PE 4), they would have undoubtedly implemented and executed such an educational ban. According to Guizot, however, "Providence has not allowed for such an injustice to be possible" (PE 4). The injustice of such a proposal is clear as a violation of the basic dignity of human beings. The providential aspect is that political order cannot subsist when the majority of the people are ignorant. In this way, divine laws of justice act as constraints on the space of political possibility, uniting interest with obligation (PE 4). On the basis of history and empirical investigation, Guizot proposes at least two political paths through which the ignorance of the majority translates into political instability. The first is through the multitude's response to factions, political as well as religious. Ignorance, Guizot claims, "makes them [the people] an instrument at the disposal of the factious" and the history of politics gives ample evidence that factions generally rush to make use of the volatility of an ignorant people (PE 4). This is partly because an unenlightened multitude is more likely to be seduced by false promises and unable to use its political judgment to resist factious leaders: "The less a multitude is enlightened, the more error and seduction have empire over it." (PE 4) The second failure of governments who keep the masses from obtaining enlightenment is that the desire to know

and to ameliorate one's condition does not dissipate when governments take away the means to obtain such an education ("nothing can extinguish in them the need to know and the hope of improving through knowledge their condition") (PE 4). On the contrary, the need grows stronger and it turns into public unrest and anxiety, once again creating the conditions for a revolution. Guizot's language in describing the lower classes in their revolutionary and destructive pitch conveys some of his fear of their destructive force: "it manifests itself, among the lower classes, the disgust with their situation, this thirst for change, this debauched greed that nothing can either contain or satisfy any longer" (PE 5). Even though the unrest comes from a legitimate complaint on behalf of the people, the violence and anarchy that results from the governments' failure to address its error in managing education carry real costs for all citizens.

In addition to primary education, which all citizens should have as a matter of both right and political interest, Guizot also discusses two other necessary levels of education: secondary and special. **Secondary education** differs from primary education in that it is necessary particularly to those who have wealth and leisure or who pursue liberal professions requiring further education. Its extent is flexible and "varies according to the progress of the public wealth and of civilization" (PE 2). In the particular circumstances of France at the time, Guizot lists "the knowledge of the scholarly languages in which have been preserved the true models; history; national literature; and the elements of the precise and natural sciences" (PE 2). In particular, given the progress of science in the 19th century, Guizot emphasizes that all it has become indispensable to all whose circumstances confer political rights (PE 2). This implies that scientific knowledge has become a necessary component of political capacity in 19th century France. The distribution and quality of secondary education

is also very important to the stability and suitability of political institutions. Particularly given the close connection between political capacity and secondary education, Guizot emphasizes the importance of connecting secondary education to real opportunities for economic and political advancement. The risk of what Guizot calls an imprudent distribution of secondary education is that it "exalts the imagination of the young men, it makes a host of false ideas be born in their mind, and it prepares them poorly for the world in which they have to live, or for different careers than the ones that they can pursue" (PE 5) Although a certain degree of class privilege is reflected in Guizot's analysis of the effects of secondary education of the lower classes, his political analysis also fits with the realities of the 19th century where education outpaced the employment opportunities for young men. Ideally for Guizot, the expansion of secondary education would follow the expansion of economic opportunities in order to create political capacity in future generations of citizens.

Finally, Guizot considers **special education** (what we today might call tertiary education) which is the education required for specialized professions that require further professional training such as theology, military, public administration, law, and medicine, as well as the education pursued by those seeking to extend the limits of human knowledge in science, history, politics and other domains of inquiry (PE 3). The concern with special education, for Guizot, is that it can become too narrow to serve its important civic mission. When specialized education produces very narrow experts, it risks creating individuals highly educated upon one single subject but ignorant in the rest whose expertise in one domain would feed the illusion of expertise in other domains (PE 6-7). Especially when the functions performed by such individuals are politically important, too narrow a specialization

can lead to inconveniences for the quality of political institutions, as well as possibly foregone gains to the public good.

In addition to these three forms of instruction, educational institutions also have a more narrow civic mission in shaping young men into the types of citizens that the state needs for its stability and its happiness (PE 7). This type of patriotic attachment which Guizot argues public education ought to foster requires adapting the public doctrines taught in schools to the type of political institutions and laws within the country, what Guizot calls "the concordance between public doctrines and the national customs with respect to the political institutions, the nature and the principles of government" (PE 8). By accustoming children with the fundamental laws of the country and with respect for the sovereign from their childhood, young adults can come to think of these as "a kind of property that is dear to them", which would also make them likely to accept the obligations and responsibilities of citizenship (PE 8). Guizot describes this function of public education without considering whether the regime in question is liberal or republican, monarchical or absolutist, which opens up the possibility that public education can create patriotic attachment to illiberal regimes. Although the form of the argument for political stability is general, Guizot's other political theoretical commitments and the particular constitutional monarchy of Restoration France that forms the context to his argument indicate that his particular concern is with representative governments that are able to provide liberty as well as order. According to Guizot, the need for order - without which one cannot have liberty - is especially strong in post-revolutionary times such as his contemporary context: "It is above all after times of disorder and of revolution that it is essential to give public doctrines back to a people, and to reestablish their empire." (PE 8) Against the spirit of party and faction, Guizot believes

national education can help develop a "public spirit" and "a community of opinions and of sentiments", both "between the citizens and their government" and "between the different classes in society" (PE 8).

The state's role in matters of education is therefore to provide education to those who would not receive any without the state and to make it available to those who want to receive it from the state (PE 1). The argument in the rest of *The History and Current State of Public Education in France* proceeds as follows. First, Guizot shows why the purely private education system of France prior to the Revolution did not produce the kind of public spirit required for ordered liberty. Guizot partly blames the violence of the Revolution on the deficient education of the lower classes and the factious education of the middle and upper classes, which together made the younger generation much more susceptible to dangerous populist leaders. Second, Guizot also shows the limitations of Napoleon Bonaparte's centralization of the French education system under the auspices of 'the University' since the despotic ruler could manipulate the public funds and the public schools in order to create so-called "puppets" subordinate to his despotic will. After his historical discussion of the problems under both a purely private education system and a centralized but despotic education system, Guizot then considers the ways in which creating an esprit de corps among a plural but coherent body of teachers concerned with teaching both religion/morality and science can serve as a guardian of the education of future generations while avoiding the excesses of either alternative.

5.3.2. The Ancien Régime: Why Private Education is Not Enough

In the final chapter of *Public Education*, Guizot outlines two mutually exclusive possibilities for the ideal organization of education within a state: either a **private system** where education is fully private and unregulated, left to either local authorities or private tutors and corporations, or an alternative **public system** in which the government exerts central control over education by inspecting and supervising educational establishments, approving which schools can receive state sanction and or state funding and, where necessary, providing education through its own schools:

"In one, education and instruction, strangers to the government of the State, are abandoned, either to private corporations, or to municipal authorities, either to private individuals who support their establishments by their own funds or by their own industry and which only receive from the State the protection which is accorded to the labor of all of its subjects. In the other, the education and instruction belong to the State, which distributes, directs, supervises them and provides for their needs in accordance with special laws." (PE 101)

Although the fully private system might have made sense in certain historical contexts under different socio-political circumstances, especially among the small city states of Ancient Greece, such a system, Guizot argues, is not appropriate for a modern constitutional monarchy like the French government during the Second Restoration.²⁰³ Given what we may call the path dependency of particular institutions, which laws and governments are unwise to destroy when they can simply regulate or reform, Guizot argues that the history of the French education system leaves his contemporaries with a choice "between absolute liberty and the authority of the state" (PE 104). Among these choices,

²⁰³ In his discussion of education in Ancient Greece, Guizot actually distinguishes between instruction and education. He argues that Greek instruction was completely free from State control and he includes under this heading the teaching by rhetoricians and philosophers, Plato's Academy and under such private institutions. He includes under educational establishments the Gymnasium and other public buildings where character building and moral education could take place.

Guizot's argues that his own historical account favors a choice in favor of the public system. The two primary reasons he gives for rejecting the private system are both related to the state of political opinions after the revolutionary period. Guizot argues first that the state of public doctrines and public enlightenment is worrisome enough that it requires state intervention and second that the strong divisions among different factions in the aftermath of the revolution require a common education that can guide the next generation to avoid political violence and the dangerous influence of factions. Both of these arguments draw their strength from Guizot's historical account of how the fully private system of instruction and education prior to the French Revolution was partially responsible for the political violence and the subsequent appeal of a despotic populist leader like Napoleon Bonaparte.

For Guizot, the history of education prior to the French Revolution serves two argumentative functions. First, Guizot shows the difficulty of the project of establishing rules governing education and the inconveniences attending upon having an exclusively private system of education. Second, he argues for a direct causal link from the insufficient attention to education of the Ancien Régime and its political collapse. By depriving the poorest citizens of primary education and allowing the rest to acquire the education of whichever faction was more powerful, the regime sowed the seeds of its own destruction.

During the 11th and 12th centuries,²⁰⁴ education was primarily the business of families, with the exception of itinerant teachers who made a living traveling through Europe and delivering lectures for a fee in the manner of the ancient sophists. Some of these early

²⁰⁴ Guizot's history of education in France starts off from the Middle Ages. Prior to this time, he claims, there were no large-scale public establishments for public instruction, despite the efforts of emperors like Charlemagne or religious leaders such as the Popes.

teachers were very successful, attracting large crowds and loyal followers. Guizot mentions the lectures of a certain Odon of Orleans in 1088, who attracted so many listeners that disciples would set up tents outside of the towns where the master settled (PE 10). Eventually the interest would be substantial enough that these itinerant teachers could settle down at permanent locations and rely on a steady stream of income, thereby creating the first universities.²⁰⁵ This type of education was completely private and independent, unregulated in any way by the civil authorities (PE 12). Without any common rules or rights, the only limit on what the teachers were able to present publicly was the moral censure of the religious authorities, who could run particular heterodox teachers out of town. Once these institutions became more settled and regular, however, they became subject to more regular organization and rules. Soon universities attracted the attention of the central civil and religious authorities, with "the papal bulls and the royal ordinances regulating the main business of the Universities, constituting them as veritable public establishments" (PE 13).

The new universities began to organize their students into local associations called *colleges* that grouped students either on the basis of place of origin or on the basis of subject matter pursued (PE 15-16).²⁰⁶ These colleges began as houses built by charitable foundations for the lodging of poorer students moving to Paris to take courses at the universities (PE 15). Younger and younger students were sent to these educational establishments by their parents to receive both a comprehensive moral and religious education and to specialize in various subjects, especially branches of theology. Franciscans, Dominicans and other

²⁰⁵ They primarily addressed themselves to adults and youth rather than children (PE 12).

²⁰⁶ Guizot speculates that many of the students were already living together in different neighborhoods, associating themselves with those from similar countries or having similar interests.

Christian orders quickly established their own colleges under the auspices of the University of Paris (PE 16). The short-term consequences of this settled form of education were salutary. Private charities and religious organizations established a number of scholarships that allowed poor students to attend the colleges. The pupils graduating from the colleges began to return to their home towns and establish their own practice of teaching the young, as well as offering religious instruction.

Unfortunately, according to Guizot, this growing private sector of education also had negative consequences that were difficult to anticipate at the onset. Unlike the German system, in which the private universities retained some formal links to civil authority, the burgeoning educational system of France was fully independent and private. As Guizot puts it:

"Founded, either by the religious orders, or by the municipalities, or by charitable people, these establishments became in a certain way private properties, that belonged to the corporation under the direction of which they were placed. The more they multiplied, the more they escaped from the civil authority that, in the state that it found itself then in society, had almost no means of directing and supervising the houses among which there existed no connection, that were neither subject to the same regime, nor governed by the same power, and that were, consequently, more or less impossible to connect to a common center." (PE 20)

The fully private system of education was not systematically oriented towards the civic needs of the political community. This was reflected both in the *content* of the education provided and in the *distribution* of the instruction among different classes. The 16th century in France was a time of particularly intense religious conflict and strong animosity among different religious sects. The Wars of Religion took millions of lives and caused the greatest political crisis in France prior to the French Revolution.²⁰⁷ Guizot attributed some of the

²⁰⁷ See Holt, *The French Wars of Religion*.

violence to the highly fragmented school system. Many of the colleges opened in the 16th century were Protestant of various denominations while other universities were home to Catholics and the mendicant orders. As each of these religious groups with political aspirations gained control over the education of larger groups of pupils, the violent conflicts of religion amplified rather than quelled. Despite attempts by Henry IV - the king responsible for the Edict of Nantes that ended the Wars of Religion - to bring educational establishments under the control of the state, the system, according to Guizot, remained de facto private and highly divided.²⁰⁸ Although the religious conflicts of the 16th century became less violent over time, Guizot argues that the private control of education by religious groups continued to affect the political climate of the 18th century.

