

ASTELL, ACHILLES' HEEL, AND ANTHROPOCENTRISM: HOBBS AND LOCKE ON THE SOCIAL CONTRACT

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Virginia Held has argued that western thinking is in the grip of contractual thinking. From marriage, to prenuptial agreements, sales agreements, classroom relationships, authors, diplomats, and more, it seems that the social contract has had inescapable effects on philosophy and the wider society. The social contract's modern exposition is closely associated with Thomas Hobbes' *Leviathan* and John Locke's *Second Treatise of Government*. It is also shown to have been given a reinvigorated momentum with the publication of John Rawls' *A Theory of Justice*, but has in recent years come under fire by feminists and others who attempt to show the social contract is an incomplete picture of our moral and political lives largely because it is anthropocentric: it ignores the experiences of women; or worse, it relies on the subjugation of women. Contemporary commentators attribute this insight to the emergence of modern feminism. This claim is itself a commentary on the masculinity of political thinking since these criticisms were first voiced by a female contemporary critic of Locke and Hobbes—Mary Astell, (1666-1731). Astell's criticisms were largely ignored, even by feminists, until very recently. As Penny Weiss observes, the feminists' criticisms of the social contract are not new at all: "Just as Wollstonecraft is still among the most profound critics of Rousseau. . .so Astell gave us a head start on Hobbes that we still have the opportunity to learn from" (81). Astell argues that both Hobbes' and Locke's work are representative of the absence of women in the political equation and reveal an Achilles heel in the idea and the appeal of a social contract by undercutting the liberty of women and worsening the condition for half of humanity; moreover, Locke's myopia about the importance of the female and the family undermines Locke's arguments for property and against absolute authority—both important ways in which Locke tries to improve on the social contract and differentiate himself from Hobbes.

Hobbes' social contract is the result of men's passions that incline them toward a state of war. The brutality that is the state of nature (man outside of society) and the desire for commodious living eventually combine to encourage men to contract with each other to turn over the peace keeping to an absolute sovereign who will force men to honor their promises, cooperate with each other, and generally make possible liberty for all.

Locke's view of human nature is such that he does not see the need for an absolute authority. Men outside the state are essentially decent and flawed only by the tendency to prefer their own case, especially in the area of property which Locke has defended. The inconveniences that occur from this tendency eventually move men toward the social contract which preserves their property (wealth and well-being) and lives and secures liberty for all.

Critics of the social contract have argued that the contract reveals an important weakness in that it does not provide for the liberty of women. According to Carol Pateman's 1988 book, *The Sexual Contract*, what changes is not the liberty of individuals, but the liberty of male individuals. Women who are dominated by men in the state of nature remained dominated by men in the state, only now this power is a part of the contract. Pateman makes the case for the contractualization of power over women in at least three kinds of contracts. Pateman's arguments are not so much the issue here as the fact that her

observations were widely seen as revealing an Achilles' heel in the social contract which claimed to provide civil liberties for all.

My concern here is to show that this is not a new criticism of the social contract. The Achilles' heel was first demonstrated in the work of Mary Astell, a 17th century woman philosopher who has largely been ignored by the philosophical canon. Indeed, Patricia Springborg in her 2005 book on Astell makes the claim that Astell ought to be credited with recognizing so quickly the "Achilles heel of the marriage contract-social contract analogue as first made by Hobbes and Locke" (25).

Part of the problem in the social contract is that it is anthropocentric. It does not really include women's views as a part of the theorizing. Penny Weiss argues that by studying the "dystopian" aspect of Astell and Hobbes we can discern how, from the outset, Astell includes women's lives in defining the problems for politics in a way Hobbes does not" (68). Hobbes' dystopia is clearly revealed in his most famous passage about the state of nature which is "continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short" (100).

The culprit in Hobbes' mind seems to be the lack of effective authority; and the absolute sovereign is the mechanism for rectifying the problem. I have argued elsewhere that this passage can be read positively for the utopia Hobbes envisions.

