The Egalitarian constitution: modern identity in three moral values

Price, J.D.

PART IV: Reconstructing the Egalitarian Mind

Chapter 9: Being my own end

The modern autonomous self has a few distinguishing characteristics that are detailed in this chapter. It insulates the world from the exacting rationalism of the naked alter-conscience. Through consensualism and a focus on gaining recognition of its own dignity, it refuses to become merely an equalitarian alter-*consciousness*, but seeks instead to be recognized as the unique being that it is. This chapter and the one that follows together identify those characteristics by way of an analysis of the contributions of Rousseau, Augustine, Mill, among others, to the structure, working concepts, and content of the mind that has become the modern self. They have been causes of the formation of the egalitarian mind that dominates our age. But I maintain the position throughout this book that once consent, autonomy, and equality are accepted by rational animals as core values, that mind will emerge in due course. It is what the recipe containing those three ingredients produces.

That mind which dominates our age includes self-sovereignty, self-discovery, self-expression (including claims about the divine origins of those and in spite of its agnostic pretences); as well as a strong doctrine of self-development relating to Rousseauian teachings on identity and social recognition of the true self. That modern mind becomes epistemologically central to its own being and happiness through the complete inversion of the heteronomic system, beginning with the autonomy of enquiry, which is also aggressed below. This is all 'packaged' within the body, which is reluctantly accepted as the vessel of the egalitarian mind, for instance, as 'hardware' in the most recent metaphor. But the dream since modernity's inception was to become independent of physicality, since it is nature's last great determiner of personal limits, the last great heteronomy.

In the concluding chapter of this book, the question is asked as to whether the egalitarian mind is tenable when scaled to a constitution. It might be fine if we all are all individually modern, especially if we live as Robinson Crusoe or in outer Alaska or like Rousseau. But a free community of equal sovereigns could pose intractable problems, some of which will be interrogated. I begin immediately below with the central claim of modern personal autonomy.

Self-sovereignty and the *liber*

The sovereignty of the people is, according to Tocqueville, the 'Foundation of almost all human institutions.'[1] Sovereignty in law is the equivalent of formal autonomy in personal relations. Sovereignty as conceptualized in the work of early modern political theory, however, is the closest thing that one could imagine to straight-forward autonomy, in the sense of being a law unto oneself and being free to act as one pleases. That is, one's acts cannot 'be made void at the discretion of any other human being's will'.[2]

The popularization of the idea of 'self-sovereignty' would seem to be John Stuart Mill's doing.[3] But before him there was reflection on the constituent parts of self-sovereignty by *inter alia* Descartes (founding knowledge through the *cogito* plus one's sole perception of 'clear and distinct' ideas), Leibniz (the monad, each having its own perspective), Grotius, Hobbes and Locke (each with natural right, beginning with first possession as total control, and continuing in consensual relations amongst these *petite* sovereigns), Rousseau (legislating onto oneself a self-chosen law), Bentham (individual utilitarian calculus, namely, self-determination of the good), Jefferson (natural rights and an open-ended 'pursuit of happiness'). These and others got moderns thinking in terms of the individual units that make up society, and their respective goods. Moderns would eventually invert the old priority that was placed on the common good, as the heteronomous relation that once commanded the obedience of members. This provided opportunities for self-sovereignty, both of the human and the corporate persons, each of which could now choose to exit the political community at will to join another, or to join none at all.

Mill's self-sovereign emerges as part of 'liberalism', which focusses on the liberties, freedoms, and rights of the free individual, the *liber*. Liberalism is an overwhelmingly *politically-directed* philosophy, in that it sees removal of conventional and non-consensual, i.e. heteronomous, power as its goal. It

---

[1] Tocqueville, *Democracy in America* (1899[1835/1840]), Vol. 1, Ch 4.

[2] Pufendorf, *DING*, Bk. VII, CH. VI, 1055.

[3] 'The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. … In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.' *On Liberty* (2008 [1859]), Introduction.

does through the powers of a semi-sovereign secular state, and not much more. Liberalism is pro-individual, making it also anti-traditional, and anti-religious, or at least against public religion as compared to private religion. But there is not, say, a well-developed liberal family philosophy, liberal justice, or a liberal social policy. Although, there are liberal-inspired policies in many said areas. Outside of protecting the purported goods of the individual, liberalism is a 'thin' philosophy. That limitation also counts as a virtue and makes it a portable philosophy. Japan, India, Australia, Fiji, all can become liberal irrespective of their cultural, social, political, religious, historical, or educational, points of departure. It will, however, confront all of those traditions and seek to dismantle them insofar as they are perceived to inhibit the individual person's flourishing. In this way it becomes a philosophy of negation.

The centralized state had a monopoly on violence in the era immediately preceding the rise of liberalism. Remember that it was the unprecedented age of 'divine right of kings' in Europe, in which Louis XIV *might* have (if incorrectly) said '*L'Etat, c'est moi.*'[4] The Christian religion had snuggled up with the state, notably in Protestant lands, that separated themselves from Rome while opting for state churches. So, the traditional in its early modern caesaropapal form state became the chief point of attack for liberalism. As it tried to extend the scope of individual liberty, much of the fuss was naturally about law. Not accidentally, it is in areas connected to law or policy where these early forms of liberalism survive today as a public philosophy. For evidence of this, look at any international criminal court, all of which are set up on liberal principles of protecting individual rights.

What has been called liberal legal theory 'holds individual liberty to be an overriding moral and social value'.[5] It is not a unified set of principles and goals. Rather, theorists who can be so classed understand the boundaries,

[4] This citation is disputed, but the age of Louis, whose dates are 1638-1715, is one in which such a sentiment could have been held. It was also the age in which Thomas Hobbes could comfortably assign the sovereign – be it one man or a legislative body – the prerogative of dividing property however it chose, so long as peace was kept. Republican thinking also allowed for vast powers in the hands of the ruler(s), for the sake of the common good. Compare Machiavelli permissiveness for rulers with religion, virtue as classically understood, and even with the truth, in *Il Principe* (1513 distributed/1532 first printed, after the author's death) to *Hamlet's* classical qualms about vice at the head of the body politic: 'Something is rotten in the state of Denmark'.

[5] Kaveny, C. *Law's Virtues: Fostering Autonomy and Solidarity in American Society*, 17.

requirements and, indeed meaning of 'individual liberty', diversely.[6] Generally there is a 'presumption in favour of liberty', by which is meant 'the absence of coercion'; or, at least, the absence of coercion without it being justified (or justifiable). Since the background assumption is natural liberty, or self-sovereignty in a state of nature, not only coercion, but also infringement upon any individual liberty requires justification.[7] Notable liberal legal theorists – and here I just select one representative thinker – say it clearly: 'liberty should be the norm, coercion always needs justification.'[8] This has been called the 'law as police officer approach'. It stands against many approaches, for instance the understanding of 'law as teacher', which one can find evidence for in both Thomas Aquinas and in some contemporary concerns about instilling virtue in individuals through law, particularly the virtues of autonomy and solidarity.[9]

Protections of the individual are present in this liberal approach to law, since they are meant to protect the sovereignty of the individual. That may seem like a strong statement at first. However, consider how one prominent theorist describes the innocuous 'liberal position'. It involves the harm and offence principles, which are usually (but not exclusively), employed regarding the moral limits of criminal law.[10] When rightly understood and qualified, they can be used safely to limit liberty. A more radical position would only accept the harm principle as a justified reason for criminal prohibitions, but this 'extreme liberal position' would fall outside of the modern dogma of autonomy.[11] The point is emerging that modern autonomy is partially liberal, but there are many non-modern forms of liberalism. As exemplary of the liberal position which is also modern:

> The Harm Principle: It is always a good reason in support of penal legislation that it would be effective in preventing (eliminating, reducing) harm to persons other than the actor (the one prohibited from acting) and there is no other means that is equally effective at no greater cost to other values…

---

[6] John Stuart Mill, *On Liberty* (2008 [1859]). A key late-twentieth-century discussion took place in: H. L. A. Hart, *Law, Liberty, and Morality* (1963); Patrick Devlin, *The Enforcement of Morals* (1968); and Lon Fuller, *The Morality of Law* (1969).

[7] Kaveny, *op. cit.*, 17.

[8] Joel Feinberg, *The Moral Limits of the Criminal Law, vol. 1, Harm to Others* (1987), 9.

[9] Kaveny, *op. cit.*, 17ff.

[10] Feinberg, *The Moral Limits of the Criminal Law*, *vol. 4, Harmless Wrongdoing* (1988), ix–xx.

[11] Kaveny, *op. cit.*, 39n17.

And:

> The Offense Principle: It is always a good reason in support of a proposed criminal prohibition that it is necessary to prevent serious offense to persons other than the actor and would be an effective means to that end if enacted.[12]

These are principles, and they coalesce into a position particularly in liberal democracies in the understanding of autonomy as rights.

But where does this idea find its origins, of essentializing of each individual unit, each monad, as a sovereign? It has been argued to rely on certain philosophies of the state in the early modern age. Two common elements of sovereignty would seem also to apply to autonomy: (1) that one is not *liable* to give reasons for one's action to others, (2) or to be punished by other men for deeds in areas in which he is sovereign. One is not accountable to others outside of harm and offense.[13] One is both a king and prince according to ancient sources. Sallust says, 'To do with impunity what one fancies is to be a king'. Pliny says a prince is 'beyond the reach of compulsion'.[14] Universal equality makes princes of us all – at least in part. Sovereigns keep equals in check through moral censure, and the keeping up with reputations and the like, but not through force or similar means—'since equals have no authority over one another'—that is, unless they voluntarily enter into a treaty or pact for greater protection or greater trade, etc, just social contract theorists imagine individual persons do.[15]

Indeed, recent scholarship has looked for the origins of self-sovereignty in the devolution of state sovereignty to the members. It has been said that 'the modern sovereign self owes a good deal to the modern territorial state. It is as if that entity got parcelled out to constitute so many mini-sovereigns—ontological individualisms—in much of modern theory'. There is the additional wonder 'whether there might be a connection between prior constructions of state sovereignty, with notions of a possessed and inviolable territory, a kind of autarchy, and the celebrations of self-sovereignty and

[12] Feinberg, *op. cit.* (1988), xxvii–xxix, especially xix.