Despite Guizot's general argument that religious and moral education are fundamental to civic education and to creating a body of citizens that respects the fundamental laws and resists absolutism, his analysis of the role of religious organizations in education prior to the French Revolution is generally negative. Without any necessary connection to the state, Guizot argues, religious sects often taught doctrines at odds with the political needs of the time. Some taught reactionary ideas trying to counter the spread of enlightenment ("here they made an effort to once again support that which had already fallen into ruins"), others taught revolutionary principles that advocated an overthrow of the political order ("here they allowed to spread ideas that should bring about the overthrow of the state") (PE 22). The civic function of education was neglected even in institutions that did not teach explicitly sectarian principles: "everywhere they neglected to deeply instill in

²⁰⁸ This legacy of the 16th century continued into the 18th, with Jesuits becoming increasingly important players in the education world.

the reason of young men the great principles appropriate to protect them against theories as false as they are deadly" (PE 22).²⁰⁹ Furthermore, places that were not politically dangerous became politically irrelevant by falling behind the political needs of the time. Guizot argues that the term "college scholar", originally an honorable designation, became a term of insult as a result of the useless knowledge that was propagated through these institutions: "*a college scholar* that, in the sixteenth and seventeenth centuries were an honorable designation, became terms of contempt, and appeared only to designate a useless science" (PE 22). According to Guizot, the unregulated private education system prior to the Revolution cannot be disconnected from the political consequences seen at the end of the 18th century. Although not the only cause, "[t]he state of the education and the public instruction is one of the causes that could serve to explain this phenomenon" (PE 24):

"What one never forgets is that it is in the establishments for public instructions that existed during this time, by the men who directed them, and after the methods that were then in effect, that was formed this reckless and tumultuous generation, some of whom made or agreed with the revolution, and others of whom did not know either to foresee it or to guide it. They had learned all that they had taught there, and their science found itself at the same time dangerous and useless." (PE 23)

The lack of civic *content* and appropriate public doctrines in the instruction offered the young is only one dimension of the political problem with a fully private education system. The second dimension Guizot was concerned with was the *distribution* of education. *Primary* education, the type of education necessary to every member of a political society, was consistently undersupplied, especially among the lower classes. Although private charity,

²⁰⁹ This is only natural given that whatever the priorities of private corporations, they had no systematic reason to be concerned with the long-term stability of the political order or with other important civic functions: "Given almost everywhere by corporations more or less independent, that did not care about the State other than because it had formerly authorized their existence, they did not nourish the young men with doctrines appropriate to the institutions of the State; and all these institutions were attacked with an ignorance, with a foolhardiness that only proves how little the youth had learned to know and respect them." (PE 24)

religious organizations, and some local governments occasionally provided for this important public need, Guizot found primary education to be severely lacking in a number of areas: "Before the revolution, primary instruction was almost completely abandoned to the charity of the public and that of the church, that, in certain places, provided it for the poor, whereas in many others no one thought of care or received it." (PE 25) This deficiency in primary education, especially as it concerns the poorest members of society, was felt particularly strongly during the French Revolution. According to Guizot, a large group of people at the forefront of the French Revolution had either received no primary education or an unsatisfactory one:

"[Providence] brought to the scene this people whose entire primary instruction had been missing, or more or less, that were not able to acquire in the good public schools, either the necessary knowledge to peacefully improve their condition, or the religious and moral ideas, engraved so deeply in the souls to there fortify the sentiment of duty, or finally those habits of order and discipline that ensure to society an enormous force and everywhere shows itself against the excesses of individuals" (PE 24-25)

This lack of primary education among the lower classes had both direct and indirect political consequences. Directly, the uneducated lower classes had no loyalty to the state and little if any moral concern for the stability of political institutions. The primary instruction provided through the Church was, according to Guizot, "far from sufficing for the needs of the population" (PE 25). This was reflected in the vulnerability of the lower classes to being co-opted by the leaders of revolutionary factions: "when the course of events delivered these people in the hands of the factious, there was nothing found in the lessons and in the habits of its youth, that could put up obstacles to its errors and its excesses" (PE 25). Without the moral, religious and civic education to connect the existing political institutions to the needs of the time, the people neither saw the existing institutions as legitimate nor did they

anticipate the violence and absolutist direction that the revolution would take. Indirectly, the lack of education also limited the socio-economic opportunities of the poor. Without what Guizot calls "knowledge to peacefully improve their condition", the poor continued to be harshly pressed between the agricultural crises of the late 18th century which reduced their earnings and the heavy tax burden that continued to grow. Although Guizot does not provide a systematic analysis of the economic and political situation of French peasants prior to the Revolution in the manner of his student Alexis de Tocqueville in his *Ancien Régime and the French Revolution*, the connection between primary education and a liberal political order does not run exclusively through the salutary political doctrines. It also includes the ability of more educated lower classes to increase their socio-economic status over time, particularly once the structure of privilege by birth is abolished by the Revolution.

While *primary* education was generally underprovided, the *secondary* education available through the religious *colleges* was provided more generously but based on principles of distribution completely at odds with the political needs of the time. The connection between secondary education and political capacity was either entirely ignored or actively compromised. Those whose socio-economic position granted political rights did not receive a proper education in the requisite skills of political rule. On the other hand, children of the lower classes whose political and economic opportunities were limited by their status often obtained scholarships to attend the colleges and receive an education incompatible with their immediate socio-economic opportunities:

"Finally, whereas men who, by their status in society, had need of a convenient and strong secondary instruction, did not receive it at all in the colleges, the imperfect instruction that was given them was distributed with abundance, and almost without pay, to a mass of young men of all conditions who, at the end of their studies, found themselves disgusted with the estate of their parents, without a life in the world, and

ready to grasp all of the opportunities to acquire one, whatever the cost to the society within which their place was not naturally stamped." (PE 22-23)

The last argument about the improper distribution of secondary education to children of the lower classes certainly captures a certain bourgeois anxiety about the rise of the working classes. However, Guizot is also right to observe that more advanced education for the poor that does not translate into socio-economic opportunities can undermine political stability. In 1789, Guizot claimed "there were not many poor people that were able to read, and there were many of them who had learned rhetoric" (PE 68). Both of these categories posed a threat to the existing political order. The susceptibility of the uneducated to political rhetoric acted in concert with the growing political dissatisfaction of the overeducated and underemployed poor, whose secondary education Guizot claims was responsible for "disgusting them with the state of their parents without ensuring to them a different one" (PE 68).

While the content and distribution of primary and secondary education through the fully private system was directly at odds with the political needs of France, special or tertiary education was much more appropriately provided through both private and public means. This indicates an important difference between scientific research with practical (especially military) applications whose utility to both state and society is obvious enough to receive support even from absolutist regimes and the institutions for civic education that correspond to a free and stable political society whose benefits are either far-removed or less universally acknowledged. When it came to the various military schools, civil engineering and public infrastructure, public and private funding was abundant "because the government

immediately gathered their benefits, and these schools we were able to speak of public utility, because their outcomes were of interest to all the citizens" (PE 25).²¹⁰

5.3.3. The First Republic and the First Empire: Why Public Education is not Enough

In contrast to the education of the Ancien Régime, which illustrated the problems with an unregulated education system, Guizot's analysis of public education during the First Republic and the First Empire showed that centralized government control over the education system was not enough to educate citizens for a liberal political order of the kind that he envisions in the representative government of England or of Restoration France. In this section, I first examine the failed efforts of both the First Republic and the First Empire. Both regimes made attempts to create a public education system. While the First Republic had ambitious but unrealistic plans, the First Empire had more realistic but despotic plans for the education of French citizens. Both regimes failed to pay sufficient attention to primary education, which Guizot continued to argue in favor of universalizing (for boys) until he had the opportunity to promote it himself as Minister of Public Education.

The original aspirations of the Revolutionary government matched those of Guizot: the creation of a public system of education. In 1791, the Constituent Assembly passed a law mandating free and universal primary education: "a common public instruction of all the citizens, free of charge with respect to the parts of education essential for all men" (PE 29).

²¹⁰ By contrast, the schools of law and medicine remained dominated by nepotism, poor organization and corruption. The legal profession, which Guizot's father had pursued and which he himself pursued, was generally passed on from father to son and most of the instruction was acquired within the family. Given that his own father died when he was 6, Guizot never had the opportunity to receive that private instruction and his evaluation of the institutions for teaching law in Paris indicated disappointment. "As a result of both public support for and private interest in these institutions, their development in France quickly became an example for other European nations: "the military schools, the artillery schools, of spirit, of the navy, of bridges and roads, of mines, of naval construction, of civil and military surgery, have given to the scholarly part of our armies and of our administration a superiority that already aroused the admiration of Europe" (PE 26).

Unfortunately, this ambitious plan was less effective at building the promised education system (especially with regard to primary education) than at destroying the existing private institutions for secondary education (the colleges). Guizot describes the revolutionary spirit as simultaneously showcasing the progress of enlightenment and reason during the 18th century and the weaknesses of the human desire to remake political, social and moral institutions anew upon rational foundations.

The goals of the new education system showed the height of these political aspirations.²¹¹ Guizot summarizes the revolutionary plans as:

"Teach everything that we have known or everything that we thought we have known, and make rest upon the progress of this enlightenment, of which one was already so proud, the entire edifice of society, this was the fundamental idea after which these plans were conceived" (PE 31)

The confidence in reason and science was high enough to assume that all education was a form of advanced instruction. Morality was to be taught in a scientific manner without the admixture of religion. The civic components of education, especially the teaching of public doctrines, were viewed with suspicion as anti-liberal: "All attempts to establish and spread the public doctrines, to exercise over the hearts the most mild influence, were considered as an attempt against liberty" (PE 32). As the revolutionary government became more radical, so did the plans. Guizot takes the example of the military schools. If the initial plan presented to the Constitutive Assembly included some concern for order and discipline in the military schools, the later plan presented to the Legislative Assembly abandoned all such language in favor of relying exclusively on reason and voluntary obedience (PE 33-34).

²¹¹ Guizot described as a "bizarre mixture of strength and weakness, of just ideas and absurd theories, of useful views and foolish projects" (PE 34)

Instead of civic education, the plans of the First Republic serves as "monuments to the extent of the human spirit", more "dedicated to the glory and the progress of science, than to the interests of society and individuals." (PE 32) As a result, despite the explicit attempt to create a system of public education, "education was almost completely delivered over to chance" (PE 32). These educational projects of the Constitutive Assembly remained largely unexecuted for lack of teachers, resources and administrative structure, illustrating the disconnect between the aspirations and the political realities of the time.

Instead of building new educational establishments, the government of the First Republic undertook the liquidation of the assets of a number of existing establishments for secondary education. According to Guizot, the government used the decrees of March 8th and September 15th 1793 to take possession of the property of the colleges and the public scholarships, and to suppress the public establishments for the study of theology, medicine, law and arts.²¹² Once they had dismantled most of the schools and colleges left from the Ancien Régime, the revolutionary government gave indiscriminant permission to all who wanted to establish new schools or teach students: "Soon teaching was declared completely free; private industry took advantage of according to its whim, either the revolutionary spirit, or the opposite spirit that nourished or that made to be born in a large number of law-abiding families the horrors of the revolution." (PE 37) The primary consequence of this government-driven return to a completely private system of education was to further distance schools from the civic function the public needed them to perform in the new regime: "License, disorder and ignorance established themselves in the majority of these

²¹² However, see the discussion of the Botanical Garden and how well special instruction still did even under the French Revolution.

boarding schools, that did not follow any authority, and under which public opinion, then silent, did not exercise any control." (PE 37)

Soon, the First Republic had to confront the negative consequences of its earlier policies concerning education. A series of legislative initiatives in the spring of 1795 called for the establishment of *central schools* in each of the administrative divisions of France. Guizot approved of the plan of creating public schools "where the young men can receive a secondary instruction as complete as the demands of the needs of society", as "wise, and could have produced very good effects" (PE 37). Unfortunately, the plans for secondary instruction lacked a corresponding foundation in universal primary education. In this respect, the First Republic repeated the mistakes of the Ancien Régime, continuing to deprive the people of the necessary civic education acquired in primary schools and simultaneously limiting the effectiveness of the secondary education system:

"Such education was undoubtedly useful; but it assumed schools of an inferior level, where the children could receive the elementary knowledge and the first developments of mind, without which the higher and more extensive studies would not be able to be undertaken fruitfully. Yet, these schools did not exist, and no one thought of busying themselves with them." (PE 38)

This poorly constructed system forced highly qualified teachers of specialized topics to serve as primary school instructors, to the detriment of both the teachers and the students. Guizot describes advanced professors of "art, natural history, contemporary languages, general grammar, physics, experimental chemistry and legislation" having to teach elementary courses in central schools ill-equipped for primary instruction (PE 38). The most important limitation of these circumstances, beyond the poor use of the teachers, was that "the moral part of the education was in this manner completely neglected" (PE 39). Not only were the schools ill-equipped to provide moral and religious instruction, but they were also

poorly prepared to cater to the needs of a much younger set of pupils than expected. Although many boarding schools were planned to accompany the construction of the central schools, these boarding schools were not built, leaving children with a liberty unlikely to be suitable to their age.