In contrast, Mary Astell's dystopia looks like this:

To be yok'd for Life to a disagreeable Person and Temper, to have Folly and ignorance tyrannize over Wit and Sense, to be contradicted in everything one does or says, and born down not by Reason but Authority, to be denied one's most innocent desire, for no other cause by the Will and Pleasure of an absolute Lord and Master. Whose Follies a women with all her Prudence cannot hide, and whose Commands she cannot but despise at the same time she obeys them; is a misery none cannot have a just idea of, but those that have felt it. (1996, 33-34)

The context makes clear this is a world where men possess all powers and prerogatives over "the weaker sex," As she asks "[I]f all Men are born free, how is it that all Women are born slaves? As they must be if the being subjected to the inconstant, uncertain, unknown arbitrary Will of Men be the perfect condition of Slavery?" (1996, 18-19).

As Penny Weiss observes, here the culprit is too much power and authority in the hands of undeserving men so "her focus is on practices that end unjustified and injurious subordination of . . . women to men." Weiss believes this shows that Hobbes is concerned with male concerns and Astell with simply wanting women's concerns to be appropriate for political philosophy. She thinks that they both raise questions about misery, insecurity—its causes and the possibilities of alleviation. However, she believes that Astell's concerns are more inclusive because they raise further questions such as how enslavement differs from obedience to legitimate rule and how power over another compares to the power a ruler has over his or her subjects. As Weiss observes, "Introducing distinctions, relationships, and outcomes that Hobbes either knowingly

rejects or unintentionally ignores; these added inquiries are more than agreeable supplements to a solid structure; instead they reveal a cracked foundation and the need for a revised design—for a broader and deeper sense of the very items constituting the political structure” (69-70).

Their problems are somewhat different, though related. For Hobbes, it is equality that is problematic. For Astell, it is the inequality that is problematic and the political structure is not enough of an answer because it is part of the problem. Hobbes concerns himself with the security of the nation in general and men in particular. Nowhere does Hobbes seem to concern himself with the inequalities in the treatment of women. When Astell concerns herself with illegitimate powers in the state, she concerns herself with such powers as authorizing prejudice against women, justifying sexual inequality and arbitrary power in families. When Hobbes turns to illegitimate powers in the state, he is more concerned with things that undermine sovereign power “on the grounds of conscience, religion or politics” (Weiss 72).

Hobbes' primary motivation for entering the state is the establishment of security where man may trust his “covenants made.” But despite Hobbes' belief that his powerful state establishes the longed-for security, Astell finds that women—half the population—are still at risk there. Peering into the household as she checks on the security of the citizenry, Astell finds something astonishing: another Hobbesean state of nature. Within what Hobbes calls civil society, not all individuals, it turns out, can look to the sovereign for safety from one another. Her point is that the state does not require men to honor the promises they make to their future wives. Husbands may not go as far as depriving their wives of their lives, but they “may however do what is much more grievous to a generous Mind, may render Life miserable, for which she has no Redress” (Astell, quoted in Weiss 74). This means that women have very little more security in the state than they do in the state of nature. Their very lives may be safer, though the security and quality of those lives may be no better. Hobbes makes it clear that the realm of civil liberty is precisely where the state offers no constraints: “Where the sovereign has prescribed no rule, there the subject has liberty to do, or forbear to his own discretion” (66). Thus men here are free to do as they please short of taking their wives' lives, but women are not similarly free. As Penny Weiss observes, “Where the sovereign ends its rule over women, the rule of men over women can take over. If Astell is right, then Hobbes stopped before society was really civil” (75).

And when we turn our attention to Astell's commentary on Locke's social contract, we see similar kinds of problems plus some additional difficulties as well. Astell begins with the individual that is at the heart of Locke's social contract: The property-owning being who is independent of all other property-owning beings. In Astell's time this would have excluded women. Even the property a woman has in her own person as the fruit of her own labors has been regarded as the property of her fathers, husbands and masters. Astell challenges this view of women when she writes “to whom [do] we poor fatherless Maids, and Widows who have lost their Master, owe Subjection? It can't be to all Men in general, unless all Men were agreed to give the same Commands; do we then fall as Strays to the first who finds us?” As Ruth Perry points out, nowhere does Locke deal with the status of the single adult woman. She believes that he did not take any independent rights for women seriously.