[13] Pufendorf, Bk VII, Ch. VI, 1055.

[14] Sallust, *Jurgutha*, xxxi; and Pliny, *Panegyric*, vi. I. as quoted *Ibid.* Jeremy Waldron speaks of the universalizing aristocratic privilege in the extension of rights in Jeremy Waldron, 'Dignity, Rank and Rights' (2009).

[15] Pufendorf, Bk VII, Ch. VI, 1061.

triumph of the individual will to power in which we are currently awash' All of this contains an immodest sense of how much we 'define and control our very selves'—the conceit at the heart of self-sovereignty.[16] Being an end in oneself is connected to the simple fact of self-sovereignty.

When one has been on the receiving end of the culture of personal autonomy, it is common enough to read the virtues anachronistically back into history, and to see the opposing vices of bygone ages all the more readily. We tend to think that the question whether the whole or the parts are more fundamental and should be treated as such has an obvious answer in the parts. All modern law is grossly individualistic compared to ancient law, designed to support self-sovereign natural persons. The most modern of all legal thought, American, consists in 'an ultra-individualism, an uncompromising insistence upon individual interests and individual property as a focal point of jurisprudence'.[17] When we moderns ask about moral goodness, we tend *not* to think of it chiefly in terms of maintenance of social order and the good of the whole as the ancients did. Said differently, politics is excluded from ethics. If we are very serious indeed about it, self-perfection is our goal, and the polis is here to assist.[18]

There is an irony, then, in this borrowing of the concept of sovereignty from politics to self-identity. Machiavelli and Hobbes, and many in the modern 'realist' tradition, think that morals are for ordinary people, for subjects not rulers. The Prince, the sovereign, was better as a preserver of the republic, a sword enforcing a pact that he himself is not party to, or a class of persons that operates on its own terms, or even as a class of one. Rulers were able to be devils, so long as the common good was taken care of (they could not be 'villainous' because that would preclude glory). Before the age of autonomy, which is necessarily the age of the elevation of the dignity of the individual person, every individual belonged first to a sovereign group. The claim is stronger. Individuals were 'made' by the group, as the first and best produce. But the group, community, or polis was prior, both historically and logically, as Aristotle famously argues in his works and everyone following him up to the modern age echoed. And its preservation at all costs was the promise of the tradition that gave us the modern doctrine of (self-)sovereignty.

---

[16] Jean Bethke Elshtain. *Sovereignty: God, State, and Self* (2008), xv.

[17] Roscoe Pound, *The Spirit of the Common Law* (1963), 37.

[18] J. B. Schneewind, *The Invention of Autonomy* (1998), 12.

There are obvious and great breaches. Modern metaphysics from Descartes onward tracks radically differently from ancient doctrines, as does epistemology, notably also for Cartesian reasons of deriving authority from the recognition of clear and distinct ideas. Politics and ethics following Hobbes use individual man as the point of departure. John Locke's understanding, which was brought to the fore by David Hume, of human self-identity persisting through time merely by self-conscious memory of experiences, is a depiction of a lonely whole, that is also wholly in charge of its continued existence.[19] Autonomy here is freedom of that persistent self-remembering to move reflectively within the mind, and by its listing where it pleases without (by controlling the body) to acquire what it truly wants. This is where the sovereign self ceases to be merely a description of the authority and source of activity in the world, and where it becomes the throne of sincere dealings. It is where authority gains the honour of authenticity. When the two are brought together, we call it 'romanticism'.

Romantic self-discovery

For a sense of what is meant by romanticism, one should compare two of the most famous quotes, one each from two different *Confessions*, Augustine's and Rousseau's. The Christian saint says, 'Thou hast made us for Thyself, O Lord, and our heart is restless until it finds its rest in Thee.'[20] Rousseau retorts: 'Myself alone! I know the feelings of my heart, and I know men. I am not made like any of those I have seen; I venture to believe that I am not made like any of those who are in existence. If I am not better, at least I am different.'[21] The supernatural sense of resting in God, of completion in the heteronomous adherence to the perfect being's commands, of the beloved resting in the lover, has been replaced by Rousseau not with atheism, for he was a vehement deistic and anti-atheist—but with a sense of the *naturalness* of

[19] John Locke, says in a Cartesian register, in *An Essay Concerning Human Understanding* (1975 [1690]), 'On Identity and Diversity', Bk 2, §9, 335-345, '...a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places; which it does only by that consciousness which is inseparable from thinking, and, as it seems to me, essential to it; being impossible for any one to perceive without perceiving that he does perceive'; and '...in this alone consists personal identity, i.e., the sameness of a rational being; and as far as this consciousness can be extended backwards to any past action or thought, so far reaches the identity of that person; it is the same self now it was then; and it is by the same self with this present one that now reflects on it, that that action was done'.

[20] *Confessions*, Bk 1.

[21] Rousseau, *Confessions*. (1903 [1782]). Bk 1.

human life in a world full of the goodness of a resigned, but still loving, God. This truth of being can be visible to the self alone, once he is freed of the vestiges of an ill-formed civilization and its ill-intentioned formation. Rousseau connects his vision of self-differentiation with his understanding of God[22]:

> During my walk I offered a prayer, which did not consist merely of idle, stammering words, but of a sincere uplifting of the heart to the Creator of this delightful Nature, whose beauties were spread before my eyes. I never like to pray in a room: it has always seemed to me as if the walls and all the petty handiwork of man interposed between myself and God. I love to contemplate him in His works, while my heart uplifts itself to Him.

The self in nature for Rousseau listens not to others, but to itself, and to its 'God', the God that created it. It listens within, not with actual ears, we presume. It is the voice of conscience, the true self whispering the words of God to one's deepest self.

Rousseau is most famous as the proponent of the social contract, which may seem at first to conflict with this form of naturalistic autonomy. Linking the Leibnizian monad to the social contract becomes necessary for understanding Rousseau. Monads, which are separate ontological wholes, do not start out facing in the same direction. Each has its unique or direction of focus, each has his own perspective, and each will head in that direction, even to the detriment of others.[23] The differences will not in themselves lead to peace, harmony, or good, either in common or individually. Now imagine the countless monads are individual persons. Social contract is a way to ensure individual autonomy, 'making men free', by asking them all to agree to head in the same direction, beneficial to all, but most importantly *beneficial enough to each* person that they see it as their *best* option. This monadic understanding of being gets filled out in Rousseau's anthropology.

Understanding Rousseau's thought, meaning his social and political theory, might not even be possible if his understanding of human nature is excluded. Three elements are evident: perfectibility, self-love, and free will.

---

[22] *Ibid.*

[23] G Leibniz, *G. W. Leibniz's Monadology*, Nicholas Rescher tr (Originally published in 1714 in French, University of Pittsburgh Press 1991) §47ff; D Burnham 'Gottfried Leibniz: Metaphysics', Internet Encyclopedia of Philosophy, <http://www.iep.utm.edu/leib-met/#H8>.

These are natural and distinctive features of humans. Moreover, they are central to man's life as an individual and as part of a community. After tracing these in Rousseau, I shall step back into Augustine to note both their differences in content yet surprising similarities of approach to what is really real. Moderns find themselves almost wholly on the side of Rousseau in an Augustinian register. Rousseau's *Discourse on Inequality* contains his most detailed description of 'natural man', and *Émile* or *On Education* his major work on education, contains many of the implication of that doctrine of man. In it he discusses the rearing of natural man in civil society.[24] In *Considerations on the Government of Poland*, Rousseau gives some indication of his thought on the relation between the governing body and its citizens. In all this, he generally connects the soul and the state in a similar way to how Plato does: a given constitution will rule both state and soul alike. The more in concord their rule is, the greater the chances of peace.

Concerning perfectibility, Rousseau did not share the negative assessment of man *sub luna* of the Calvinist Christianity of Geneva where he was a citizen. Man was thought to be lost to his own devices, in need of external salvation, and only perfectible in the hereafter. Man is a mixed bag of good and evil, for Rousseau. Yet man is basically good, if particularly weak and inclined to self-corruption when it comes to external influences. As he puts it, man is naturally good, *men* are bad.[25] There is plasticity in humans that can be used for good or ill.[26] Being all selfish or all altruistic would be better than the composites, one of which is 'civilisation'. In the 'state of nature', however, we had the purity of the virtues and vices. (He has no vision of corruption of all parts of man, or 'total depravity', as the Calvinists call it.) But no return to the state of nature is possible.[27] So, we must approach that state as much as is possible from a post-natural condition, mostly by retreating from the badness that 'men' try to instruct us into. The narrative reads more like reconstructing Arcadia in small *poleis* than seeking salvation in the Heavenly Jerusalem.

---

[24] *Émile ou de l'Éducation* (*Émile* or *On Education*) (1762) contains 'Profession of Faith of the Savoyard Vicar' in which are his 'views on metaphysics, free will, and his controversial views on natural religion for which the work was banned by Parisian authorities.'

[25] Rousseau, *Discourse on the Origin of Inequality*, henceforth '*Second Discourse*' (1992[1755]), Appendix.

[26] In our age, 'social construction' is used to assist latter-day disciples of Rousseau in ridding the world of *amour-propre*. *Cf.* Ian Hacking, *The Social Construction of What?*, on the many meaning of the term, from arbitrary, plastic, that which could have been otherwise, can still be otherwise, and was obviously wrongly-decided.

[27] Rousseau, *On the Social Contract* (1920 [1782]).