Finally, Guizot was concerned about the selection and training of public teachers. Scientific progress in the natural sciences, as well as the study of modern languages and history, demanded qualified instructors. Unfortunately, the pool of candidates, especially outside of Paris, was mediocre (PE 39).²¹³ This problem was exacerbated by local boards of examiners dominated by supporters of revolutionary ideology. They appointed as teachers a number of individuals with revolutionary aspirations but questionable morality (at least as Guizot saw it) (PE 39). These teachers made parents uncomfortable with the public schools, which harmed both the effectiveness and the reputation of these institutions in the eyes of the public (PE 39). To address the shortage of quality instructors, a 1794 decree established a new Teacher Training College (École Normale) in Paris with the goal of instructing almost 1,800 young men to teach advanced subjects. The professors in the Teacher Training College included some of the most enlightened men of the period, including Lagrange (mathematician), Laplace (mathematics and astronomy), Berthollet (chemistry) among others. This advanced institute provided high quality instructions and fostered emulation and competition among the students (PE 40). Unfortunately, it was a short lived experiment, lasting only four months from 20 January 1795 to 19 May 1795.

²¹³ The Parisian schools had abundant funding and sufficient numbers of pupils and teachers to maintain the local schools. The rural administrative units, however, could not maintain the levels of enrollment required nor attract enough qualified instructors, which led to their quickly being abandoned back to private industry.

At the end of the First Republic, the public education system continued to suffer from some of the same limitations as the private education system under the Ancien Régime. Primary education, though most necessary to all citizens, was severely underprovided ("*primary* instruction was neglected, or employed for the success of the most pernicious designs"). Secondary education was largely removed from state control and continued to be disconnected from its civic mission ("*secondary* instruction was abandoned to private industry, without direction and without supervision, or organized after plans of which the execution remained all the more imperfect as their conception had been more immense"). The only branch of education that continued to register success even amidst the tumultuous political developments was *special* instruction, which continued to obtain both public and private support ("*special* instruction, favored by the nature of the very knowledge that is its object, and by the public needs, made real progress, rendered real services to society, and assured to France, in the eyes of all of Europe, the fame of the sciences and the arts") (PE 42-43).

Towards the end of the First Republic, the republican government became aware of growing political dissatisfaction among the citizens and a resurgence of reactionary ideas. In a last ditch attempt to fight against these new developments, a law in February 1798 mandated the teaching of revolutionary doctrines to the students. The law asked that teachers and schoolmasters "place into the hands of their pupils the rights of man and the constitution", observe "the republican ten day week", celebrate "the republican festivals", and check "if they respected the name of citizen" (PE 43). Needless to say, these efforts were unsuccessful. In less than a year, Napoleon Bonaparte was able to harness both the revolutionary energy against the Ancien Régime and the reactionary spirit that longed for absolutism (PE 43-44).

The state of French public education during the First Empire most clearly illustrated the dangers of having a public education system subordinated to the will of a single despotic ruler. Guizot's proposals for educational reform during the Restoration, particularly his advocacy of creating an independent, national, corporate body of teachers capable of teaching a combination of moral, religious and scientific education, reflect his concern with avoiding the potential abuses of a highly centralized and politically subordinate education system. Although Guizot strongly disliked Bonaparte and the turn towards absolutism in French politics during the early 19th century, he approved of his plans for the creation of a truly national system of public education:

"Contained within fair limits, this revolution was useful; it tended toward restoring order in the establishments for instruction, to bring the institutions of this kind into alignment with the political institutions; it also put in place the foundations of a genuine national education and finally made cease the empire of these absurd principles, in virtue of which we pretended for a long-time that the State should not exercise any influence over the education of the men destined to live some day under its laws." (PE 45-46)

The most important educational reform of the First Empire was the founding of the Imperial University of France in 1808. The name of "University" is confusing, since it does not designate a particular corporate body providing higher education. All "universities" in France were expropriated and abolished by the laws against religious and corporate bodies during the First Republic. The Imperial University represented a new national education system in France which included all levels of education, from primary and secondary schools all the way up to the higher education now provided in institutions referred to as academies, faculties and teacher training institutions. In the latter category, the university included a new Teachers' Training College (*École Normale Supérieure in Rue d'Ulm*) for the training of up to 300 young teachers - a revival of the short lived institution during the First Republic. Until 1896,

when the Third Republic replaced the University system with a new public system of education, there were no other "universities" in France since they could not be organized as separate corporate bodies from the University.

In his extensive discussion of this new centralized, national and public education system, Guizot saw both the positive promotion of a legitimate social and political interest and the mixture of dangerous and detrimental elements coming from its subordination to the arbitrary will of a despot. Guizot strongly approves of the project of creating a national body of teachers united under central control and connected to the government, tasked with providing the basic religious, moral and political education that would shape children into virtuous citizens:

"Reuniting all of the public establishments for education into a large body subject to the supervision of a superior authority, placed at the very center of the government; giving to this authority all of the means to spread and to appropriately distribute the instruction, to spread the good religious, moral and political doctrines, and to prepare in this way the children entrusted to the care of the State, to one day become virtuous citizens, enlightened and useful: this was, this will always be, in this respect, the social interest." (PE 60)

Guizot views the University as confirmation of the politically salutary principle that "*the public instruction belongs to the State*", by which he understands that the state has both a responsibility to procure education to those who would not receive any without it and that it has an obligation to supervise the private establishments for education (PE 63-64). Guizot acknowledges that the application of the principle will vary across different historical and political circumstances. Public influence over "the education of the nascent generations", however, is imperative in the aftermath of political conflict (PE 64). In the aftermath of the French Revolution, Guizot is concerned that a fully private system would transmit the political divisions of the previous generation to the children, expecting schools to further the

political goals of either revolutionaries or reactionaries: "on the hand, the schools of revolt and atheism, on the other, the schools of superstition and servitude" (PE 64). By contrast, the intervention of the state in the education of the future generations can teach the children of both factions public doctrines conducive to political stability, promoting "the public order and the calm of the future" (PE 64).

Not only is the post-Revolutionary political context the time when the need for public education is most dire, but the Restoration government which divided power between the monarch, the chamber of deputies and the electorate on the model of the British representative government was the ideal venue to prevent the abuses of state control over education: "This power is above all appropriate to a mixed and monarchical government, that has fought against different prejudices, and against threatening theories" (PE 64) By contrast to the mixed government that Guizot admires in 1816, the government of the First Empire suffered from all the inconveniences of being subordinate to the will of a despot. This entire education system was controlled the by Rector of the University called the Grand Master, appointed by the Emperor ("a grand master subject only to the sovereign, absolute in the exercise of the power entrusted to him"), with the assistance of a treasurer, a chancellor and a University council composed of 30 members ("a counsel reduced to the discussion of general rules and the judgment of contentious matters, and without real influence over governing") (PE 64). For the supervision of public and private educational establishments, the University administrators also had access to a number of inspectors general charged with investigating schools ("inspectors general designated to serve as eyes and arms of the grand-master, and more or less without connections with the counsel") (PE 64). The system was meant to be hierarchical and to respond directly to will of the Emperor,

whose primary interest was to control the education of the people according to his own political needs: "to take possession of education in such a manner as to dispose according to his will the science and the ignorance of the people; this was the interest of the despot." (PE 61) Guizot criticized the politically dangerous combination of the Grand Master having exclusive control over all educational institutions in France while being subordinated directly to the arbitrary will of a despot:

"The power resided only in the person of the grand-master, who had the inspectors general for ministers; and the head of State in this way only had to ensure a single man to exercise over public instruction an authority without limit and without objection." (PE 62-63)

Napoleon, Guizot claims, wanted "puppets" - men easy to manipulate and shape to his will. This despotic intent affected every level of instruction provided through the public education system. At the very top of the educational establishment, his proposed organization reflected "the ambition of regulating everything, up to the most minute details of administration and instruction" (PE 62). This desire for absolute control was not only reflected in the hierarchical structure of the university, but also in the selection of topics allowed to be taught. Guizot calls this "the project of reducing the instruction to the knowledge of which the despot believed he would not have anything to fear", which explains why Napoleon was willing to promote certain types of military and technical studies, but not history, politics or religion (PE 62). In a possibly tongue in cheek manner, Guizot hints at rumors that Napoleon was planning to ban the study of logic (PE 62). In addition to shaping the university administration and the training of teachers according to his will, Napoleon's desire to acquire loyal subjects trickled through the entire education system, affecting the funding and provision of both secondary and primary education:

"The first requirement of Bonaparte was to acquire puppets; the most sure way for managing to do this was to multiply the rewards for men who gave themselves to him, and to work at the same time to shape in his empire a large number of men ready and suitable to become slaves to his ideas and the instruments of his projects."
(PE 46)

One way to do it involved the distribution of education funding. Napoleon centralized education funding by diverting the money spent locally by each of the administrative units to the state treasury. This produced approximately 3,000,000 francs. Instead of continuing to use this money to pay the salaries of teachers in each of the units, he distributed it in the form of scholarships to poorer children he intended to groom as his disciples. The salaries of teachers in 3 administrative departments together sufficed to pay for around 100 scholarships for students selected to study in the central schools which Napoleon renamed as lyceums. In addition to expropriating local education funds, the administrative divisions themselves were asked to competitively select and pay for 50 more scholarships per 3 units. As an immediate result, the plan removed two-thirds of the qualified instructors who no longer had funds available for their salaries. The rest were made to depend on the fees paid by students through the scholarships. But Napoleon's goals were accomplished by creating a clientelistic system for distributing education to close to 3,000 students and making both them and their families dependent on his goodwill through the distribution of funds that belonged to the local units:

"The secret goal of Bonaparte was achieved; he provided and raised to the lyceums, at their expense and for his profit, around three thousand children that owed in this way to him their education, and that became strongly disposed to serve the man that they grew accustomed, from their childhood, to consider as their benefactor. This influence extended to the families to which these children belonged, and that depended on Bonaparte through this new connection. The students on scholarship were usually chosen from among the sons of soldiers or from the families of the poor, a new source of attachment or rather of dependence. Bonaparte thus created for himself, in a certain manner, an enormous adoptive family that recognized him as protector and patron." (PE 48)

Part of Bonaparte's problem, however, was his greed. As a result of diverting part of the three million francs for military expenditures, many scholarships became only partially funded, which led to fewer candidates competing for them. In the case of military and polytechnic advanced schools, successful students were rewarded with lucrative careers, which made the investment in education pay off and kept the admissions process competitive (PE 50). The central lyceums, however, did not offer a similar promise of economic and social advancement, which made the financial burden harder to justify and reduced the competitiveness of the admissions process (PE 50). In certain administrative districts, the scholarships went to outside students, creating local dissatisfaction. Given these new challenges with funding high quality public schools, Guizot noticed the rise of competition both from private boarding schools and from religious seminary schools, which were legally permitted starting with 1802 (PE 51-53). Both of these private establishments attracted a large number of pupils and proved more successful than the central lyceums paid for through state funds. Guizot's preference for public education is clear in his discussion of these private establishments. He attributes part of the success of these rival institutions partly to the deficient funding and administration of public education under Napoleon (PE 51) and partly to unfair defamation of the public schools by private actors (PE 52). To make up for the deficiencies of the government schools, Napoleon introduced a tax of a twentieth part of student fees on the parents of children attending private schools in order to pay for the expenses of the university and the public schools (PE 67). While Guizot is generally sympathetic to the idea of a tax that can provide a steady stream of revenue to the public education system, he concedes that the opponents of the tax had legitimate points. The tax was introduced in an illegal manner (PE 69). The money was too little to make a positive

contribution but still onerous enough to negative impact on the welfare of middle class parents pursuing a secondary education for their children (PE 69). The money collected was not spent on primary education, which continued to be underfunded, underprovided and highly unequally distributed (PE 69). Although he defends the renewal of the tax under the Restoration government in 1816, he understands that its collection and distribution remained politically unpopular. By the time Guizot is Minister of Public Education during the July Monarchy, his proposals for increasing spending on public education return to a closer connection between local taxation and local schools.

At every step of Guizot's analysis of education during the First Empire, he approves of the plans for the creation of a truly public system of education but disapproves of the admixture of the private interest of the Emperor in the funding, organization and distribution of education. His overall evaluation, however, is positive. According to Guizot, the education system put in place by Bonaparte was likely to serve the public interest in the long run, despite its vulnerability to Napoleon's nefarious designs:

"[T]he new institution established, between the State and the nascent generations, these connections which would create the permanence of the public mores, and would give to the government a strength that could, it is true, momentarily turn to the profit of a despot, but which, destined to survive the despotism, should be a principle of stability and vigor going forward." (PE 70)

Despite all the possible pitfalls of imperial control over the education system, Guizot recognizes a burgeoning corporate spirit among members of the educational profession and a sense of moral duty among the leading administrators of the university that covertly resisted the despotic designs. In his discussion of the future of the university, he makes use of this history to recommend the creation of a corporate body of teachers strong enough to serve as a counter-power to the government while national in scope and oriented towards

the public good. In the next section, we turn more directly to Guizot's discussion of the best organization of a public education system that is simultaneously national and liberal, committed to educating children into citizens of a representative government.

