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Response to Reply by Terrell Carver

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In his reply to my essay Professor Carver claims that I have tackled ‘one of the persistent puzzles in political theory, namely how to reconcile Locke’s closely tested empiricist epistemology in the *Essay on Human Understanding* with his own *Second Treatise of Government*, where “the right rule of reason” is treated as comparatively unproblematic’, p. 469, this issue. That may well be an ongoing puzzle in Locke scholarship, but it was not the problem that motivated my essay. My primary concern was, rather, the persistent tendency to read Locke as a rationalist. This rationalist reading, which I associated with Jeremy Waldron among other Locke scholars, occludes Locke’s own deep entanglement in the very rhetorical practices he otherwise decries as being at odds with the proper use of reason. To contest this reading, I tried to develop not the ‘Freud’s-eye view’ of Locke’s work that Carver attributes to me but an account that shows why Locke’s ostensibly rationalist arguments would never get off the ground without the use of rhetorical figures. Following Ernesto Grassi, I wanted to contest the received idea of rhetoric as the mere form in which rational arguments are made and argue instead for the ancient and early modern humanist understanding of rhetoric as the source of inventive political and philosophical thinking, indeed, as the very ‘ground’ of rational thought.

Missing the centrality I accord to this originary figuration or rhetorical ground-
ing in Locke’s political argumentation, Carver claims that I attribute to the figure
of the social contract both a novelty that, historically speaking, it did not have and
far more importance than Locke himself gave it. But I say quite explicitly that
Locke did not invent this figure of the contract (or ‘compact’, to use his preferred
term), let alone the idea of consent as the basis for political society. My point was
not to attribute to Locke the act of radical invention but rather to show, in con-
formity with insights gained from the rhetorical tradition, how he employs the
figure of the contract to order a set of contrasts between lawful and unlawful
forms of power and to lay bare for his readers the respective normative stakes

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involved. Thus, even if ‘Locke’s focus [strictly speaking] is less on the social contract figure . . . and more on the heated and repeated contrast he draws between the rule of an impartial magistracy (i.e. political society), on the one hand, and the arbitrary power of life and death claimed by absolute monarchs (i.e. Filmerian patriarchalism), on the other’, p. 471, this issue, as Carver claims, this contrast, I would hold, is itself enabled by the originary image of the social contract. By figuring consent as the only legitimate basis of political society, the social contract provides the frame of reference within which readers can make sense of the various examples Locke uses to contrast different forms of rule.

What Carver finds in the *Second Treatise* is not Locke’s rhetorical uses of the social contract figure but ‘claims of an egalitarian, commonsensical practice of natural justice’, p. 472, this issue. Although Carver is correct to call our attention to this aspect of Locke’s text, it seems important to recognize that when we hear the name ‘John Locke’ we think not of the commonsensical claims emphasized by Carver but of the social contract. Is this the consequence of a misreading – or, should I say, generations of misreadings? Perhaps. But I suspect that if we associate the name Locke with the figure of the social contract, this has to do with more than the interpretive weight of those misreadings. We can of course go back to the text with Carver and attempt to right those misreadings, just as I purported to right the misreading of Locke as a rationalist. Yet are we not faced, at the end of the day, with the same problem of symbolization that faced Locke: namely, how to figure (i.e. give meaningful form to) the difference between the legitimate rule of an impartial magistrate and the illegitimate rule of absolute monarchs?

One can dispute the claim that this was indeed Locke’s task, but I would hold that the mark of a great author is the ability not only to discern political differences but to figure them in such a way that readers too can make sense of their normative stakes. Here I would underscore again the insights of Grassi into the rhetorical grounding of rational language. If we think about the figure of the contract as the trope that supports or organizes the many claims Locke makes about ‘an egalitarian, commonsensical practice of natural justice’, to cite Carver again, I think we can produce an interpretive approach to his texts which looks less like a zero-sum game. Although Carver is right to remind us of those claims and thus to shake up interpretations that remain too fixated on the figure of the contract, be it as a rational device (Waldron) or a rhetorical figure (Zerilli), it is worth wondering whether we would have a way of expressing those claims – expressing them, that is, with the radical force that Locke like no author before him expressed them – in the absence of such a figure.