Rousseau navigates the self in relation to others with two forms of self-love: *amour-propre*, a sophisticated form, where esteem is dependent on the opinions and judgments of others. *Amour-propre* can corrupt, inclining us to vanity, vice; it can cause great misery or just make one remarkably superficial. 'Pride' is a name we assign to *amour-propre*. A*mour de soi*, conversely, is self-love that is independent of the opinions of others. This more basic form of self-love is possible when man does not judge himself in comparison to others, for instance, in a condition outside of civilization or society. This was the case before the appearance of society, when 'noble savages' are said to have flitted about. *Amour de soi* might also be possible now if one goes it alone, living a life outside of the confines of society, as Rousseau seems to think he has done. It is the *feeling* and *habits* that lead to autonomy. It is what we would today call 'self-esteem'.[28]

For Rousseau, the flourishing of the self is the goal. But flourishing is neither what the Germans call *bildung* nor what political communities everywhere understand as becoming a well-enculturated ('contributing') member of a particular society. It has no heteronomous components, no indoctrination, and no doctrine external to life's heuristics. All excellences of the arts and sciences are part of *amour-propre*. 'Astronomy was born from superstition; eloquence from ambition, hate, flattery, and falsehood; geometry from avarice, physics from vain curiosity; all, even moral philosophy, from human pride', according to Rousseau.[29] Flourishing is self-reliance. Self-reliance is autonomy.

While Rousseau is against the inauthenticity of *amour-propre*, he does not flee other-directed action *for the sake of* self-expression. He says he is after morality and virtue, and tries to train chastity, courage, and wisdom into Émile and Sophie in *Emile*. Recall that this novel is also his seminally influential 'treatise on education'. He seeks self-discovery of the authentic self, which it is not a form of self-creation; neither is it a social construction, in the sense of being arbitrary, or that it could have been otherwise. Society and civilization lead us away from uncovering that which really is inside us. But careful, disciplined parsing of the good from the bad, as it is experienced to be, is what is needed. For, humans are basically good and free by nature.

[28] Rousseau, *Second Discourse* (1992[1755]).

[29] *Discourse on the Sciences and Arts* (*Discours sur les Sciences et les Arts*) (1750), Vol. I, p. 12. 'First Discourse' henceforth. The First Discourse submitted to the Academy of Dijon, to become the winning response to its essay contest question, 'Has the restoration of the sciences and arts tended to purify morals?'.

Convention has corrupted us both within and without, left us in physical and mental chains.[30] Breaking them is not a once-for-all event but a retraining of the self so that it can listen to itself and then follow itself.

I shall return to Rousseau below and to his doctrine of free will, after tracing some of his beginnings in St Augustine's philosophy of the inner self. But first I must step through one modern idea and one ancient idea, each of which will be necessary components to the romanticism that modern persons hold to be imperative to their autonomy: self-expression and humans as *imago dei.*

Stuck between Jean-Jacques and John Locke

Being modern has come to mean being stuck between John Locke and Jean-Jacques Rousseau, with both of them providing for part of our cultural identity. The former has secured the needs of the body and the acquisitive character of our wills by enshrining rights (*ius*) as property (*dominium*).[31] The latter thinker has encouraged 'sincerity', which we have come to call 'authenticity', a process of autonomy by retreating from self-esteem based in the judgments of others, to self-esteem based in the right judgment of oneself according to the ordinances of nature and nature's disinterested and providential god. Kant will carry over the torch later, defining it as autonomy, and that as 'freedom from self-imposed tutelage', with other translators preferring 'nonage' and 'immaturity' to 'tutelage'.[32] Publicly, Locke provides moral instruction on how the world is ordered for self-protection; privately he gives guarantees of not being interfered with, so long as one leaves 'enough, and as good left; and more than the yet unprovided could use'.[33] This is the groundwork of our understanding of privacy, which will later be enshrined in rights. Rousseau tells us what to do with that privacy. Once we have used it to discover who we are supposed to be (in the dialogue between nature and the self), he provides an open-ended, republican political vision of contracting for all possible goods. Both Locke and Rousseau would support a strong, central governmental power to guarantee the preservation of these individual selves.

The limits of the modern are seen here between self-discovery and self-creation. The former requires knowledge of the self, otherwise it cannot be

[30]Rousseau, *Second Discourse.*

[31] Richard Tuck, *Natural Rights Theories* (1979), 7-13.

[32] Kant, *Was ist Aufklärung? / What is Enlightenment?*. Berlinische Monatsschrift. Dezember-Heft (1784). S., 481-494.

[33] John Locke, *Second Treatise.* Ch 5, 'Of Property', Sec. 33.

authentic. And one is not infinitely plastic; nor does one come into the world unformed. Locke's *tabula rasa* is roundly rejected by moderns, even if it is entertained as an interesting prospect. A real self with native content is posited and defended. Self-creation, however, need not be 'authentic' (one reason Rousseau would have rejected the idea). One could create any self she saw fit. I could, for instance, decide that I am really a clown. The fulfilment of Locke's *tabula rasa* has leapt over the modern and found a home in post-modern philosophy. Said differently: whereas moderns attach great importance to human nature and the rights that can be found in it—thus forming both public discourse and private relations—the post-moderns claim all this talk of 'essences' to be sleight of hand.[34]

Self-expression

There are, however, places where the margins bleed. If one looks at newspapers or academic literature on anything connected to sexual politics, the battle between the post-modern and the modern is being waged. Recent 'trans-' issues put paid to the lie that all is well beyond heteronormativity. 'Sexual-orientation' has been the preferred way to speak of gay and lesbian issues in public forums for at least the past twenty years. This replaces both 'sexual preference' and understanding it as deviance. For, if it is natural, an 'orientation' that one was headed in from birth, then it is 'natural', meaning 'good'. On all modern accounts, autonomy is considered essential to personal identity. Recently, personal identity is considered 'properly and legitimately constituted around sexual orientation'.[35] However, 'sexual orientation' is being 'problematized' in the literature, by 'performative aspects' of gender and sex.[36] This can be found everywhere from Classics to social theory.[37] And it is manifesting itself in self-understanding, indicating that there is a cultural move toward something beyond modern personal autonomy.

---

[34] Note on the 'non-essentialist' trend in postmodern and feminist theory tending toward the gnostic. Judith Butler, for instance resented the 'materiality' of the body, which is impossible to fix. Fixing it would be making it conform to non-essentialist notions of human relations in which 'biology was not destiny'. J Butler *Bodies that Matter* (1993) ix.

[35] Stanton L. Jones, 'Same-Sex Science' *First Things* (February 2012).

[36] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (1989), 175ff.

[37] Vincent Farenga, *Citizen and Self in Ancient Greece: Individuals performing justice and the law* (2006) indicates the trend beginning in the study of the theatre's relation to the legal life of *personae*, beginning before the heroic age and ending with 'Democracy's Narcissistic Citizens: Alcibiades and Socrates', 471ff.

In his lectures on the topic of the roots of Romanticism, Isaiah Berlin warns of existentialist autonomy, the unpredictable will that emerges from the cult of authenticity.[38] He opposed Romanticism not only because of twentieth-century political abuses of this doctrine of self-rule, but also because it presents a fallacious image of man as ultimately one thing, discoverable only to himself. With a focus on authenticity, it also stands against the value pluralism that Berlin believes is essential to peace and prosperity. Finally, it stands against man's essential political nature, which Berlin does not directly affirm but tacitly accounts for in his affirmation of the goods of political life, which need to be open to all on shared terms. Elsewhere, some of Berlin's opposition to positive freedom, and affirmation of human society rightly ordered, comes from his wish to flee from the enforcement of standards of the good against those who do not conform.[39] One would then put him on the side of defending the self-expressivists along with Mill. Mill suggests that room is made for 'experiments of living', that is more than just self-expression.[40] He was offering liberty against encroaching social democracy (i.e., the programme of positive liberty of reformed socialism). But both men find themselves in the ironical position of having to enforce—often with a very strong central state and the moral censure of society—the prerogatives of unfettered individuals. They are forced, also by the Lockean element, to go beyond the romantic tolerance that Herder and Lessing offered. That was a respect for searching for truth *in an individualized* form, rather than respecting merely other traditions or ways of truth-seeking.

But self-expression often manifests itself in exhibitionism of the Oscar Wilde variety. It makes teenagers of us all.[41] But it cannot be limited on the combined Rousseauian-Lockean principles merely because its 'manifest

[38] Isaiah Berlin, *The Roots of Romanticism* (1999 [1965]), in 'The Lasting Effects', 118-147, esp. 139-142 & 144-147.

[39] Berlin, 'Two concepts of liberty' (1969[1958]).

[40] Mill, *On Liberty* (2008 [1859]), ch 3.: 'As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them. It is desirable, in short, that in things which do not primarily concern others, individuality should assert itself. Where, not the person's own character, but the traditions of customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress.'

[41] Phillip Blond makes this point in many places. For a more serious treatment, see his introduction to *Post-Secular Philosophy: Between Philosophy and Theology* (1998). John Milbank and the Radical Orthodoxy movement, chiefly in the Anglican Communion, make this criticism of liberalism from a theological standpoint, some of which is also evident in Millbank's chapter in the same text

unseriousness'. Pliny said that 'in the body politic as in the natural, […] disorders are most dangerous that flow from the head'.[42] What might happen if every head in a given polity thought she needed to express herself, that she must be heard, that *others must listen*? What forms of intervention, coercion, manipulation, (re-)education, would need to be in place to ensure that this were the case? Imagining those helps to envision a world in which personal autonomy is realized. Naturally, a policing of 'offenses' and 'harms' related to expression would become necessary in ever more censorious sorts of anti-discrimination laws, as is already come into existence in all Western countries.[43] But even more importantly is the warning of Berlin: the existential element would need to be kept in check. Individuals would need to be made to express a self that is 'really there', rather than experimenting in self-expression as the whim hits them. If society is meant to bend its habits to protect and facilitate the declared ends of these selves, it must be assumed that there are routinely good-faith actors with relatively consistent self-knowledge. The assumption will have to be of a nearly divine centre of the self, more easily seen in some but present in all. It is the modernized form of the ancient Judeo-Christian doctrine of *imago dei*.