5.4. Institutions for Public Instruction

Guizot's primary concern in writing *The History and Current State of Public Education in France* (1816) is a philosophical history of the education system in France that can be used to guide his contemporary political conversations. Writing shortly after Napoleon's Hundred Day return to power in France, he therefore has to consider the future of the public educational system called the University. This institution was under political attack from both sides of the political spectrum, largely on religious grounds. Historian of education R. D. Anderson described the University system as a "centralized, secular, national body" whose main features were "emphasis on professional education, the relegation of general literary and scientific education to secondary schools, the separation of teaching and research, and a separate system of elite *Grandes Écoles*" (2004 III.1) Many Catholics would have agreed with this description and criticized the University on those grounds. On the other hand, the republicans were displeased by the insufficiently secular character of the institutions, in which they would have preferred to avoid religious teaching altogether. These debates about the teaching of religion and science in the public education system were particularly intense during the 19th century, especially during the July Monarchy and the Second Empire. The secular camp eventually succeeded with the famous Loi Ferry in the early 1880s.

Unlike either the Catholics or the advocates of secularism, Guizot was a member of a minority group in France. The Huguenots had been persecuted for centuries in France and as a Protestant, Guizot could not expect a predominantly Protestant public education system on the model of either England or the United States. In his writings about public education, he makes the case for teaching both religion and science in order to educate future citizens who can sustain stable representative institutions such as the ones of the Restoration government and resist absolutist attempts to seize power. Because religion teaches human beings to have a sense of their own dignity and a respect for reason, truth and justice that transcend the political context of the time, it serves to create citizens that understand both their duty to obey a legitimate government and their duty to resist an illegitimate despot like Napoleon. This, Guizot hypothesized, was the reason for persecuting religion during the revolutionary period (First Republic and First Empire). Alongside religion, teaching science contributes to the goal of sustaining a legitimate government that is responsive to enlightened public opinion.

In addition to his concern about combining religion and science, especially in the primary education system that was supposed to incorporate all French children, Guizot's discussion about the administration, staffing and funding of the public education system shows his distinctively liberal commitments and concerns, including the division of power, the government of spirits and the meritocratic recruitment of teachers. His primary proposal is the creation of a national corporate body of teachers whose leadership would serve as the regulatory agents in charge of the public education system. Guizot argues that this corporate body would allow teachers to see themselves as independent professionals concerned with the public good instead of dependent servants of a particular despot like Napoleon.

Although the body would be national and responsive to the general educational goals of the state, its internal structure would be impermeable to minute political interventions and decisions. In creating a qualified body of teachers, Guizot shows a solution that is simultaneously public and pluralist, avoiding the extremes of both an unregulated education system and a system subject to the will of a despot.

5.4.1. Religion and Science

In founding the University, Napoleon had been primarily interested in shaping an obedient and technically equipped set of soldiers who could support his private projects of conquest and domination: "Bonaparte demanded of the University to furnish him with strong, docile, well-disciplined generations, disposed to dedicate their science to the execution of his whims, and to place their energy into the activity of obedience" (PE 76). For such despotic purposes, a form of religious education that either exclusively preached obedience and submission or one which incited fanatical love for himself as the emperor would have served well: "If Bonaparte would have been able to reduce religion to being only a principle of order and obedience, or if he would have been able to get hold of it as a means of exciting in his favor a blind fanaticism, he would have done everything in order to truly return it to respect and honor" (PE 76)

Unfortunately for Bonaparte's political agenda, religion does not only preach "submission to the sovereign and to the laws" (PE 77). Religious education, according to Guizot, is also "opposed to license and anarchy" (PE 77). Guizot lists three mechanisms through which religious education leads to a self-understanding that demands legitimate independence and is therefore compatible with liberal political institutions: "[religion]

inspires in him the need for that legitimate independence which he would not renounce unless he does not find anymore in himself anything which deserves to be honored and defended" (PE 77). The first is through "the sentiment of his dignity", which grounds expectations about how one should be treated as a human being. As the quote above indicates, human beings who lose the sentiment of their dignity are more likely to accept political dependence of the kind sought by Napoleon. The second mechanism is through an understanding of one's moral obligations, which includes the obligation to seek after reason, truth and justice and obey legitimate authorities while resisting illegitimate ones. Finally, religion operates "by the force which it lends to the voice of conscience", which serves as a moral compass that human beings can use to judge their political institutions. While Guizot's understanding of religion here may be influenced by his own Protestant faith, he intends his comments to apply more broadly at least to French Roman Catholics.²¹⁴

Bonaparte was therefore right to be suspicious of religion for at least three reasons. According to Guizot, the 19th century had brought an end to the religious fanaticism that might support Napoleon and brought back "the religious and moral spirit" that was more compatible with the type of dignity Guizot described above (PE 77). The kind of religious fanaticism that Napoleon would have hoped for, that would bring into being a submissive citizenry faithful to him, was no longer feasible under the new set of historical circumstances. Second, the religious institutions and ideas in France tended to support the monarchy, while the (questionable) legitimacy of the First Empire was tied to the anti-monarchical revolution (PE 77). Finally, many of Napoleon's supporters, whom Guizot

²¹⁴ His position on Jesuits seems to be less tolerant.

describes as having "inherited from this revolution prejudices which they called enlightenment", were outraged at the possibility of reintroducing religion into public instruction since they viewed the return of religion as the return of superstition (PE 78). Although Guizot considered the secular fears unjustified with respect to religious instruction as a whole, he agreed that the most fervent defenders of religion failed to understand the new spirit of the time and zealously advocated a return to religious principles and institutions that were incompatible with the modern era. These misguided religious advocates gave fodder to the criticism of those who looked upon religion as the opposite of enlightenment (PE 78).

The University was therefore in a precarious position with respect to the teaching of religion. Guizot's praise for leadership of the public education system is particularly strong given the numerous political obstacles that the advocates of moral and religious education had to face, namely the despotic will of the emperor, the suspicions of the irreligious revolutionaries and the prejudices of some of the religious advocates: "it is in the middle of the suspicions of Bonaparte, the public accusations of a clairvoyant impiety and the complaints of a blind piety, that the University worked to reconcile religion with science, to bring back the religious spirit into education, to reestablish in the colleges the customs and the exercises which could have favored its return" (PE 78). The public good demanded precisely the reconciliation of religion and science and the return of moral and religious principles to the education system that had been purged of religion during the First Republic. Guizot's emphasis on reconciling religion with science draws explicitly on his understanding of religion as simultaneously a support for political order and a bulwark

against illiberal politics. The types of citizens raised with this dual focus would be able to meet Guizot's political aspirations of reconciling order with liberty:

"France wanted, on the contrary, an education which would have reconciled religion with science, order with liberty, which gave to childhood moral habits, which regulated its spirit without paralyzing it, which brought back to honor the good studies, favored the dissemination of useful knowledge, which finally satisfied the needs of the time and interests of all" (PE 76)

By founding the University, Napoleon had moved the formerly independent religious schools called "little seminaries" under the control of the public education system. This decree of 1808 attracted criticisms as an illiberal state intervention in religious instruction, particularly from the local administrators whose hiring and curricular decisions were now subject to national inspection and regulation. Guizot admits that there was some legitimacy in the complaints: "its [the clergy's] pretensions, founded on the past, were legitimate" (PE 80). However, he defends the University policy, which was renewed by the Restoration government in 1816, as more conducive to the public good than the alternative private and independent system of religious education. He argues that it improved the provision and quality of primary education, particularly in the countryside, and simultaneously increased the respect for the pastors employed in education (PE 79). Drawing on his historical investigations into the working of the University, Guizot argues that the appointed Grand Master used the newly acquired power over the religious schools in order to protect the Christian ministers from state intervention rather than to act on behalf of the state against the religious schools: "The Grand Master made use of this right to protect everywhere the brothers of the schools, and to exempt their novices and their young masters from conscription, as well as from the irritations of the military authorities." (PE 79) Furthermore, the University administrators did not abuse their new power over the

curriculum and internal affairs of religious schools. During the six years until the fall of Napoleon, no inspectors were sent without either an invitation or explicit consent, and the appointment of school directors was left to the bishops and merely approved by the University officials (PE 80-81). In 1811, Napoleon ordered that the number of little seminaries be reduced to one per administrative unit and that the assets of any additional religious schools belonged to the University to liquidate and use for the public education system. The University administrators quietly disobeyed the order and respected the property of the schools (PE 81). Not only that, but the Grand Master used emergency funds to support the religious schools. The positive effects of the University administration, Guizot argues, were reflected in the tripling of the number of religious schools (PE 79). He concludes that "the administration of the University did not cease protecting and spreading the religious principles, the pious habits, the good moral doctrines" (PE 82).

Guizot considers it equally unfounded that during his time (Second Restoration) the University was looked upon as "revolutionary and irreligious", as that during the First Empire "the revolutionaries and the impious ones have so often taxed [the University] with being too favorable to the political reactionaries and religion against the revolution" (PE 82). In response to the contemporary religious and political faction leveling accusations of impiety, Guizot draws attention to the efforts of the University in selecting individuals of good moral character to serve as teachers at all the levels of instruction (despite the political pressure from the Emperor). He argues that many religious individuals who were unwilling to praise the policies of the First Empire had been protected by the University even when the teachers themselves were unaware that their local position was subject to the highest levels of government discussion (PE 88). In defending religious instruction against

Napoleon, the University showed its commitment to moral and religious education. Unfortunately, the non-public character of many of these measures made it difficult for the public to judge the University, which is why Guizot's own history of education in France was meant to publicize these lesser known actions and policies.

Not only did the University protect religious instruction, but it combined it with an emphasis on scientific inquiry into both classics and the modern sciences. As a result, the University was open to attacks from both secular and religious corners from its very foundation and well into the Second Restoration. On the one hand, those more committed to secular values consistently brought accusations before the State Council of "introducing into the schools a superstitious spirit and a monastic discipline" (PE 81). On the other hand, the highly religious simultaneously complained that "they only taught lack of belief, and practiced only license" (PE 81). Guizot acknowledges the impossible position of the University. The Grand Master could not openly defend himself in front of the Emperor by describing his covert support of religious education. The University's silence therefore led to further accusations of impiety and violations of religious freedom. Although the two camps - the secular revolutionaries and the religious royalists - disagreed on most issues of political importance, both relied on a fundamental opposition between religion and science. Having already shown the importance of a moral and religious education for the creation of a virtuous citizen body, Guizot is also concerned to show the error of those who wish to introduce full religious control over education and restrict the study of certain subjects or theories on the basis of religious arguments:

"There are men who would like that public education would be, not only religious, but superstitious, not only strong and moral, but servile to the most miserable prejudices; these men think that science ruins morals, that enlightenment

undermines the State, that reason kills religion, that, without the servitude of spirit and ignorance, there will be no respect either for morality or for anything else, neither for the throne, and that, in order to prevent the return of revolutions, we should return without reserve to the laws and the customs of the past which, nevertheless, we changed." (PE 96)

This group, which at the time Guizot is writing would have consisted primarily of Catholic Ultra-royalists on the right, opposed the University because it promoted public enlightenment. By allowing the academic autonomy of professors of logic and philosophy, by letting doctors teach about the human body and lawyers teach about the rights of man, by publicizing the work of mathematicians and natural scientists, the University "did not work to revive superstition and fanaticism; it favored the progress of all the sciences and of all the enlightenment" (PE 83) For resisting these advocates of ignorance and religious superstition, Guizot argues, the University should be recognized and praised (PE 83). Among the accomplishments of the University in promoting enlightenment, Guizot lists the rebirth of interest in the classics, particularly ancient Greek, as well as the rebirth of interest in French literature. According to Guizot, revolutionaries had come to fear that teaching great works from authors who lived under the Ancien Régime would corrupt the morals of the youth and promote reactionary attitudes. Authors who had been purged on this ground included Bossuet, Pascal, Fenelon and Massillon, all of whom the University revived in its teaching (PE 84). Guizot's only criticism of the University in this regard is that it insufficiently funded and promoted the new sciences of the 19th century. He attributes this failing primarily to its despotic founder (PE 85). For the future, Guizot suggested that the University needed to increase the number of faculty members in natural and historical sciences, foreign languages and law (PE 85).