The status of women and their rights is further complicated by children. On Locke's own view children should be the property of the Mother since it is her labor that brings forth the child. Moreover, as Hobbes recognizes, the paternity of a child cannot be known unless declared by the Mother. Locke, on the other hand, demonstrates some fancy footwork with respect to children in his attempt to defeat Robert Filmer's claim that the king is the father of his people. Here Locke distinguishes between natural power such as a father over a son, husband over wife, and magistrative power which is voluntarily submitted to. Clearly Locke thinks that a mother's natural right to obedience is not the same as the obedience to a sovereign. "Will anyone say, that the mother's natural right hath legislative power over children? that she can make standing rules, which shall be of perpetual obligation, by which they ought to regulate all the concerns of their property all the course of their lives?" (1980, 36). Astell clearly objected to Locke's division of power into two spheres: a public and private sphere. This creates different standards and rules for each and allows men to exclude women from the public sphere and tyrannize them in the private sphere. As Ruth Perry puts it, "the dirty secret of the social contract is that the contract entails a silent clause about the subjugation of women" (455). As Astell herself puts it, "Let the business be carried on as Prudently as it can be on the Woman's side, a reasonable Man can't deny that she has by much the harder bargain. Because she puts herself entirely into her Husband's Power, and if the Matrimonial Yoke be grievous, neither Law nor Custom afford her that redress which a Man obtains" (1701, 27).

Clearly, her view is that the power aspect is supply side up, "Thus the corruptions of the Feet Fume up to the head, and men grow sensible of the mischiefs of Arbitrary power when exercis'd upon them, but take no notice of the Evil. . . which they exercise themselves" (3). The illogicality of the different standards appalls her: "the authority of the Husband, so far as it extends is sacred and inalienable, why not that of the Prince?" (39). Astell's target here is Locke's claim in the *Second Treatise* that absolute authority is inconsistent with civil society. "It is not, nor can possibly be absolutely arbitrary over the lives and fortunes of the people. . . (76). Astell's claim here is that Locke is both philosophically inconsistent and politically inconsistent as well, thus violating his own views in establishing William and Mary over James II as the legitimate monarchs in England. Locke makes the case against absolute power in his defense of self preservation in the second treatise as a fundamental law of nature.

And thus the community retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislators whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties and properties of their subject; for no man or society of men having a power to deliver up their preservation, or consequently the mean of it, to the absolute will or arbitrary dominion of another, whenever anyone shall go about to bring them into such a slavish condition, they will always have a right to preserve what they have not a power to part with, and to rid themselves of those who invade this fundamental, sacred, and unalterable law of self-preservation for which they entered into society. (85)

For Locke, parting company somewhat with Hobbes, consent not conquest, gives the government its rights over us. Historians seem to agree that Locke here is denying right

of conquest to James and allowing the English subjects the right to resist a disliked king. But this pits consent against self-preservation and comes down to a contest of wills with the strongest will winning. Here Astell remarks, “[a]nd if mere power gives a right to rule, there can be no such thing as usurpation; but a highway man so long as he has strength to force, has also a right to require our Obedience” (1706, x). Astell seems to see the glorious revolution: replacing James II with William and Mary as an example of the problem with Locke’s use of self preservation. Moreover she challenges Locke to show why he is not consistent on the impossibility of absolute authority.

If absolute Sovereignty be not necessary in a state, how comes it to be so in a Family? or if in a Family, why not in a State; since no Reason can be alledg’d for the one that will not hold more strongly for the other? (1706, x)

Astell’s critique of Hobbes and Locke mirrors the kinds of criticisms leveled by modern feminists; the social contract is anthropocentric in ignoring the needs of half of humanity, and further it reveals an important inconsistency or Achilles’ heel. It pretends to protect liberties for its citizens while enslaving women and allowing absolute and arbitrary power against them at the same time that it pays lip service to the undesirability of such absolute power. The fact that such criticisms are regarded as contemporary is further evidence that the subject matter of political theorists, as Beverly Thiele has observed, “reflects male concerns, deals with male activity and is directed away from issues involving, or of concern to, women” (30). The recovery of theorists of the caliber of Mary Astell may allow us to achieve more inclusionary political philosophies.

And if Virginia Held is correct that our contractualized society is the product of the social contract, then perhaps we should not be surprised that the institutions of our contemporary society are so deeply gender-biased when the social contract is itself flawed with respect to gender.

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