Imago dei

Whereas in some civilizations the tribe or extended family unit is sacred, and in others the 'nuclear family' is sacred, in ours the self is sacred.[44] If Spinoza wanted to make his famous point through prostration today, it would not be the temple that he would lay down in front of, but an image of man. He might even lay down before his own graven image. For, we have all followed one teaching, now inflected: 'Do you not know that your bodies are temples of your own Holy Ghost?' The doctrine that matures into the human being as

[42] Pliny, *Letters*, Bk. IV, ep. xxii.

[43] S Fredman, *Discrimination Law* (2011) contains a chapter that details the moral and philosophical ideas motivating discrimination law. Autonomy is not chiefly at issue; 'equality' is. However, 'equality' is said to be about affirming the boundaries of certain kinds of personal identity. So, it is not about 'equality' at all, but about autonomy; Harvey and Parry, *The Law of Consumer Protection and Fair Trading* (London: Butterworths 2000) has overlap with Fredman concerning the issues at hand, in this case restoring bargaining power, which can be couched in terms of 'equality' or at least 'equity'; but the ostensible goal is bargaining between two of more autonomous equals.

[44] Carle Zimmerman, *Family and* Civilization (2009[1947]) is a revealing study of the relation between civilization type and family organization. He identifies the 'trustee family, 'domestic family, and 'atomistic family, from the most socially embedded and culturally heteronomous to the least embedded and autonomous. On the one side is greater trust in authority and on the other is greater scepticism of received wisdom. Each relates to a type of civilization.

a fitting dwelling for the spirit of God, is a doctrine cherished by Judaism. Seeing where the doctrine of *imago dei* can lead, it is understandable that a hyper-heteronomous religion like Islam, would reject the doctrine as heresy.

Yet this notion is foundational to the belief that autonomy is most appropriate for individuals. Remember that it is neither society nor the state, but God himself that grants us this image.[45] And it has been a beneficial anchor: 'Without this religious source, any notion of the human is lost, and the exercise of freedom swings wildly between complete individual license and total state control.' Without the notion, it could be said, autonomy, as conscious, moral self-regulation is hard to imagine. One would either have to accept license and its attendant moral chaos—i.e., 'harms' either real or in Derek Parfit's words 'hidden'—or complete heteronomy. European and American classical liberals (Locke, Kant, Jefferson, and Adams) all shared this positive notion of man's divine status, and 'it still provides the strongest grounds for the defense of human rights and dignity'.[46] Yet, even as 'the mutual understanding and respect for individual rights upon which constitutional patriotism depends presupposes a respect for the human person, [it provides] no account of the person that would warrant such respect.'[47] 'Autonomy' through *imago dei* stands like 'universal equality' as a dogma that must be affirmed either on the strength of the vision of life that it is said to be part of or based on the fear of its opposite gaining ground.

Still, one needs to distinguish the question of why autonomy should be recognized in others (such as its being a divine gift), from whether and how this sense of autonomy can be a guiding principle (not to mention dogma or central value). If the image, and perhaps likeness, of God is visible in every human, it would seem to need be manifested in some capacity or possession. For, no one but the enemies of the doctrine argue that the image is just that: an actual divine image. It has been argued that *imago dei* relates to what the Greeks understood as the '*logos*' in humans. L*ogos* is that which makes us rational animals, and also allows us to become political animals. Rather than theoretical reason, which has been imaginable in 'automatons' since at least the time of Descartes, scholars have argued that the synthetic capacities of our practical reason are better identifiable as the *imago dei*. As God is our

[45] Marcello Pera, *Why We Should Call Ourselves Christians: The Religious Roots of Free Societies*. (Encounter 2011), 46.

[46] Andrea Maccarini notes this in the review of Pera's book in *First Things* (May 2012).

[47] *Ibid.*

creator, we are most 'godlike' when we co-create.[48] Novel solutions to moral problems are one example; penicillin is another, the penning of 'The Ride of the Valkyries' could serve as a third. Co-creation is not creation *ex nihil*. Originally, *imago dei* was deployed to direct us *to* a heteronomous source of morality and goodness, not to create morality or goodness in our own image.

Yet when we access this source of great possibility, we are tempted to believe we are our own creators. The Silicon Valley 'genius' who has 'created' a new 'smart' device trades in the 'giddy feeling of omnipotence and absolute freedom'. It 'at first elates him and then depresses and degrades him.'[49] This could be called the Frankenstein effect of certain kinds of co-creative activity that tempt to believe they are *sui generis*. So, absolute personal autonomy cannot be a guiding value, or we risk the devolution of our interactions into exploitation and coercion.[50] The move in technology from offering a 'game-changing' device to the world, to making it impossible to live a normal life without this device, is one such coercive temptation. Likewise, the affirmation of *imago dei* means something different when it is a source of unfettered autonomous creativity than when it is a source of creative obedience to the moral law. Kant seems to mean something similar to *imago dei* when he locates our moral centre in autonomy as morality. But he never meant the image to become disconnected from disinterested divine Reason. Detached autonomy is exactly what personal autonomy has come to mean, when it is view as too godlike.

Yet, none of the moderns are ultimately responsible for the final loosing of autonomy from shared moral ends. Augustine gives the lasting sense of *imago dei*, connecting it to inner life and communion with God therein. 'The mind', Augustine says, 'is capable of Him, and can be partaker of Him; which so great good is only made possible by its being His image.'[51] This is the model of the self that moderns employ for their autonomous ends, but it now has become a temple without an immortal god in it.

Augustine's 'inner self'

Talk of personal autonomy assumes an 'inner self' of some kind. Our civilization holds it as a matter of faith, which had religious beginnings, but

[48] Robert P George, (2001) 'Reason, Freedom, and the Rule of Law', *American Journal of Jurisprudence*: V. 46: Iss. 1.

[49] Pera, *op. cit.*, XX.

[50] Maccarini, *op. cit.*

[51] Augustine, *De Trinitate* (1887 [400]), XIV:8

was accentuated and stripped of its confessional particularities in modernity. The mystic in the ancient world and then the poet in the modern world were two ways of being in that inner space. Thomas Merton, Trappist monk and poet wrote well of this space and its psychology:

> If the intuition of the poet naturally leads him into the inner sanctuary of his soul, it is for a special purpose in the natural order: when the poet enters into himself, it is in order to reflect upon his inspiration and to clothe it with a special and splendid form and then return to display it to those outside. And here the radical difference between the artist and the mystic begins to be seen. The artist enters into himself in order to work. For him, the "superior" soul is a forge where inspiration kindles a fire of white heat, a crucible for the transformation of natural images into new, created forms. But the mystic enters into himself, not in order to work but to pass through the center of his own soul and lose himself in the mystery and secrecy and infinite, transcendent reality of God living and working within him.[52]

In the modern age the normal experience of being human tracks closer to what only mystics and poets were once encouraged to experience; of the two, the poet is closer to the modern person since its content is often cast in a secular register. Inwardness has been a noted feature of modernity, a refuge perhaps from the alienation brought about by machines talking over much of life.[53] But this inwardness also has its intellectual roots in the Romantic revival of an old Augustinian vision of a mystical 'inner self', especially by Rousseau. It is an inner architecture familiar to Western Christianity, especially where inflected by Plato. For, the 'intelligible works' that he opposed to the material world must be somewhere. It seems likely that it would be where 'intelligence' also is, namely, within you and me. Unlike the Christian vision, the romantics of Christendom did not find God or the Forms inside themselves after clearing away the detritus. They found the truth about themselves, a 'sincere' goodness, and a way forward for living against the expectations of the world. That is, after conducting some auto-*poesis* within their inner sanctum.

Like Augustine, this involved a conversion, literally a 'turning away'. He turned from the 'flesh' and desires that brought him, with limp will, to say,

[52] Thomas Merton, 'Poetry and the Contemplative Life' *Commonweal* (4 July 1947).

[53] M Eksteins, *Rites of Spring*, Chapters 1-2.

'Give me chastity and constancy, but do not give them yet.'[54] After turning away, one then can become who one always truly was. The 'world', or better the 'age' with its 'worldliness', was what he fled from. In seeking what Rousseau calls '*amour-propre*', or any 'other-directed' standard, one is in a similar sense chasing after that which will never fulfil him, the transient, impermanent. '*Rumor volat*', we know, not only from person to person, but it also morphs along the way. Judgments and *mores* change. If one sets one's morals to the weathervane of public opinion, one will only ever be as certain as what one happens to detect on the wind. One must 'convert' to *amour de soi* – literally 'turning toward' or 'turning with'. One must look inward for the truth.

Some say that the exacting saint 'invented' the inner self. That claim need not be defended in order to see that his variations on a Plotinian theme of the agora within the self gave lasting form to inner life of his intellectual and cultural progeny, and the spiritual life of Christianity, including its secularization of mysticism in the romantic poet. Within oneself one can ascend—for, an agora has no roof—now past the Forms and to God himself. It is a process of going 'in then up'.[55] This became a model of spiritual practice and self-understanding in the strands of Western Christianity that followed, allowing everything from the poetic imagination of St John of the Cross's 'dark night of the soul' to the psychological terrain that would bring about a brooding character of distressed contemplation such as Shakespeare's Hamlet.

The inward religiosity was to be found not only of those who remained within what became known as the Roman Catholic Church, but also those in the tradition of the reformer and former Augustinian monk, Martin Luther, as well as the man who understood himself to be restoring more or less 'Augustinian' Christian principles, Jean Calvin. The Reformed tradition that follows Calvin famously produced inward spiritualists, such as the Puritans. They kept 'providence journals', of the sort that one looked for God's work in autobiographical details, such as a terrible situation that one was saved from after fervent prayer—especially in the terrors within the soul. These journals, such as those kept by the English Puritans of the Massachusetts Bay Colony, depict a spirituality in which all outward sacramental life has been turned inward. The confessional is now seated within the soul, and one goes there daily, not to confess oneself to oneself (as it would a few generations

[54] Augustine, *Confessions* (2001 [ca. 398])., Bk 8, 7.