Guizot analysis of the public education system included a strong foundation in moral and religious education alongside an education in a variety of modern disciplines. By combining enlightenment with morality, he argued, the body of teachers could contribute to the development of a body of citizens who can demand and sustain a liberal mixed regime such as the representative government of the Second Restoration:

"We say it again, today that we enjoy this liberty which consists of saying honestly that which is true, and to make with simplicity that which is good; education, in order to be moral, should be religious. That this thought inspire and direct all of the masters! That the students, with the advantages of a varied instruction, will bring back from their schools the principles of conduct and the salutary habits!" (PE 97)

5.4.2. Le Corps Enseignant (The Corporate Body of Teachers)

Having defended his preference for a public system of education while acknowledging the dangerous influence of despotic politics on the administration, funding and recruitment aspects of the education system, Guizot's solution is a corporate one. By creating a national body of teachers with an independent corporate identity, he sees the possibility of having both an education oriented towards the national interests of the entire country and a mechanism for moderating illiberal political influences that may arise. In proposing this solution, Guizot is well-aware of possible criticisms from liberals: the quality of teaching may decline, the body will be exclusive and unable to adapt to the changing needs of the time, the body will impose either religious uniformity or a secular uniformity unfriendly to religion. In his defense of the corporate solution, Guizot therefore considers both the theoretical objections that might come from someone like Adam Smith and the practical concerns of those who had observed the public education system under the First Empire.

The creation of a corporate body of teachers is one of the original three general principles governing the creation of the public education system. The other two were bringing public education and instruction under the supervision of the government and placing the body of teachers under a special administration in a manner I describe in the following section. Of the creation of the body of teachers, Guizot argues that the mission of the University was to:

"Bring together all of the men employed in the public establishments of education into a great body, composed in such a way as to cause to be born among them this union, this emulation and this energy that result from the corporate spirit, and avoiding the drawbacks which an exclusive privilege exercises for the nation and for the corporate body itself." (PE 74)

The primary advantages of this *corps enseignant*, according to Guizot, are three-fold. First, and most relevant given the end of the First Empire, is the resistance that a qualified body of teachers could pose to the will of a despot.²¹⁵ Having a national, united corporate body of teachers, with rights and obligations conferred by membership and with a corporate spirit that is independent of short-term political pressures constitutes yet another way of dividing political power. Given Guizot's understanding of a legitimate government as one compelled to search after reason, truth and justice, the separation and division of power is one of the core principles of representative government, forcing different bodies to publicly deliberate about laws and policies. As evidenced by the ability of the leadership of the University to resist the will of the despot in matters concerning religion and science, the presence of a strong and unified corporate body pursuing high professional standards can direct even a despotic government towards a more legitimate education policy. An

²¹⁵ Guizot's arguments in favor of such a body connect to his concerns about excessive centralization - concerns that his student Alexis du Tocqueville developed more fully in both *Democracy in America* and *The Ancien Régime and the French Revolution*.

independent body of teachers can give teachers the required political independence and protection to perform the all-important functions of moral and political education regardless of the immediate political climate.

The second advantage, according to Guizot, is the creation of a professional body in which teachers in the primary and secondary schools emulate the teachers of more advanced subjects and collectively seek to instantiate high standards in their conduct. Guizot claims that "it is to motivations of this type [i.e. emulation] that we owe all of the wonders of religious and gentlemanly associations" (PE 73). In the newly established Teachers Training College, young men would receive "the lessons of the most distinguished scholars and men of letters" in preparation for their own careers as educators (PE 72). Within these classrooms, exposed to illustrious scholars and competing with their peers, Guizot expects that the new teachers would "raise their knowledge and their ideas to the level of the enlightenment of the century, and return afterwards to carry and to spread in the provinces the fruits of this superior education" (PE 72). The more honorable the profession of teacher, the more universal the emulation of young men, which will attract and form more qualified instructors.

Of course, Guizot is aware that any corporate body is also at risk of becoming exclusive, which can lead to lower standards and quality of public instruction. A corporation whose members are all "formed in the same school, are fed the same doctrines and are subject to the same authority" can become a monopoly or "a large exclusive corporation" (PE 73). Such a body would be plagued by inefficiency even worse than exclusive university corporations in the past because it would be "unique and without rival" (PE 73). Guizot is fully aware of these theoretical and practical concerns, particularly the claim that if the

corporate body "would not have to fear any competition from outside, the teaching would be soon delivered over to routine, and would not follow the progress of general knowledge" (PE 73). He calls these concerns both founded and foreseen. Even though the leadership of the schools for primary and secondary education would be selected from among the members of the corporate body who have completed their training as teachers in one of the establishments for higher learning, faculty at the higher establishments would not be internally recruited. Within the faculties and academies (the establishments replacing the "universities"), the professors teaching the advanced subjects would be recruited in a manner that was open, public, intellectually free and oriented towards the selection of the very best, regardless of their specific educational credentials. Of the faculty positions, Guizot claims:

"one obtains them by contests, where the contestants are able to deploy of all of the knowledge acquired that which is the newest and the most sublime; no one is excluded from these contests; no idea is banned or proscribed to those who present themselves there, and the public is at the same time judge of their talents and guarantor of their legitimate independence" (PE 73)

The world renowned faculties of arts and sciences in Paris would be the instructors at the Teacher's Training College and a majority of these specialized teachers of a variety of academic subjects would not have been socialized into the corporate body through this Teacher's Training College but would have pursued other forms of higher education either in France or abroad. Guizot's expectation is that the special schools of arts and sciences would "therefore always be, for the spirit of the teaching body, the sources of renewal and of life; they force it to take part in the progressive march of enlightenment, and neither allow prejudices to dominate them, nor apathy to establish itself in their breast." (PE 74)

The final advantage of the body of teachers is that it can raise the status of the teaching profession, with a number of positive influences on both the quality of instruction

and the moral conduct of the teachers. The underlying concern of this final point, although Guizot does not address them explicitly in this context, is the moral corruption of teachers. If the public views the teaching profession with disdain and if individual teachers themselves take a negative view of their profession, the educational standards and the quality of instructors would quickly decline. In the faculties of medicine and surgery, students had to obtain a university diploma to practice medicine, which required them to pay a large fee for both the courses and a final examination in the subject. Guizot remarks on the strong element of corruption within these bodies, where teachers became lenient in their exams in order to collect a larger amount of fees from students (PE 55). Similarly, nepotism and other forms of unethical dealings were found in some of the schools of law before the Revolution. By raising the status of teachers in the eyes of those who are already pursuing public education as a vocation, Guizot sees the potential for a rise in self-esteem and moral dignity. A proud and respected body of teachers invested in the reputation of their profession would be more likely to behave in a morally sound fashion and avoid the abuses of past regimes. It would also assist with the goal of recruiting more talented teachers by attracting more talented and moral young men to this particular calling. Guizot is aware that the teaching profession often lacks "brilliance" and he recognizes the need for a corporate body to raise the status of teachers in both their own eyes and in that of the public:²¹⁶

"we have recognized the necessity of raising, in the eyes of the public and in their own eyes, by the importance of the body to which they belong, the men of which

²¹⁶ "In this way, public instruction would truly belong to the King and the State, would be truly under the direction of the sovereign authority; and nevertheless, France would have a body of teachers free, strong, honorable and which will acquit itself in a much better way of its duties since all of its members will find more surely in their own situation, the means of consideration, a principle of emulation and of zeal, the guarantees of tranquility and of legitimate reasons for hope." (PE 128)

the occupations, even if of a higher nature, are nevertheless without brilliance, and which need to find, in the dignity of their moral existence, these satisfactions which they receive neither from fortune nor from the exercise of power." (PE 115)

Guizot concludes his discussion of the advantages of a corporate body of teachers created through the public education system by reminding his readers of the essentially civic nature of the project. In order for the state to reap the full benefits of what a public education system can accomplish, a qualified, professional, independent and moral body of instructors is essential:

"These here are the motives which legitimize, which command the formation of a body of teachers, as the only means by which we could today give to public instruction this regularity, this stability, this activity, this confidence without which the men which are dedicated to it, isolated and discouraged, would not bring to the State the advantages which it has a right to await from their labors." (PE 115)

Once Guizot has illustrated the important advantages that can arise from having a qualified body of teachers, he dedicates his attention to the primary means of bringing this about. These conditions closely mirror the advantages that Guizot envisions for the public education system if successfully organized. The first of these is political independence. Independence, for Guizot, is the key to the dignity of individual members of the body, which dignity is the source of both its strength and its merit (PE 116). This independence from the state, however, should not be complete, lest it create a dangerous body whose interests are not connected to public interest. The middle path that Guizot proposes is to have the overall direction of education depend on the government, while having the decisions about particular matters of teachers' training, appointment and other internal matters be left entirely up to the management of the body itself: "The entire body should depend on the King; its members, in this position, should only depend on the body itself

and its particular government." (PE 117) I explore Guizot's full discussion of the ideal administration of the education system in the following section.

The second condition is protecting the body of teachers from the introduction of special factions with an interest at odds with the interest of the body itself: "that we not introduce in its midst any foreign or discordant elements, subject to a different authority and animated by other interests." (PE 117) Guizot's primary example of such foreign bodies concerns the attempt by the Dominicans and Franciscans to be included in the University as religious corporations with a unique identity. Guizot believed that the inclusion of religious bodies such as the Jesuits, Dominicans, Franciscans and others could dilute the corporate spirit of the University and constitute an impediment to its best functioning: "the privileges which they would affect, or the special rules which they would want to preserve, would trouble the economy of the body of teachers" (PE 117). As a Protestant, Guizot was naturally opposed to the Jesuits and their anti-Reformation agenda. However, his proposal is not the exclusion of all Jesuits from teaching within the public schools system. His concern is that their identity as Jesuits not take priority over their identity as teachers, which is reflected in the concern over special privileges and special rules that religious bodies would have within the body of teachers. His proposal is to allow individuals of all faiths to be teachers, but deny a separate religious training for a portion of the public teachers. This is not to say that teachers could not obtain religious training, but that religious orders did not have separate authority to establish religious teacher training colleges for public teachers.

The third condition is having a carefully crafted recruitment policy, which follows naturally from the second one: "that the Body of teachers form its members itself, and recruit only on its own care; this is the goal of the Teacher's College" (PE 118) There are two

dangers to be avoided in the designing the best recruitment policy for the system of public instruction. On the one hand, if the selection is biased, closed or non-meritocratic, then the Body of Teachers would quickly degenerate into an exclusive privilege, with all of the attending dangers of lack of competition, lack of effort and what we might call group thinking. On the other hand, if the selected is so open that anyone can enter the ranks without any scrutiny, then the identity of the corporate body itself is diluted. According to Guizot, the negative consequences of the eventual inclusion of the Dominicans and Franciscans under Napoleon made themselves felt in their interference with the training and recruiting practices of the University.

The final way in which teachers begin to constitute an actual body, in addition to all of the practices and conditions listed above, is assigning legal rights and obligations to those who enter the body in question: "All members of a body should, upon entering it, contract legal obligations and acquire legal rights: on these obligations and on these rights rest the consistence and the energy of the body" (PE 119) Guizot does not understand these to be privileges uncorrelated with performance or any kind of remnants of the system of legal privileges from the Ancien Régime. In fact, he explicitly reminds his readers that teachers should not come to the leadership of this newly created body to seek either luxury or nepotism: "one does not come to search close to it either the pleasures of gold or the success of favor" (PE 125). Instead, the leadership of the body of teachers should represent teachers in regards to both their rights that they share with other citizens and their particular concerns as teachers responsible for public education:

"one does not demand from it anything other than to honor the instructed and hardworking men which live under its laws, to encourage them in its esteem, to ennoble in their own eyes their useful labors, and to give them, by the maturity of its

deliberations, by the importance attached to all that concerns them, the legitimate assurance that their interests would never either be treated lightly or forgotten or unknown" (PE 125)

5.4.3. The Public Administration of Education

Having discussed both the balance between religion and science and the development of a corporate body of teachers, Guizot turns to the leadership, government and administration of the new public system of education. The two available options for organizing the education system which he discusses are either a more top-down administration under a single minister who can hire or fire subordinates at will, or government through a special board consisting in existing members of the educational establishment. Guizot prefers the later method.

First, he argues that the control over public education cannot be regarded as a simply an administrative function. The unique features of public education distinguish it from other branches of government administration such as tax collection and infrastructure. While some of the functions such as "the economic and financial direction of the establishments" is analogous to these other branches, "moral education and teaching", which Guizot describes as the most important part, do not lend themselves to the type of administration common in other government positions (PE 110). Guizot considers the limitations of having a minister of the King in charge of education and argues in favor of a board of teachers making administrative decisions about the educational functions of the system of public education.

The problems with the appointed minister, even one who has a number of subordinates to assist in the business of administering public education, are three-fold: granularity, expertise and distance. First, the nature of the job requires careful study of details rather than studying aggregate indicators: "everything here is special and individual;

everything should be the object of a particular examination and judgment" (PE 111). This is particularly evident in the choice of qualified instructors for the different educational establishments. Details of employment, curriculum, disciplinary hearings, moral education techniques and character development simply cannot be decided at the general level with a few simple rules. The second problem is the specialized knowledge of education that is required by the people governing education policy. As Guizot puts it:

"It is only for select men in the career of public instruction itself, formed in the habits which should reign there, familiar with the knowledge which is its object, and with the ideas which attach to it, seeing, at least in part, to this type of occupations, as such things can be conveniently administered or rather governed, because the word *administration* hardly suits them." (PE 112)

Because of the particular and specialized nature of education, the most "equitable and enlightened judges" in educational matters are likely to be practitioners of education who have been engaged in the practice of making these particular decisions about education throughout their career (PE 113). Guizot argues that these first two dimensions of the task limit the possibility that it can be delegated to a single minister similar to the ministers in charge of other departments: "time and special enlightenment are equally lacking for a minister, however skillful he was otherwise" (PE 113).