This takes me to Carver’s claim that I go even more ‘astray’ when I portray ‘Locke’s self-set problem as “heteronomy or rule by another”’, p. 472, this issue. The problem of heteronomy is more properly attributed to Rousseau’s work, not Locke’s. ‘[T]here is no claim in Locke that we are not ruled by an “other” in legitimated political society’, Carver writes, p. 473, this issue – and I agree, assuming that ‘other’ here refers to laws that all men (including magistrates) are subject to

once they enter political society based on consent. By using the term heteronomy to describe the difficulties faced by subjects who would *posit* themselves as free and equal, I was not saying that Locke is like Rousseau (both granting the rule of law and refusing its consequences for a supposedly originary, prepolitical freedom). Rather, I was trying, once again, to undercut the familiar reading of Locke as a thinker who puts his full faith in men's ability to reason in order to make room for a less familiar Locke who sees how tremendously difficult and fragile the idea of a society organized around consent and based on the idea of political freedom really is. Here, as elsewhere in my essay, I was calling into question the received reading of Locke as a rationalist.

Carver too questions the rationalist image of Locke. But I wonder whether he does not give the rationalist reading rather more ground than he might like. Carver holds that I confuse Filmer's claims about the divine right of kings with the actual beliefs of 17th-century English subjects, as if the latter had indeed internalized the relations of heteronomy set out in Filmer's account. I agree that Locke thought his job was to contest Filmer's claim that divine right had a historical basis. But why did Locke feel the need to do this? Not only, I think, because Locke *anticipated* the possible misuses of divine right, as Carver admits, but also because the fundamental confusion of paternal with political power was not just Filmer's problem: it must have had some hold in the minds of at least some 17th-century readers. Had this confusion not had some hold, it would be hard to make sense of the rhetorical strategies of both authors, for why would they invoke common sense either to defend (Filmer) or contest (Locke) the idea that kings as fathers have absolute authority over their subjects? The question here is not whether Locke conceded the legitimacy of a certain form of monarchy – he did – or whether his real target was divine right or 'absolute and arbitrary power in politics' – Carver is right to say that it was the latter – but whether he ascribed the confusion of paternal and political power to (men like) Filmer alone.

I think Locke is torn between granting and contesting the idea that the notion of political qua paternal power, construed both in the specific terms of divine right and in the more general terms of arbitrary power, could have had any hold among common men whatsoever. That is why he ascribes the idea of divine right to Filmer and describes it as akin to a private form of madness rooted in a false association of ideas, on the one hand, and attempts to show his readers how it is that such an insane idea could have taken hold of common men's minds, on the other hand. In any case, Locke knew full well that Filmer was not the only Englishman who believed in divine right (II. 112): James I laid claim to it, sermons were preached in defence of it (I. 5), and punishment meted out on the basis of it (I. 129). Besides, if the idea of divine right and the confusion of paternal with political power that supports it were Filmer's obsession alone, *Patriarcha* would hardly have been reissued three times (in 1684, 1685 and 1696) and Locke's argument against it would not have had much of an audience, let alone an impact, for everyone would have already agreed.

According to Carver, once we see that the association of ideas that confuses paternal power with political power is Filmer's 'madness' alone, the problem (of heteronomy) that I describe disappears and with it 'the social contract itself as a fantasy figure of great psychic power simply falls away', p. 472, this issue. Are things really so simple? Carver has Locke inviting his readers to apply the common-sense principles they already understand, but does this not risk interpreting Locke yet again as a rationalist of sorts? Granted, the kind and use of reason Carver has in mind is quite different from the abstract reason invoked by readers such as Waldron. But we are still left with a conception of political rationality that leaves little room for the role of imagination in generating new forms of understanding by way of rhetorical figures that organize what we already know, the common-sense principles we hold, differently.

Finally, though I can see why certain aspects of my essay might lead Carver to think that my understanding of the social contract figure is primarily psychoanalytic (e.g. my use of Cathy Caruth's work on Locke), what I tried to convey was something very different. The contract is a 'figure of the thinkable', as I cited Cornelius Castoriadis, not because it plays a role in the individual subject's psychic life – or at least not only that – but because it serves as a site for citizens to recognize, and think critically about, what is common. It is, in short, a political symbol or, better, a way of symbolizing our political affiliation with others based on consent and freedom.

I thank Professor Carver for his commentary.