[55] Phillip Cary, *Augustine's Invention of the Inner Self* (2000), 38-44.

later for Rousseau), but to confess oneself to God—just as Augustine had typified so many generations before.[56]

When moderns think of themselves, it is hard to imagine (1) that there is no inner space, and (2) that that inner space is not 'who I really am'. It is also hard for moderns to imagine others being wholly human without having that inner space, to go into and contemplate oneself. Some of the convincingness of an unseen and unseeable universal equality lying beneath all of the manifest inequality might be based in the belief that each of us really is whatever is in the inner space. The 'lived inner life' in John Searle's terms is what moderns mean by consciousness, and even materialists puzzle at the perhaps intrinsic inexplicability of it on strictly materialistic terms. It is what makes moderns uncomfortable agreeing with the Turing test or functionalist accounts of what it is to be human.[57] One cannot merely 'seem' conscious and indeed self-conscious to others. One must experience oneself, with that inner knowledge of the self, in order to be a person. Rousseau linked this to our capacity for empathy, rather than mere cogitation or performance of certain tasks. For this reason, it is likely that personhood will be more readily extended to lower hominids with bodies and natural gestures like ours than robots, which we know to have been programmed to *seem* like us. We can more easily imagine that we feel the ape's pain, and that it just might be able to feel ours within itself.

A curious amalgamation of notions makes up this secularized inner life. Our knowledge of it does not descend from the natural sciences. But nor does it come from a 'soul' that temporarily inhabits the body—neither of the dualistic (Platonic/Christian) variety nor the Cartesian imagining. Nor is it a residual belief from early modern psychology. In fact, no set of *ideas* are really involved, neither really are any self-consciously held concepts of the self. 'Notion' is even too big of a word for what one is conscious of when one knows oneself to have an inner life. The word 'inner' should give us a clue, the agora within: it is an *image* of what is believed *to be a real place* (a thing in the world), where a certain sort of central and incommunicable activity goes on.

---

[56] J Bunyan, *Pilgrim's Progress* (1678) is the classic of this sort of working out of one's faith in the English language. Full title gets even more to the point of the inward spirituality, namely, of the dream: *The Pilgrim's Progress from This World to That Which Is to Come; Delivered under the Similitude of a Dream.*

[57] Dictionary definition 'a test for intelligence in a computer, requiring that a human being should be unable to distinguish the machine from another human being by using the replies to questions put to both.' See: en.oxforddictionaries.com/definition/Turing_test

Locating it is easier. Somewhere between the head and heart, certainly the top half of the body, there is a temple in which are kept the sacred things of the self. Some of those things might point to a God above, but they need not. What is there is *holy*, in the sense that it is kept apart, rather than in the sense of it being necessarily good. I appeal here to the classical sociological definition of 'holy', and to the Hebrew words on which it is based. This space is where I can truly 'be myself'—where the virtue of autonomy is at its utmost. For, it is where no contingency or command imposes itself, save what I have self-chosen, a space of true freedom from the will of others, a place where self-contemplation is possible, and coercion is impossible, where auto-*poesis* connects directly to autonomy.

One set of ideas that do present themselves are political ideas made personal. For, my inner agora is a place where I am 'sovereign', and from which I can 'reign' over my life. And, when all goes as it should, I will be a law unto myself, as Nietzsche suggests in *The Gay Science*; or in the most sympathetic reading, I will participate in the autonomy that is self-interest rightly understood, as Tocqueville and the classical liberal tradition construe it, learning liberty by being truly at liberty. Modern natural persons sense that this inner agora is a real place, often with a roof so that the divine and higher things also do not interfere with the self. For they would make heteronomy of a place desired for its autonomy. That is the obvious difference between the Augustinian and the Rousseauian agorae within. Augustine's is where he goes to learn how to obey; Rousseau's is where he goes to learn how rightly to command himself. What has given each modern the confidence that the agora within is not merely an illusion of grandeur? Why does she believe we are better off trusting each sovereign self to enact her self-interested decisions from this place of contemplation? Why does she believe that the ordering of society through consensual binding of oneself should have a positive rather than deleterious effect on the moral order? In short? why do moderns believe that this sort of autonomy is good for us?

Conscience

We have retained a faith in an older Christian notion of conscience. 'Deep within their consciences men and women discover a law which they have not laid upon themselves and which they must obey'[58], reads a papal encyclical, recalling the old belief. Its message is embedded with the hope that

[58] *Gaudium et Spes*, *the Pastoral Constitution on the Church in the Modern World* (1965), n16.

Augustine's inner-self inspires in believers. It could be altered only slightly to apply not only to 'people of good will', as the Catholic Church calls those who seek and follow the law 'written on their hearts', but also to all modern persons: Deep within *themselves* men and women discover a law which they have not laid upon themselves and which they must obey (and which is the self). 'Conscience' is literally anglicized Latin of '*cum* + *scientia* / with knowledge'. But knowledge of what? Right and wrong, good and bad. In short: the moral law. The standard is heteronomous. Conscience itself was also once thought to be 'objective'. The spiritual jurisdiction of law over the soul was removed from the Protestant church with the abolition of confession.[59] With the removal of an external check on the *forum internum*, conscience was gradually 'personalized, privatized and subjectivized'. Yet, 'the rules of conscience were originally thought to be almost as objective as legal rules'[60] (Recall, for instance, that the English Court of Chancery is also called the Court of Conscience, which means little when referencing modern notion of 'conscience'.) Conversely, objective legal rules were applied to matters of conscience. At the height of the influence of moral theology, '[a] theologian claiming to be able to solve a case of conscience without the support of the civilian and canon law tradition was considered to be arrogant.'[61]

Now, the knowledge of conscience is practical and intimate—the line connecting it to an external morality is cut. When 'conscience' is removed, in the sense of that part of humans that accesses knowledge of the moral law, the law-like proclivities, habits, beliefs and realities of the self become truth. '*Veritas facit legem* / Law is truth', as the ancients had it. They would be nonplussed by the reduction of 'truth' to 'self', following Rousseau, but the logic remains unchanged. Although, following Hobbes, one might instead say that the ancients got it wrong, '*auctoritas non veritas facit legem* / authority, not truth, makes law'.[62] We have moved the authority from without to within. And that authority can only be re-externalized by each self consensually—which is more or less how contractarian theories envision a defence of political order. For moderns, who are by definition personally autonomous, conscience has become a byword for the self-sovereign, that is, the legislator and its law, rather than the truth and the objective arbitration, that is, the judgement and the judge.

---

[59] Decock, *Theologians and Contract law* (2013), 27-28.

[60] *Ibid.*

[61] *Ibid.*, 40

[62] Hobbes, *Leviathan* (1651), II, 26.

Moral self-governance

There was from at least the time of the Reformation an increasing move away from morality understood as obedience, and towards understanding it as some form of self-governance. Different flavours of this formerly abounded, from the ancient juridical notion of natural humans understood as *sui juris,* to the nominalized Thomistic natural law of Hugo Grotius. But none of them went so far as simply 'listening to oneself'. Frequently, there was a theological notion of the 'spirt of God' or conscience that was invoked as a trustworthy guide to right action. This change was especially evident in the places where the spiritual direction of the father confessor was replaced by a biblically-motivated and informed conscience. Although claiming to be more objective than the old order that was liable to corruption and worldliness of confessors, the interaction between the believer and the Bible leant itself swiftly to subjectification.

Formerly casuistry allowed the confessor to judge the sins of the penitent, by beginning in their particularity and reasoning based on similarity or analogy to known cases of right or wrong-doing. He may have had a book of cases, in which 'Mr Badman' or another suitably named character commits many sins in all sorts of ways. Even as well-documented abuses did abound – the Jesuits have a bad name to this day based on 'casuistry' – the charge that this was a form of moral relativism because of the manifold ways to obscure wrong-doing does not stick. It was ultimately a method of employing a strong command-based form of morality[63] onto the messy particulars of everyday life. Complicating the matter was that the chief command was ultimately Jesus' unattainable law to love neighbour and God completely. With the removal of the sacrament of penance from the lives of ordinary and elite members of society, the court of individual conscience took over, to varying degrees, the work of the confessor's determination of objective conscience. Self-governance eventually seems more believable as a form of moral reasoning for ordinary persons, if they do not need to report to their father confessors for regular purging, and no longer participate in a tradition of objective understanding of conscience.

[63] The lasting jibe at (Jesuitical) casuistry came from Blaise Pascal, in *Les Provinciales: Pensées et Opuscules divers* (2004 [1656-7]). Yet, recognizing a way round moral absolutism as well as moral relativism through a form of casuistical reasoning, Jonsen and Toulmin penned, *The Abuse of Casuistry: A History of Moral Reasoning* (1990). It is notable that the English law functions to this day on a form of casuistic reasoning, as did early Roman law, bridging absolutism and relativism.

This shift was not merely one from a 'command' form of morality to a 'self-directed' form of morality. It was about emphasis. Both conscience and a firm moral law that is in some way 'written on the heart', are old ideas – the latter being as old as the Bible. But the stain of sin was usually understood to cause us to, again as the Bible following Plato teaches, 'see through a glass darkly'. Or as Aristotle taught even earlier: we are poor judges in our own case. Revelation and right reason were not equally distributed through the human stock. So, God had put powers over us to teach us through command: parents first and then ecclesiastical and civil authorities later in life. For many persons, those authorities were the chief and most reliable way to ensure that one lived a moral life, or at least to know what was moral in practical terms.[64] Threats of punishment and guarantees of reward, were also provisioned or promised by such authorities. These tamed and instructed conscience, not to be legislator over which actions were right, but to become a good judge that could discover and correctly apply many heteronomous authorities in the proper order and to the proper spheres of life. The resulting actions would then be morally defensible. The increasing importance of private conscience diminished the role and import of heteronomous determiners of morality, and of moral prioritizing based on any objective standard.