The third problem created by having one minister who is not himself an active member of the educational establishment is the distance created between the minister and his subordinates - both the immediate subordinates and the more distant subordinates: the actual teachers. Ideally, governing the teachers should not be a matter of control. Teachers need to have the independence to fulfill their job and their relationship with the ministry of public education should not be one of dependence: "the authority which governs them has few orders to give to them; they are not the executors of its desires" (PE 112). Instead of

creating a hierarchical organization in which ministers give orders to their subordinates who in turn give orders to teachers, Guizot envisions a much softer form of power and authority being exercised: "it cannot succeed other than by inspiring in its numerous subjects the same spirit, a common tendency, in fortifying and nourishing in their souls the sentiment of their duties and the taste for their estate" (PE 113). Because of the kind of moral leadership that Guizot envisions for the ministry of public education, he argues that an outsider to the teaching profession, and especially a minister whose cares are so distant from those of teachers cannot serve as the type of leader and model for emulation that he considers necessary: "do you think that an authority foreign to their particular interest, which does not have any connections with them other than those of power, could inspire them enough confidence to obtain from them such devotion?" (PE 113) The problem is precisely the problem of distance. Because "a professor would never be such an important person in the eyes of a minister", Guizot expects that the minister would be unable to accord the necessary attention to the issues confronted by the educators, which would be harmful in undermining the self-respect of the individual and the respect for the profession that would continue to attract the best and the brightest to teaching. Even if it's true that the minister will have access to a number of qualified teachers and that some of the most enlightened teachers and scholars will serve as inspectors who attend the public schools and supervise education, this would still involve the distance that Guizot considers dangerous for the purpose of creating the right body of teachers: "Such an order of things will not offer enough warranties to the public over the choice of men called upon to the functions of teaching, nor enough guarantees to professors and to teachers over their interests and their destinies" (PE 114). This is because the inspectors would still be mere servants responding to the authority of the

minister and they would not have the independent authority from which their moral authority can be exerted.

Guizot's positive vision for the government of education is a strongly moral one that depends on a combination of features: "it is on the union of superiors and inferiors, it is on a sort of moral equality, on a certain community of habits and of labor, that should be founded such a government; without that there would be no force and the governed would not have any ardor" (PE 113). This is precisely the intended goal of the corporate body of teachers and the advantages described in the previous sections. Guizot's general principle here applies more broadly to political affairs: "All forms of government which place the subordinates at a great distance from the superior authority, which detracts profoundly from this moral equality, source of their zeal and their union, is here wrong in itself and harmful in its effects" (PE 125). His book *On the Means of Government and Opposition* explores the transformation in the nature of power and methods of governing that comes with publicity and representative government responsive to the electorate and relies on similar forms of soft power.

Conclusion

Despite the publication of Pierre Rosanvallon's *Le Moment Guizot* and Aurelian Craiutu's *Liberalism under Siege*, Guizot still remains simultaneously obscure and unlikeable. I have argued that this is partly because even historians of political thought concerned with his rehabilitation continue to read his political writings on legitimacy, sovereignty, representative government, elections and political capacity apart from his extensive writing on education and its relationship to political theory and practice. In this chapter, I used Guizot's 1816

Essay on the History and Current State of Public Education in France in order to show how including Guizot's political theory of public education brings new light to his liberal political theory and sharply distinguishes him from both French conservatives and French republicans during the early 19th century.

Guizot's political concerns were shaped by his fear of, on the one hand, the conservative push for absolutist monarchy and the restoration of the Ancien Régime and, on the other, the revolutionary energy of the French Revolution and the risk of repeating the events of the Terror and the rise of Napoleon. As a result, he is equally concerned with anarchy and absolutism, with citizens' susceptibility to populist rhetoric or religious fanaticism on the one hand and citizens' excessive subjection to illiberal institutions and political ignorance on the other, tracing a path for liberal civic education primarily concerned with the stability of representative institutions.

In rejecting the social contract as a condition of political legitimacy, Guizot defends a view of children as citizens whose education is essential to the future survival of a liberal political. Guizot's vision of public education includes the teaching of liberal doctrines supportive of pluralism and civil liberties, religious and moral education buttressed by a rigorous scientific education, and a universal primary education compatible with expanding political capacity over time. Once Guizot's theory of public education is brought into the forefront of his political project, as it was at the forefront of his political career, I argue that we can get a clearer picture of both the advantages and the disadvantages of his more liberal ideas.

In the conclusion of *The History and Current State of Education in France*, Guizot recapitulates his arguments in the book by reminding his readers what the interest of the Restoration government, and therefore of France, are with respect to public education:

"What does the interest of the King demand? it no longer demands that we prepare, in our schools, the instruments of ambitious and strange projects; it no longer takes them to enslave and to violently shape the nascent generations; it no longer fears either a wise liberty, or the natural development of spirits and of characters. What matters to it, is that the laws relative to public instruction be everywhere maintained and observed, that the education be everywhere religious and moral, that the sciences and the letters prosper, finally that the royal authority strengthen itself by the doctrines inculcated to the youth, and finding, in their influence, efficacious guarantees against the effervescence of heads and the disorder of mores."

(PE 123-4)

Conclusion: The Child as Citizen and Liberal Civic Education

6.1. The Legacy of the Apolitical Child

This dissertation has traced two conceptions of children's political status across the history of the 17th through the 19th centuries. Perhaps it should not surprise us that the apolitical child has continued to direct liberal political theorists in considering children and their education. Unlike the child as citizen, the apolitical child *was* a uniquely liberal invention. If recent legal histories of childhood such as Brewer's are correct, the apolitical child has produced a variety of profound transformations in children's legal, economic and social status. Some of these changes were profoundly important, including the idea that children should be protected from capital punishment, sexual abuse, exploitation in the labor market and other protections that come from the argument that children are incapable of consenting and therefore incapable of acquiring binding obligations. And for some, the civic

education of the apolitical child for an open choice of political membership continues to serve as a worthy ideal.

Developing children's capacity for autonomous decision-making concerning membership in political and religious communities is an enduring priority when liberal political thought turns to children. Let's take just one recent example explicitly focused on the place of children within liberalism. David Archard and Colin M. Macleod published an anthology called *The Moral and Political Status of Children* featuring discussions of children by prominent moral and political philosophers. The section on education was titled "Education and Autonomy" and it featured four different papers, all containing arguments about the importance of autonomy in education. Robber Noggle relies on a social contract model to explain parental authority over children's education: "we can see the parent as having 'contracted' tacitly or hypothetically with society to undertake this particular function with regard to one or more particular children", and argues that the parental responsibility is to help children develop moral autonomy (116). Callan reaffirms what he takes to be the consensus view concerning the education of children in liberal political thought: "A bright thread running through almost all that liberals have said on the subject is insistence on the need for exposure to diversity in children's and adolescents' lives in order to bolster their developing autonomy." (139)²¹⁷ David Archard narrows the maximal conception of autonomy that expects children to have a right to "an open future" with maximum possible visions of the good life and instead proposes to a threshold version of a "right to a

²¹⁷ His argument in this paper is that shallow, consumerist attachment to a particular vision of the good life is not strong enough to constitute such autonomy, so that both secular and religious children stand in need of further educational interventions to become meaningfully autonomous.

sufficiently open future". His conclusion is that "neither the group nor the parents, as members of a group, have a right directly to transmit their defining way of life to the next generation" because the need for a threshold level of autonomy limits both of these: "inasmuch as children do have a right to a sufficiently open future they lay claim to become adults autonomous enough to leave the group if they choose" (159).²¹⁸

There is much to admire in these liberal aspirations for children. By nurturing children's vulnerability into autonomy, both parents and states can hope that the future generations will use their reason and guide their inquiries into the creation of ever more perfect political societies, ever more committed to justice. The political history of the Enlightenment, however, has shown such liberal aspirations to sometimes be in tension with the preservation of the liberal political institutions. The history of the First Republic, as Guizot tells it, showed that a society committed to the highest ideals of critical reason, autonomy and liberty can struggle to educate the types of citizens who would resist the political violence of the Terror and the illiberal populism of Napoleon.

When we consider the compatibility of an education for autonomy with an education for citizenship of a particular liberal society, the individual ideals for moral behavior are insufficient to guide the conversation. Education can aim at autonomy, but produce a variety of real world outcomes that undermine the stability of liberal institutions. The potentially

²¹⁸ In the fourth paper, "Answering Susan: Liberalism, Civic Education, and the Status of Younger Persons", Joe Coleman asks prominent theorists of liberal civic education to reconsider their claim that the state could impose any program of civic education on Susan - a particularly philosophically savvy 15 year old. Susan's objection comes right out of the social contract tradition. Susan claims: "I am a free and equal person just like you. Like you, I want to make my own decisions about the kind of human being that I am and will become. But the ways you want to pursue my civic education will unfairly prevent me from making these decisions" (161). The response given to Susan, is that she is right, i.e. the only thing consistent with respect for adolescents is granting them political autonomy: "Liberal civic education must be conducted in a way that respects the political autonomy of citizens who have their own lives to live" (173).

praiseworthy aspirations of the revolutionary government in France had to take shape in the poorly staffed, poorly funded and poorly organized actual schools inherited from the Ancien Régime. Even when the best and the brightest teachers were found to teach the advanced natural sciences and classical languages, they were confronted with masses of students who had never acquired the rudiments of reading and writing, grammar or science. The most qualified scientists did not necessarily provide the best moral instruction to young children still wanting a clear sense of right and wrong. Beyond the failures of practicality, Guizot shows how the zeal to attack the institutions of the past far outpaced the capacity for building institutions for the future. In attempting to limit religion and tradition, the revolutionaries hoped that children taught through science and reason would be better citizens. The problem was that attachments to the old institutions were quick to remove, yet attachments to the new institutions were hard to build. Like a tree cut in minutes that takes decades to be replaced, political attachments would have had to grow from childhood to create the widespread resistance to political violence and illiberal populism required for the First Republic to survive and impose constitutional limits on the revolutionary government. It is not without a sense of irony that Guizot noted how the First Republic mandated civic education in republican principles right before the Republic succumbed to the Empire.

If education can aim at autonomy and produce citizens incompatible with the political needs of the time, it is equally true that education can aim at citizenship and fail to secure the type of citizens properly called liberal. One way civic education can fail is to foster citizens who are attached to their country but not its institutions, especially not its constitutional protections on civil and political liberties. If one's patriotic attachment does not cover liberal institutions, patriotism is fully compatible with a reactionary or a

revolutionary push against liberalism. The Catholic ultra royalists who outflanked Guizot on the right were patriots pushing to bring back absolutist monarchy, while the revolutionary republicans were patriots pushing away from constitutional monarchy into a more democratic direction. Liberal civic education as Guizot saw it did not simply involve attachment to the soil or the people. It was an attachment to the actual institutions and the public doctrines supportive of them.

While acknowledging the tensions between liberal and civic education, the accounts of the earlier and later liberals differ in the way they expected the two to be made compatible. If the education of the young Emile promoted autonomy first and hoped to obtain a good citizen as a byproduct by the end, both Smith and Guizot were led by their concern with creating good citizens of stable liberal regimes in order to support the kind of public education system that would simultaneously empower citizens in other areas of their life. Although there's an enduring liberal thread throughout the conversation that defends education as a right required for human dignity, the liberals who began from the child as citizen were able to ground the provision of this right in the civic interests of the liberal societies they inhabited. By starting from an analysis of the risks facing existing liberal societies rather than from an account of natural freedom, public support for education could be made imperative instead of a dangerous interference with consent to government.

If Guizot's method emphasized political history, Smith's instead focused on political economy. Although his moral philosophy in *Theory of Moral Sentiments* offered inspiring ideals for moral education, his prescriptions for the role of the state in public education were pragmatic. He shared with Guizot a concern for balancing science and religion as a way to maintain the always fragile regime of religious pluralism that characterizes many liberal

societies. Religious communities as intermediary associations who cared for their members and demanded high moral standards from their conduct were essential components of a liberal society, especially given the high levels of urban poverty and increased geographical mobility. But religious sects also posed some of the greatest dangers to liberal institutions. Given their moral authority, they could attract the masses to serve their political goals. Smith's educational proposals aimed at creating a solid floor of literacy for all citizens while also sponsoring educational counter-measures to the particular threats posed by sects with austere morals including science and the arts. But he was careful not to extend his arguments in favor of state interventions too far precisely because under the right circumstances both parents and religious organizations could be trusted to perform their civic functions admirably well. His justification of the particular role of the state drew explicitly from the political economy of his time. As we think about the 21st century, it will be relevant to consider the political economy of our time in order to guide our own educational priorities.