With the emphasis less on the external guarantees of moral order surrounding the confessional, and more on the formation of conscience for self-direction under certain biblical principles, the emerging vision of moral order by the end of the eighteenth century – especially in Protestant lands – was of 'all normal individuals being equally able to live together in a morality of self-governance'.[65] When such a term is employed, it can easily be forgotten that 'self-governance' carries much wider connotations than moral matters. Everything from one's choice of clothes or preference for rye over wheat bread, or one's employment, can fall under it. In all this, everyone has 'an equal ability to see for ourselves what morality calls for and are in principle equally able to move ourselves to act accordingly, regardless of threats or rewards from others.'[66] The diminishment of the external determination of moral rectitude was followed by a diminution in punishment in line with the wills of those determinants. The Unites States Constitution, which was birthed by late eighteenth century moderns, did not need to justify why they formed a nation in which both the forbiddance of 'cruel and

[64] Schneewind, *The Invention of Autonomy* (1998), 4.

[65] *Ibid.*

[66] *Ibid.*

unusual punishment' and the guarantee of the 'pursuit of happiness' were present. 'Happiness' does not need a clear definition *in advance of* individuals themselves living out their lives under the law. And if great areas of human flourishing were to be self-determined, then very little justification could be had for coercive punishments.

This is the practical recognition of an autonomy opposite of paternalism, and as the principle of good order in society. In everyday life this would appear as the assumption 'that the people we live with are capable of understanding and acknowledging in practice the reasons for the moral constraints we all mutually expect ourselves and others to respect.'[67] The ancient assumption that one was under the yoke of obedience *unless* one was elevated in some way to leadership or command, has been inverted. To support autonomy means to assume that others are 'equally competent as moral agents unless shown to be otherwise'.[68] No one begins under the yoke of obedience except insofar as it is necessary to educate her in personal autonomy.

From such basic assumptions, one could hardly imagine a return to command morality. Meaning, one would find it scarcely acceptable not to seek consent from others, express or implied, when subjecting them to moral obligations. Autonomy of conscience came to the fore in an age of social contract thinking, and with the expansion of the freedom to contract, especially as commerce expanded throughout all classes, as Adam Smith predicted and hoped would.[69] The granting of a *prima facie* 'equal moral competence' is perhaps the 'most pervasive difference' between moderns and that which preceded them.[70]

Liberalism is the end political and social product of much of the openness to this sort of autonomy. Moral self-governance provides at the very least a social justification for liberalism. Being liberal differs from being modern in ways that are important to note. First, liberalism can be adhered to with little attention paid to all the meanings of autonomy as morally legislating self-discovery that Romanticism peddles. Romanticism has often also justified

---

[67] Schneewind, *The Invention of Autonomy* (1998), 4.

[68] *Ibid.*

[69] 'No society can surely be flourishing and happy of which by far the greater part of the numbers are poor and miserable', *The Wealth of Nations* (1776), Bk 1, Ch 8, Sec. 36. 'Of the Wages of Labour', where he continues: 'It is but equity, besides, that they who feed, clothe, 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, clothed, and lodged.'

[70] Schneewind (1998), 4.

aggressive regimes that guarantee autonomy but which, and for that very reason, are incompatible with liberalism, from socialist oppression to contemporary social democratic administrated autonomy. Many of these regimes could find inspiration in a re-phrased version Rousseau's infamous phrase, in which the words now mean what they say: 'If a man won't be autonomous, then the state should make him so'.

Here once again the great impediment for Kant as a forefather of modern personal autonomy is his understanding of morality as autonomy, and autonomy as heteronomously anchored in universal reason. Kant simply does not allow autonomy to be autonomous enough for moderns. Autonomy for him necessitates contra-causal freedom, and 'he believed that in the unique experience of the moral ought we are "given" a "fact of reason" that unquestionably shows us that we possess such freedom as members of a noumenal realm'.[71] 'Freedom' here means obedience to universal reason. It means belonging to a world of persons in which much of what one wishes to do – even when we wish it sincerely – is precluded in advance. Moral self-governance of moderns is Rousseauian, for it is 'beyond good and evil', objectively construed.

Identity and recognition

There are contradictions inherent in founding autonomy on a self-seeking self, which I return to in the conclusion when I ask whether the centre of the egalitarian mind holds. For now, if one follows Rousseau's logic, a farmstead is the proper place to live, unbothered by the proprieties of society, able to grow in virtue by heuristics, and allowed to perfect one's *amour de soi*. One might live like Jean-Jacques in long-term monogamy, cemented only in mutual consent, unbothered by the conventions of fatherhood (he handed the five children whom that monogamy produced over to the church orphanage).[72] One could perhaps do all this. But why then spend much of one's time defending a public image? Why grow paranoid that one has been

[71] Schneewind (1998), 3.

[72] In an early feminist salvo, he does condemn the excesses of the patriarchy in the appendix of *Discourse on the Origin of Inequality* (1992[1755]), noting their role in marrying off children for reasons of gold rather than suitableness. Perhaps he saw abandonment as the only way to remove the potential participation in patriarchal sins. We might see his presence as a 'citizen without a nation' as an overzealous way to avoid the sins of civilization by checking himself out. See Robert Spaeman, *Rousseau - Mensch oder Bürger* (2008).

misperceived by the very Parisian society that one has exited? Why publish as Jean-Jacques defending Rousseau, or the reverse?

The irony of romantic inwardness is that in failing to achieve the very independence that it so cherishes, it turns its attention to gaining another sort of independence. It attempts to make the world dependent on it, insofar as possible, on its self-image, based on its sincere knowledge of right and wrong (private conscience) and the nomos by which life should be lived (the rule of the true self within). 'Recognition' and 'respect' are the words that get thrown around as personal autonomy conquers the public space. The irony of romantic individualism is no different than the irony of 'private art'. If it is meant to be merely private, why produce artefacts that are capable of outlasting oneself? If the romantic self is meant to become self-sufficient, and not to bend itself to the will of others, then why must identity seek recognition and respect?

One hallmark of the Romantic movement is a criticism of heteronomy as other-directed identity. Once the criticism is levelled, something must be presented in the place of the established order. Even in the most sophisticated attempts, an impoverished, partial identity is presented, which pretends to be total identity. Unless the person is mad, there is a realization at some point that one cannot be wholly self-sustained. Rousseau, for instance, seems not to have been able to survive if no one respected him. Thus, the latter part of his life defending his legacy. One then asks the society she has rejected to recognize, affirm, and respect her, to prefer her even to the vision of virtues and habits that society believes good and true. Lacking internal architecture for one's agora, society becomes the flying buttresses of one's identity, thus allowing the sanctuary within to appear from within to be self-sustaining—like a cathedral that one has only experienced from the inside. In this way, some semblance of a persisting inner life can be forged. This explains the continued success of romantic inwardness in persisting through the generations. Because it never fully lives on its own terms, but rather survives in a sort of unacknowledged symbiosis with the society it rejects, the pretence of independence is plausible. The proverbial romantic artist who rejects society but not so much as to avoid fame or infamy is, case-in-point.

There are places in the modern world where this logic is most evident. In the United States, the most modern of societies, this has been working itself out ever since individual independence from society was proclaimed in the Declaration of Independence, which is not formally part of the US Constitution, but without which its axiological constitution could scarcely be

understood. 'Life, liberty, and the pursuit of happiness' were promised, without a word about what else besides life and liberty could be said to constitute 'happiness'. The ideological part of American identity, an open-ended understanding of 'happiness', pushes each person to become (too) self-conscious, to interrogate the world for her place in it and now finding it, to retreat into the inner life. One seeks in the self an anchor in a dynamic society that does not metaphysically anchor its law in an ultimate vision of the good; otherwise, it would define 'happiness', and thus have common ends, making the common good more than merely the collected goods of the members, and identifying some set of acceptable means within which practical reason could work to achieve the agreed-upon ends and ultimate end of flourishing together.[73] The American, failing as Rousseau did to secure her self by herself, then returns to society with the request that it recognize and respect the partial 'true self' that was half-discovered in the darker spaces of the soul.

Recognition as rights

The phrase that Jefferson uses is an edited version of John Locke's defence of 'life, liberty' and land/property'. It is an unexpected blending of the romantic and Lockean sides of modern cultural identity in that the Lockean phrase is the vehicle that most perfectly *communicates* romanticism to modern persons. Leaving aside the Lockean aspects (which I return below when dealing with the body), this self-consciousness of the responsibility to seek happiness for oneself and in and through oneself provides a whole way of being in the world that replaces an older model of participative heteronomy. The older model as evidenced in the philosophy of Samuel Pufendorf[74] or earlier in Cicero[75], presents identity in terms of duty that begets obligation, responsibilities, prerogatives, and then after a long chain of reasoning, perhaps rights. But those rights are really only another way to talk about someone else's duties.[76] To the traditional world it was an historical travesty that the French revolutionary documents substituted '*droit* /right' in place of

[73] For details of differences between ancient and modern understandings of what belonging to a community means, see Robert Nisbet, *The Quest for Community* (2010 [1953]), for instance, 'The Political Community', 137ff, wherein the difference between the Rousseauian understanding that all wills need to be brought into line with their average, the 'General Will', as compared to the understanding that one is to make one's will that of another, who is superior, whether God or one's betters or even in a Kantian way, the will of one's best self.

[74] Pufendorf *On the Duty of Man and Citizen According to Natural Law* (*De officio hominis et civis*) (1673).

[75] Cf. Cicero, *De Officiis*.

[76] Tuck, *Natural Right Theories* (1979), Ch. 1.

'duty' when borrowing Pufendorf's famous title for their rights-based theory of governance, and thus upended a long precedent of placing the group before the individual.[77] For, once happiness was self-defined and right was logically prior to duty, all other models of collective organization besides contract would be excluded on moral grounds. The world then would belong to the living, at least in usufruct (as Jefferson believed it really did), if not in its totality. It belongs to those who can negotiate its boundaries based on their perceived self-interest.