I want to take the opportunity of this conclusion to very briefly sketch what an alternative view of civic education might look like in the 21st century if we start from the liberal perspectives of Smith and Guizot rather than those of Locke and Rousseau. My focus is to outline three different educational priorities that derive from a concern with preserving liberal political institutions against the particular threats which preoccupied Smith and Guizot and I believe should continue to preoccupy liberals today: illiberal populism, religious absolutism or fanaticism and political violence. The type of enterprise I'm engaging in here differs in important ways from contemporary liberal theorizing. First, I do not begin from first premises about the moral condition of human beings. Instead, I start from historically situated concerns about the stability of liberal institutions in the face of growing 21st century

threats of populism and religiously-motivated violence. Second, I do not argue that the legitimacy of liberal institutions rests on whether citizens give free and authentic consent to them. If liberal institutions are good for the well-being of human beings - which I take to be an empirical claim with a good amount of support - then their legitimacy rests precisely on their ability to conduce to such well-being for the citizens fortunate enough to be born within those societies and for those immigrants who have chosen to join them. Third, I see children as citizens from birth and I see a fully appropriate and praiseworthy place for the state in contributing to their civic education. The contours of this education will depend on the particular historical circumstances and the particular political threats facing any individual liberal democracy. Some of these threats will be shared by advanced capitalist societies, some will not. The racial, ethnic, religious and economic cleavages that affect any particular liberal society will differ in important and historically relevant ways. My suggestions below that education prioritize functional literacy and a rigorous scientific curriculum while accommodating religious education more broadly is one direction I think would make sense to consider in the particular context of the 21st century United States. However, I intend this simply as a sketch of what a more rigorous investigation of the history of liberal institutions in the US, the political economy of the 21st century and the institutions for education available during the 21st century.

6.2 The Educational Priorities of the 21st Century

One difference between an education that ends in a voluntary choice of country and one for which one's political institutions are not an open question is that the latter is much more attentive to the particular strengths and weaknesses of political institutions at any point

in time. For a full investigation of what liberal civic education would require in the 21st century, we would have to begin by acknowledging that there is no liberal democracy in general - there are particular liberal democratic political regimes with different labor and capital market structures, ethnic and religious compositions, political institutions and education systems. In the particular case of the US today, three different aspects of the changing political economy seem of educational importance: (1) the limited prospects for employment for low-skilled labor facing international competition and domestic automatization, which increases the appeal of economic populism; (2) the increasing complexity of political decision-making in economic, scientific and military policy, which make it more difficult for average citizens to monitor decision-makers and anticipate illiberal threats to existing institutions; (3) the growing cultural divide between religious and secular citizens with its spill-overs into the political contests, which increase the likelihood that each side will use political power to advance its ends at the expense of liberal institutions. Although I do not enter into a discussion of these trends here, I contend that considering these areas of potential threat to liberal institutions today leads to the following educational priorities.

The first is a focus on literacy, especially in raising the floor for the basic skills required in order to live as a functional and independent adult in the 21st century. These will differ in important ways from the democratic priorities because prioritizing the liberal aspects will ask that citizens be good guardians of civil liberties first and apt shapers of their collective destiny second. The focus on functional literacy would include financial and economic literacy alongside a basic competency in natural and social science. In a world where political decision making is becoming increasingly complex and the skills required to

even follow the presidential debate between Romney and Obama in 2012 included basic understanding of statistics, climate science, economics and the functions of a variety of government departments, asking citizens to actively participate in policy making in all these areas is becoming increasingly unrealistic. Prioritizing political engagement can increase the likelihood of an illiberal populist movement, while promoting literacy and economic independence can solidify citizens' attachment to their political institutions on grounds more compatible with self-interest.

The second priority is accommodating religious education. The contemporary liberal arguments about civic education often frame so-called citizens of faith as having particular difficulty with the burdens of citizenship in liberal societies. But if we believe Smith and Guizot, religious education can also strengthen citizens' sense of dignity and self-worth, leading to more effective resistance to illiberal outcomes in politics. Religious minorities are likely to be especially committed to the institutions that protect their religious liberties and emphasize the importance of constitutional protections. Although such citizens may not share secular liberals commitments to certain versions of autonomy, the concern from religion is not primarily from religious citizens refusal to expose their children to diverse ways of life. The Amish cause no political concerns when their children choose to remain in tight knit religious communities. The desire of religious parents to impart their moral values to children in schools which support the same religious faith do not seem particularly concerning to a liberal society unless those citizens thereby become more likely to use religious violence against their fellow-citizens. The educational proposals in this direction vary in terms of their institutional effects, but the liberal state may consider (a) sponsoring children's religious education alongside secular education; or at least (b) accommodating

religious communities looking to raise their children in the values of their religion. So long as the priority of literacy and of scientific education is uniformly maintained as per the first suggestion, the concerns about openness to other ways of life, mutual respect and autonomy should be less relevant than the concerns about whether secular and religious citizens are committed to liberal institutions. We should be concerned when citizens are not willing to extend religious protections as fundamental civil rights, as the initial statistics showed. And we should be concerned when citizens are not willing to respect others' private property, as the claim that communism is written into the constitution might suggest.

Independent of these goals of civic education, political theorists should also engage more closely in the type of institutional analysis that Smith and Guizot undertake. Gutmann's *Democratic Education* is the best example of a contemporary book about civic education engaging extensively with the funding, administration, staffing and regulation of public education. More such exercises are necessary for those who prioritize liberalism over democracy within liberal democratic institutions. While Smith would have preferred a more choice oriented approach to education on political economy grounds, Guizot was attached to the corporatist model of creating a qualified body of teachers. Both of these solutions are worth considering and both avoid taking for granted the idea that all schools, whatever their precise characteristics, are the best tools for civic education in a liberal society.

6.2.1. The Priority of Literacy

This project began with a set of concerns about the civic knowledge and political participation of the average American citizen. These numbers were concerning, but the point of the historical recovery of Smith and Guizot's educational proposals was partly to show

that at least some liberals believed that a liberal society can survive and even improve over time without expecting the highest levels of civic knowledge and political participation. I would posit that a more relevant aspect of civic and political concern today is the more basic educational attainment in areas of literacy, numeracy and basic science. As our expectations about children's autonomy and engagement with conceptions of the good have soared, the reality is that more basic aspects of being able to operate competently as an adult in the 21st century are unavailable to a large portion of the American population.

Given the importance of avoiding illiberal political outcomes and the concern that functional illiteracy will foster both dependence and a limited understanding of the illiberal consequences of politics, I propose that liberal civic education should not prioritize political participation and civic engagement over citizens' capacity to become economically independent. Especially in light of the transformations in labor markets in the 21st century, the demands of functional literacy are likely to become higher while the current trend shows concerning stagnation or decline in the basic skills of the average American citizen.

The National Assessment of Adult Literacy in 2003 showed that 30 million Americans adults or about 14% of the US population are unable to read at even a basic level. Another 63 million are able to meet the functional literacy criteria in prose, but not much beyond. The percentage of adults aged 16 and up whose reading levels are below basic has remained unchanged from 1992, although the number of adults considered proficient has dropped from 15% to 13%.

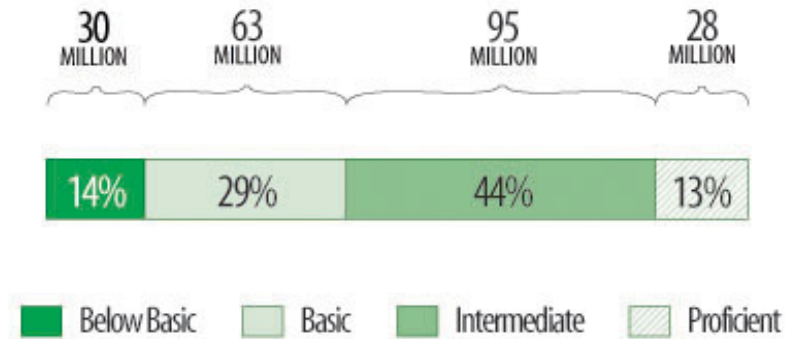


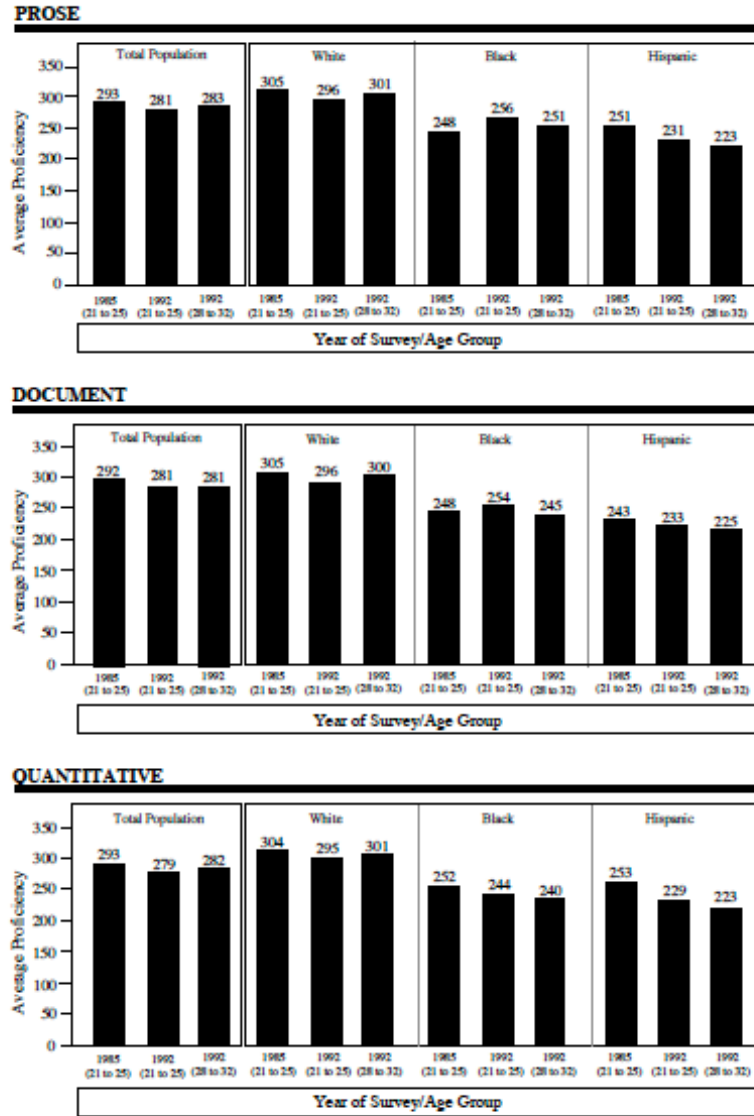
Figure 2: US Literacy in 2003²¹⁹

There is unfortunately almost no historical data to compare trends in American literacy over time. From the 1840s to the 1930s, the census asked questions about literacy, but it relied on self-reported data by heads of household without any verification. Scholars argue that this makes the data highly unreliable. On the other hand, census questions since the 1940 census have only asked about levels of educational attainment and school attendance, assuming that years of schooling result in higher literacy. Replacing statistics about literacy with statistics about schooling obscures the issues of functional illiteracy that have been increasingly prominent in recent decades. The data on functional literacy only goes back to 1985 and regular representative surveys of the whole population only appear in the 1990s. On the basis of this limited sample, functional illiteracy has either been constant or decreasing. Because the 1985 surveys only focused on young adults aged 18 to 25, the data is only partly comparable to 1992. The comparisons, however, show declines in average

²¹⁹ Figure from the National Assessment of Adult Literacy. Last accessed at https://nces.ed.gov/naal/kf_demographics.asp on April 10th, 2017.

literacy across all three categories (reading, document and quantitative) between the comparable groups (see Figure 3 below). The international comparisons also show the skills of the average US citizen with respect to the same categories to be fairly low compared to other European and Asian countries (see Figure 4 below).

Average Literacy Proficiencies of Young Adults, 1985 and 1992



Source: U.S. Department of Education, National Center for Education Statistics, National Adult Literacy Survey, 1992.

Figure 3: Average Literacy Proficiency of Young Adults in 1985 and 1992²²⁰

²²⁰ Chart from the National Center of Education Statistics. Last accessed on April 10th, 2017 <https://nces.ed.gov/pubs93/93275.pdf>

Figure 2.4. What proportion of adults (16-65) are low-skilled?