The new model thus begins politically with a provision of rights. But logically, it begins with the ongoing conclusions that take place in the inner agora, involving the self, one's private conscience, one's desired harbour in the world, and one's vision of happiness and the good. US Supreme Court Justice Kennedy's midrash on Thomas Jefferson's weak concept of happiness lays bare what is on offer in this social-legal-political-moral order. One must 'define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.'[78] Identity-recognition necessitates a provision of rights which are not merely the implications of reasoning about the duties of others. These rights are shorthand for a set of entitlements, freedoms, and public recognition that allow the self to be present in the world as she best sees fit. It does so in order that she might develop herself or, to borrow from twentieth-century psychology, to actualize herself and 'become [her] potentialities'.[79]

The new model is one of self-discovery within oneself and self-assertion and creation in one's public life. These require careful negotiation of where and when the government and society should intervene, and where and when each should hold back. Mill wants 'society' to be held back, if necessary, by force from exercising its judgment against such individual enquiry, expression,

---

[77] Pufendorf's *De officio hominis et civis* and the revolitionaries' *Déclaration des droits de l'homme et du citoyen*.

[78] During the US Supreme Court case, Justice Kennedy gave legal form to modern values. His full statement is: These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.' *Planned Parenthood of Southeastern Pa. v. Casey (1992).*

[79] For actualization, Abraham Maslow's 'Hierarchy of Needs' comes to mind as the popular form of what was explored in the work of Carl Rogers, *On Becoming a Person* (1961), 350-351. He dedicates a chapter, 'To Be That Self Which One Truly Is', 163ff. He is transforming, 'self-actualization from a descriptive notion into a moral norm', Paul Vitz *Psychology as Religion: The Cult of Self-worship* (2010 [1994]), 54.

and self-discovery—namely against autonomy (although, he prefers 'liberty').[80] And so the self vacillates between either a necessity to recognize and respect and facilitate (following Rousseau) or to tolerate and let be (following Locke).

Self-development first becomes self-creation regarding one's public life. But there is no sense that one really 'creates' one's self. One creates one's public image or '*persona*' in the traditional use of the term as a publicly-facing mask. At its best, the fused Lockean-Rousseauian vision of autonomy allows one to move into the world with self-understanding, built on self-knowledge, where one finds social-political life that does not reject that 'honest mind' in advance of experiencing it. This will be experienced by such a self as obedience to one's own conscience as the model of moral self-direction, in place of the obedience of one's conscience to the dictates of a greater authority, whether it be God, reason, law, or the will of a superior.[81]

What was inherited from Rousseau plus Locke involves a sort of unrefined honesty and even modesty about oneself and the world one finds oneself in, and about possibilities for governance. This is why both are pro-republican and anti-monarchical. The hands-off approach to governance of human happiness that Locke offers, coupled with Rousseau's rejection of fashion and convention – Isaiah Berlin names him the 'greatest militant lowbrow in history' –makes the world safe for enquiry (i.e. safe for Mill) and development, in a series of peaceful republics. That is, so long as moderns are right: (1) that sin is safely expunged from the natural order once the ordering of ourselves according to nature is accomplished (that men are wicked whereas man is innocent); and (2) that love of self (e.g. *amour de soi*) will lead both to personal and collective happiness. Together these lead to (3) a strong inclination to trust the free will of individuals. Those three positions form one great leap away from the faith of their fathers. But that leap of faith is one

[80] J S Mill, *On Liberty* (2008 [1859]).

[81] Cf. Richard Price, the great English nonconformist clergyman and defender of the principles of the French Revolution as a model of reform that England might well follow. D. O. Thomas, *The Honest Mind: The thought and work of Richard Price*. Oxford University Press (1977), esp., 'Obedience to Conscience', 87ff, quoting Price: 'In the nature of [conscience] is implied (to speak after Dr. Butler) that it belongs to it, in all cases, to examine, judge, decide, direct, command, and forbid; that it should yield to nothing whatsoever; that it ought to model and superintend out whole lives; and that every motion and thought, every affection and desire, should be subjected constantly and wholly to its inspection and influence.' This is not only the priority of personal conscience but the dictatorship of uncheckable conscience. The alter-conscience plays just this sort of role in the moral lives of those downstream from Price.

which most moderns are happy also to take, as they turn more of life over to the prerogatives of the romantic self.

'Haven in a heartless world'

I want to make it clear that self-creation is not and cannot be part of the values and virtues that make up the egalitarian mind. Else, it ceases to have the metaphysical anchor in a truly autonomous self, that it needs in order not to become completely unmoored. There are not only philosophical problems with self-creation, there are also physical impediments. In order for the egalitarian mind to settle into a secure 'peace of mind', it must enjoy not only the metaphysical anchor that a 'deep identity' provides, but also a place in the world that secures its perpetuation, a 'haven in a heartless world' to borrow a title to completely different effect.[82] That safe space is found only within the body. All the talk of the 'inner self' always implies an unmentioned body as a sort of fortress surrounding the self. And from within the corporeal harbour an autonomous enquiry can begin. Its chief purpose is to determine its own ends and idea of happiness. But it often attempts more. Following Descartes, it might also attempt a new epistemic founding of all the sciences, or at least of the 'science' of the self.

The great freedom that is assumed to be native to the self is actually provided by the facticity of the body as the location of the self. Nevertheless, that assumption of the freedom being *sui generis* out of the fact of the free will persists. It is perhaps a necessary *mythos* and article of faith for the egalitarian mind to persist. Below I elucidate the doctrine of free will in its Rousseauian register, as the capstone of this phenomenology of modern values. That doctrine brings out all aspects of the egalitarian mind as it also intimates the egalitarian constitution that will be formed when these minds combine socially and politically. In Rousseau's hands the doctrine of free will becomes a general theory of natural liberty and original innocence. This is a restauration of the likeness of god to the *imago dei* that is each self-sovereign end-in-itself. And it goes a long way in adding a quasi-theological reason that the self must be really real. As judge (conscience) and legislator (sovereign), it lives up to its claim to be a shard of the divine.

[82] Ironically, Christopher Lasch's 1995 book by the same title laments the decline of the family under various modern pressures.

Self-creation

By the end of the nineteenth century the ideas, notions—and, importantly, visions—that I have described or alluded to had worked themselves out to their logical conclusion in one place or another of the North Atlantic nations. Total freedom of contract regarding marriage was seen briefly after the French Revolution, for instance, in order not to restrain anyone artificially.[83] Friedrich Nietzsche eventually limited the universalizability of the cult of authenticity to self-creation amongst the great (although, Descartes's epistemological autonomy should not be forgotten as a backbone of Nietzsche, and I return to it in 'autonomy of enquiry' later in this chapter). This was later overtaken and again democratized by existentialists like Sartre and postmoderns, each for different reasons. Sartre saw 'The Authentic Person' to be one who wills his own desires, as commitments, rather than just 'having' them.[84] Whether he got round the problem that Schopenhauer identifies, that 'man can do what he wills, but he cannot will what he wills' is for another to decide. Both the cult of self-discovery and that of self-creation have operated as parallel visions, not always teaching separate doctrines, but beginning and often ending in different places. Self-creation has remained throughout modernity the province of elites, this is in part by design. Its relation to the modern value of personal autonomy has been suggested in that which preceded.

Nietzsche, the father of twentieth century thought on human plasticity, imagines a world in which only some few can ever self-create. Unlike the 'last men', namely, the ultimate victims of Rousseau's *amour-propre*, they 'want to become who we are – human beings who are new, unique, incomparable, who give themselves laws, who create themselves!'[85] Residual senses of self-discovery are present in this passage, but the crescendo indicates its purpose. Self-creation here is an elite position, necessarily unavailable to mass man. And, as such, it was never really part of the modern sense of autonomy. It is no accident that only through a dialectic with modern identity does Nietzsche come to the fore as a great critic. His criticism was not only of Enlightenment rationality but also of the great reaction to it that was Romanticism. His criticism is of the egalitarian mind and the resulting egalitarian constitution.

---

[83] P. A. Sorokin, *Sociology of Revolution*. Philadelphia (1925).

[84] Sartre suggests an entire 'ethics of authenticity' is possible in *Being and Nothingness*, (1948 [1943]). See also C Taylor, *The Ethics of Authenticity* (1992); L A Bell, *Sartre's Ethics of Authenticity* (1989).

[85] Friedrich Nietzsche, *The Gay Science* (2001 [1882]), 189 or *Die fröhliche Wissenschaft* (1882) §336.

The body's work

There is one great corrective of romantic excess, a fact that is denied only at the peril of the denier, a 'thing' that won't remove itself from the world of ideas: the body. The unicity of the self is one way to approach autonomy, and it will ultimately provide a lasting sense of what is *truly* unique about each person. But the body cannot be forgotten. Not only is it the natural division between human beings, it has also served as the moral division between human persons. John Locke puts forward a notion that was in circulation before him, but which had not yet gained the clarity that he was to give it. You own what you mix your labour with.[86] Without this external tool of the will, this orderly 'extension' in Descartes's words, there is no sense in speaking of the problems attending *amour-propre*. Others are a problem for us precisely because Cartesian solipsism is only a philosopher's problem, rather than a real problem for human persons. Only a philosopher could begin where Descartes does in his *Meditations*, with 'What one can call into doubt'.

We are faced daily with others, in private life and in society, who ask of us and give to us, to whom we might have to adapt, as we wish to be adapted to by them. We each were *faced* with them before we even knew who we were, or that we were. These others are sometimes individual natural persons, and at others tunes they are groups or corporate persons. The tradition that focusses on negative freedoms, from Grotius through Hobbes and Locke, has as its distinct advantage a seriousness about the unknown and perhaps unknowable complexity of possible interactions between bodies. When Hobbes indicates that fear is the chief passion that drives us to peace, he is not imagining that fear is an auto-erotic passion. Fear is caused by the knowledge that a violent *bodily* death, at the hands of another, could be just around the corner, unless certain precautions are taken regarding agreements about the future relations of bodies, especially to my own. Fear takes place in my breast and between my two ears. But it is caused by bodies in the world which I can neither control nor reasonably predict, save with the intervention of reliable force.

Rousseau is also attempting to solve a problem of unknowability and complexity, that of the inner life of each self, who is different and original in some way, often unknown even to himself until or only by way of great self-

[86] '[…] every man has a property in his own person; this no body has any right to but himself. The labor of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided and left it in he hath mixed his labor with, and joined to something that is his own, and thereby makes it his property. Second Treatise of Government, §27.

searching. But as soon as that self wants to live in the world of persons as a unique self, amongst other *similarly unique* selves, a great regime of protection must be put into place in order that he not be coerced into convention, civilization, and the bad faith of *amour-propre*, in which his *persona* would betray his true self. A note on the problem of uncertainty should be made here. Pascal and other have since his time attempted to use statistical calculus to solve this problem, not realizing how indefinitely complex it would be. Smith and Burke later appealed to spontaneous order of one kind or another in order to get around the problem of the impossibility to plan virtue. Rousseau trusted in autonomy to work it out to the good of self and others. He trusted this incorporeal autonomy to order corporeal life on its own terms and for the good.

For Locke, the body is the instrument of autonomy; autonomy itself is seated in the free will (he does not, of course, use the term 'autonomy', preferring 'liberty' or similar contemporaneous terms for the same concept). He inherits the Grotian faith in the providential use of the free will for socially and morally beneficent ends.[87] He at least sees the practical uses of man's self-understanding of his needs – self-preservation broadly understood – as a superior source of fundamental political order than any command theory or 'thick' vision of the good. For, those would preclude certain forms of obviously beneficial and desirable forms of self-care based on an abstract principle of duty (Cf. Kant in this respect). The Lockean autonomous self has easily played its most fitting role from an early stage, both in politics and society. For, Locke compiled ideas – usually without admitting his sources – that had been floating round the intellectual culture of Latin-reading Europe since at least the late scholastics. Many developments in natural sciences and politics—including the development of Enlightenment rationalism—were mere extensions of, or logical conclusions to, secular or theological premises taught in the generations preceding him.

One example is the Socinianism regarding the free will that Grotius and others rolled into contract doctrine a generation before Locke wrote (and Rousseau later takes up). This was particularly strongly held to in England, the nation that eventually produced Unitarian and other ultra-non-conformist Christian sects, freed even from belief in the traditional Triune God, and thus from any overarching metanarrative to which our wills must be bent. The confessor was now absent (and the modern novel was not yet present as a school of moral instruction. Whereas Locke told educated Europeans what

[87] Hugo Grotius, *The Truth of the Christian Religion* (2012) 87-88; 266-268.

they could do with their bodies, Rousseau reminded each that he has a divine temple within his breast, an oracle for one's self-directing. He was able to do this in no small part because of the work that had already been done to open up avenues of moral permissiveness and open-ended moral reasoning.

The autonomy of enquiry

Self-discovery has its secular correlate in modern identity. Compare Rousseau's self-searching to Descartes's extension of this search into the world. That is accomplished only after he secures his own self-existence from the overweening doubt, is freed of solipsism, and has founded an epistemology with which the individual person can have 'clear and distinct perceptions' and, thereby, knowledge of the world.[88] What ties the autonomy of Rousseau to the empiricism of modern science is the model of the individual self searching for truth. This supplants the group or community of enquirers, the gatekeepers of knowledge. Formerly, one joined a guild, learned the trade, was heteronomously assessed on a masterwork by the masters themselves, and only then was set at liberty to do one's work. This was the same in the fine arts and the refined craftsmen's guilds that were the organizational force of labour and conduit of knowledge for much of the pre-modern age. This continues uninterrupted even to our own day in the university and the natural sciences, wherein multiple degrees, some even called 'Master's' are required before one can enquire independently. Some have argued that it is the very model of 'normal science' to have this sort of group-think, or tradition of enquiry, that one in initiated into. Only rarely do independent minds come upon such a breadth of unresolvable, anomalous problems, that are then solved by a new vision of the world, a revolution.[89]

The continuation of the older, group-based, model of enquiry is of interest because it stands in such stark contrast to the ideal of autonomous enquiry in the 'genius': Newton or Einstein, Leibniz or Galileo. The genius is what one aspires to be, or that one's kids should become. It combines the unique ability to 'see the world differently' with the belief that those rightly called geniuses can see the world as it truly is (or part of it, anyway). This puts

[88] Never, it should be said, is that knowledge as clear and distinct as knowledge of the self's existence. But with the self as bedrock, and God's existence as a necessary postulate, one can confidently extend enquiry into the world of extension, with knowledge following on. See Rene Descartes, *Meditations on First Philosophy* (1641), part 1.

[89] This is a sketch of the central description of scientific enquiry in Thomas Kuhn, *The Structure of Scientific Revolutions* (1962). See especially his descriptions of 'normal science', 23ff.

the autonomous enquirer in a position of power to know and thus to rule over others. No longer is his self-discovery merely a provision of a liveable law for himself; for, he has also uncovered nature's laws.

Tensions are obviously created here, some of which Rousseau himself describes in his *First Enquiry*, wherein progress in the natural and human sciences is argued to have deleterious effects on the moral development of man.[90] These tensions are never resolved, but merely carry on in different personages: it will be Mill versus Darwin later, pulling respectively in the directions of personal autonomy and species-based heteronomy. Yet, despite the heteronomous doctrines and practices of the natural sciences on the one hand, on the other hand the natural sciences cannot be underemphasized here an efficient cause in dismantling heteronomous relations of religion, governance, society, and family. Their success in taming nature has also provisioned resources of autonomy for many nations and persons. This has been done in ways that lead both to and away from the fulfilment of a Rousseauian vision of a society, namely one that allows for maximal development of *amour de soi*. But it has nevertheless presented much greater possibility for autonomy.

Another aspect that is present in the earliest debates about the role of the natural sciences in relation to revelation and philosophy. 'Philosophy' then still included much of what we today call natural science. That aspect might be called a bias for the part over the whole. This includes the individual over the group in taxonomies of flora and fauna. In matters of authority and investigation, this was particularly prominent. Descartes, Galileo, and Bacon – each struggled for what he understood as the rightful autonomy of science, and for autonomy of enquiry (in Galileo's place, it was even for the autonomy of the *enquirer*, after he was living under house arrest). The latter is of more immediate interest, for the individual enquirer becomes emblematic of self-sufficiency and even self-flourishing of autonomous persons that is later cherished morally, politically, and personally by moderns. What is Mill's 'Experiments in living' if not a bow to the model of natural science's empirical method? And why else do parents buy products called 'Baby Einstein' if not to train up a mind that is strong enough and full enough to be independent in its enquiry.

The very assumption of empiricism as a method of enquiry and an epistemological starting point, assumes some measure of autonomy. An individual being, endowed with faculties of reason and sight goes out into the

[90] Rousseau, *First Enquiry*.

world to observe, to test, and to verify what is there. After some time, she returns with an understanding of (some of) it, and with a set of problems to enquire further about. She has a self-guidedness, an open-ended measure of practical and synthetic reasoning that she employs. The empirical method allows her to become an authority, to take the world into her own hands by imagining it really to be whatever the evidence will bear.

There was within all this a short-sighted view, or perhaps an unwarranted optimism that the rightful autonomy of science and of enquiry will bring about unmitigated goods. Rousseau had quite the opposite view about the sciences of his day. But the same optimism is present also in Rousseau's belief that following self-knowledge as autonomy will bring about the best of all *possible* worlds (recall that no return to a state of nature is possible even if desirable). The initial celerity of discovery, including Newton's leap forward in explaining the laws of nature, may have made that trajectory seem likely. Alexander Pope's epitaph to Newton, who died in 1727, reads, 'NATURE and Nature's Laws lay hid in Night:/God said, "Let Newton be!" and all was light'. This light of nature certainly lent credence to similarly-situated, empirical accounts of politics and eventually morals. Traditional accounts had certainly passed their sell-by date.

Some such accounts preceded the success of the empirical sciences by many decades (Hobbes, Locke). But their general acceptance and the taking up of them into constitutions followed this success by around one hundred years. So was it that Hobbes published in the middle of the seventeenth century. Newton published in the late seventeenth and early eighteenth centuries. Paley published his famous teleological metaphorical treatment of the world as a watch that therefore had a watchmaker in 1802 (as a refinement of on an earlier argument by Bernard Le Bovier de Fontenelle[91]). The idea of the independence of the cosmos (natural laws) would be valid even God did not exist, has provenance going back into the late scholastics.[92] But the transition of these into public and private law, and into the

[91] William Paley. *Natural Theology, or Evidences of the Existence and Attributes of the Deity collected from the Appearances of Nature* (1802).

[92] Grotius has his famous '*etiami daremus*' about the moral natural law, but the logic is the same. Suarez before him said the same, without controversy. As Timothy Williamson argues, the later the idea of naturalism will claim that natural world is all there is. This is a fully realized autonomy of cosmos, the self-made watch. Williamson also sees the insistence on naturalism as a method of study (methodological naturalism) is based in a belief in the autonomy of the method of investigation and autonomy of mathematics on which it all is ultimately reliant (Timothy Williamson, private conversation in Oxford).

psychology and moral lives of individuals is most interesting. For the bridge is then built for the public and private persons to match in their visions and expectations of order based in modern values, especially of personal autonomy and its appropriate correlates such as sovereignty in politics or self-sufficiency of the cosmos.

The earliest successful national constitution based in these newly discovered natural rights was the French of 1789.[93] From the beginning of the nineteenth century, then, we see a converging of many areas of human life on a set of ideas related to autonomy. It is not always a coherent concept of autonomy, nor is it always personal autonomy, but the principle of self-rule permeates all of these areas. This will be translated politically into the right of self-determination of peoples on the self-same principle of end-in-itself sovereignty that is personal autonomy. By the beginning of the twentieth century that principle will be announced as the great reason to end colonial, that is heteronomous, rule. Independence for various lands does not merely mean 'freedom', but self-rule, namely political autonomy. They each have the self-same right to enquire into their own vision of happiness and the good.

[93]*The French Revolution and Human Rights: A brief documentary history* (1996), particularly Hunt's introduction, 1-32. The Americans had had a Declaration based in them, but it bears no direct relation to the founding legal document, the Constitution. The French, however, is the other way round, with the Constitution being based explicitly in those 'natural, […] rights'.