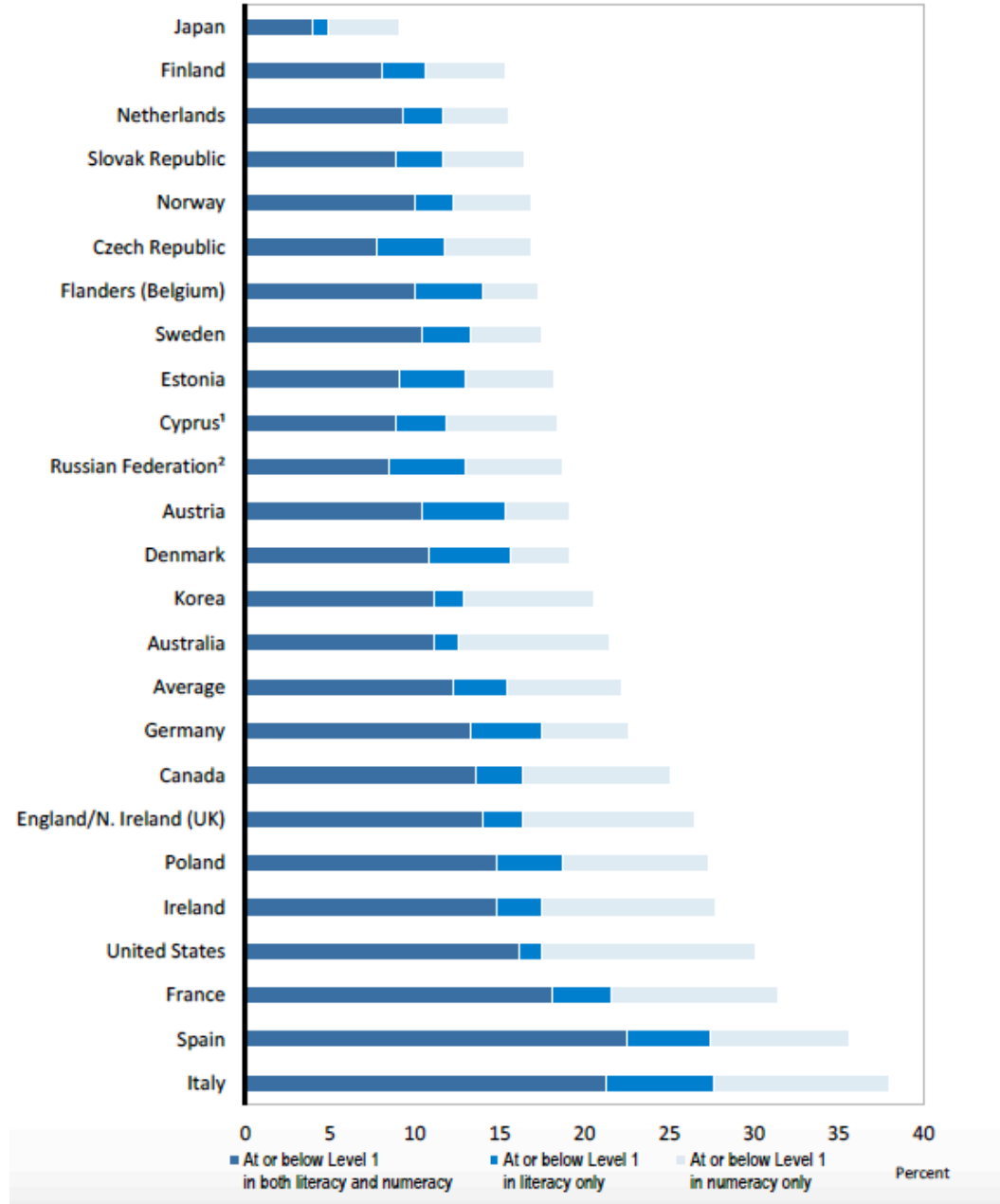


Figure 4: Low-Skilled Adults in OECD countries²²¹

²²¹ The chart is taken from the OECD Report "Skills Matter" released in 2013. Accessed on April 10th, 2017 at http://www.oecd.org/skills/piaac/Skills_Matter_Further_Results_from_the_Survey_of_Adult_Skills.pdf

The civic education literature rarely ventures into statistics about functional literacy. Amy Gutmann's *Democratic Education* is a welcome exception. The priorities proposed in *Democratic Education*, however, run directly counter to the liberal priorities that emerge from engaging with the 19th century. Gutmann directly advocates a shift of focus from the type of literacy required to hold down a job to the type of literacy required for democratic participation. Gutmann describes the employment focus of literacy assessments at the time (i.e. whether high-school graduates can apply for a job, fill out a check or mail an envelope) as simultaneously too weak and too demanding from the perspective of democratic education. Many adults who have jobs, she claims, are not well equipped for democratic participation and deliberation. On the other hand, many good democratic citizens will be unable to find jobs for a variety of reasons. She instead proposes "a policy shift in primary schooling in the United States, redirecting concern away from the question of whether high-school graduates can get good jobs and toward the question of whether they have the capacity to deliberate about the political issues that affect their lives" (147-148). From a concern with illiberal democratic outcomes, such policy shifts would be dangerous.

Considering children as *liberal* democratic citizens rather than liberal *democratic* citizens orients policy towards self-reliance and skepticism of populist promises in politics. The type of financial and functional literacy is well-suited for the types of citizens who are expected to guard their interests against illiberal extensions of state power. The functional literacy trends above should be, I contend, more concerning for the stability of liberal political institutions than the statistics about participation.

6.2.2. Religion and Science as Components of Civic Education

The existing literature on civic education harbors skepticism of religious education as posing a challenge to both liberal autonomy and liberal citizenship. The recovered tradition which includes both Smith and Guizot sees religion as a positive moral force in sustaining liberal institutions. In Smith's case this is because of the moral guidance and moral community it provides for individuals, especially the urban poor. In Guizot's case, it is through a sense of self-worth and dignity that prevents citizens from succumbing to an illiberal despotism without a political fight. However, none of them give any *in principle* arguments about whether religious or secular education will always be more conducive to their civic goals. Their best pragmatic guess is that both types of education have important civic purposes, something which empirical social science has generally confirmed. But if religion serves as a moral tool against the anomie of commercial society which can make illiberal ideologies seem appealing, science serves as a corrective to the religious "enthusiasm" that animates religiously fueled violence. To understand the proper balance of moral and religious education with scientific education and literacy, it does not help to start from the apolitical child and ask how to facilitate autonomous decision-making. Much of the discussion will have to borrow from the work of scholars studying the relationship of religion and politics and from political economy. The balance of power among secular and religious groups in the US, as well as the variety of moral and religious communities, likely points to a different solution than would be appropriate for countries where a single religion is the majority alongside small religious minorities.

Among those concerned with the challenge that a religious education poses to liberal autonomy, many simply note this fact with regret and hope that living with the overlapping

liberal consensus will eventually diminish the power of religion to create heteronomous lives. Others, however, defend state interventions in order to promote the autonomy of children of religious parents. Spinner-Halev is right to point out that these liberal responses only go so far as the publicly-funded schools, thereby pushing religious parents to either procure a private education or to homeschool their children.²²² In *Surviving Diversity*, he outlines a set of proposals for the liberal state to deal with the educational demands of accommodating religious diversity. These proposals are sound and Spinner-Halev makes as much room for religion as possible given the underlying contradiction between a liberal commitment to autonomy and the demands of liberal citizenship.

There are undeniable tensions between liberal autonomy and liberal citizenship. My reconstruction of the liberalism of Smith and Guizot certainly leans in the direction of liberal citizenship at the cost of liberal autonomy. Because it does so, however, it thinks of religious education primarily with regard to its civic contributions rather than thinking about the conflict it poses to an autonomous membership in one's political and religious community. Although it remains an important question whether religion is in fact conducive to support for liberal political institutions or contrary to such support, this is a different question than whether religious education undermines children's autonomy.²²³ Although a careful engagement with the contemporary literature on civic education and religion is beyond the scope of this brief conclusion, my temptation would be to lean in a strongly

²²² *Surviving Diversity*, 125.

²²³ In a 2009 book, *Faith in Schools? Autonomy, Citizenship and Religious Education in the Liberal State*, Ian MacMullen gave a highly nuanced and careful defense about the legitimacy of state funding of religious education even in a liberal society. To do so, he spends over 200 pages carefully engaging the arguments about autonomy, legitimacy and civic education in the contemporary literature in order to reach his conclusion based on agreed upon premises. My suggestion is that one can take a different road altogether to defend religious education.

accommodating direction with respect to religious education and argue that the US should also offer public support for religious education and not just permit religious schools. The current structure of the education system offers the starkest choices between religious and secular education precisely to the poorest citizens. These vulnerable citizens often stand to gain most from membership in religious communities and forcing only the poor to choose between a religious education compatible with their beliefs and a secular education offered for free in public schools is an unfair disadvantage to them. If Spinner-Halev is right that the conversation about funding religious education is a political question not a question of constitutional law, then Smith and Guizot provide good political reasons to be even more accommodating.

6.2.3. Civic Identification and Patriotism

Liberals are right to be concerned about illiberal nationalism. These illiberal forms of nationalism, including but not limited to fascism, national socialism and nationalist communism, were the threat that brought down liberal regimes in the 20th century. While I do not mean to suggest that there are no tensions inherent in a sentimental attachment to one's country of origin, patriotism has equally been the source of resistance to such illiberal movements. In *Political Emotions: How Love Matters for Justice*, Nussbaum provides a wealth of examples of the positive contributions to justice on patriotic grounds. My goal here is not to argue that patriotism will lead to positive challenges of existing institutions on the grounds of justice. It is merely to make the more modest claim that patriotic attachment to the particular political system one leads to the desire to preserve those institutions against illiberal threats. Nussbaum and others are certainly right to point out that ethnocentric

instantiations of patriotism that focus on a subset of one's fellow-citizens to the violent exclusion of the rest is dangerous. But one must not forget that ethno-nationalism was revolutionary rather than conservative.

Both Smith and Guizot recognize some of the inherent tensions involved in the love of one's country. Smith describes it as a simultaneous desire to preserve the existing political institutions and desire to see one's fellow-citizens prosper. Under stable liberal institutions, these two desires both push in the same direction. In times of grave political conflict, however, they may push in different directions and require the type of political judgment and wisdom that few citizens are capable of. Fortunately for the type of political societies under consideration - which is liberal political societies - the support for liberal institutions is compatible to the well-being of fellow-citizens.

Especially as the world is becoming more global and as international bodies and corporations are becoming economically more powerful, we would be wise to remember the importance of attachment to the political institutions one was born under. Part of patriotic attachment will always include striving for the highest ideals. I don't mean to condemn the interest in justice and equality that animates many political thinkers today. I just mean to remind them that preserving the enormous progress in well-being under the existing set of political institutions in the United States today is an incredibly important task and that love of one's country is an important tool in the toolkit.

6.2.4. The Institutions for Civic Education

The educational system of the 21st century was largely constructed during the 19th century in response to the particular concerns and priorities of that particular time and

context. It is highly unlikely that every feature of this system will be appropriate for the transformed technological, economic and social environment of the 21st century. In briefly considering the US education system today, Smith and Guizot offer two directions for change.

Smith's emphasis on political economy led him to prefer that the state mandate educational requirements rather than attendance requirements. In most countries today, school attendance is mandatory, but the attainment of educational standards is not. All children, often upon threat of legal sanctions to themselves and not just their parents, have to attend schools for up to 16 years. This burden is met even if children do not graduate from high-school, which is the case today for 20% of students. It is even met if the students are not able to read at a fifth grade level, as discussed during the section on literacy. It is met regardless of whether children actually acquire the skills of citizenship or the skills required to earn a living and avoid living a life dependent on the state. Smith's analysis suggested that forcing students to attend schools and obtain certificates was likely to create systems of privilege and promote worse learning outcomes. His proposal was instead that children's literacy not schooling be mandated by the state. In certain respects, this is consistent with the recent turn to national testing in US education. Despite the serious criticisms that certain forms of multiple choice testing suffer from, this does not condemn the focus on outcomes rather than inputs of the education process. Advocates of school choice are right to see Smith as an ally in some of their demands. However, they are wrong to see him as opposed to state standards and requirements.

Guizot's proposals for reform would push in a much more European direction. For him, the focus should be on creating a body of teachers with high qualifications and a high

regard for their own profession. His proposals for the education of teachers were not focused on teaching them how to teach. Instead, he advised that teachers be taught by the experts in a variety of disciplines in order to transmit this knowledge to their students. Most European countries have this approach to the training of teachers, requiring extensive training in specialized topics prior to serving as teachers in both middle and high school.

Conclusion

Theorizing about children has often been at the unacknowledged center of liberal political thought. For some liberals, the preservation of children's independence from politics and their future consensual relationship to the political and religious communities continues to circumscribe their vision of children as needing protection from inherited commitments. For others, inheriting liberal institutions and commitments is both an opportunity and a responsibility for children, whose education should prepare them to resist the political challenges to which liberal institutions are always subject. The voices of the first tradition have become amplified since the recovery of the social contract tradition. My goal was to recover the second part of the conversation about children and show how liberals began to involve the state in the education of their children and what concerns drove their arguments. If nothing else, I hope the story was interesting.

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Biography

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