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**THE PUZZLE OF GENDER IN LIBERAL THEORY:
TOCQUEVILLE AND MILL ON WOMEN AND THE FAMILY**

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Long before feminist theorists popularized "the personal is political" as a movement slogan, Alexis de Tocqueville argued that a self-governing public emerges from private associations. Not only political associations, but also work, the family, and religious practice were sites of self-governing enterprise. Far from being isolated spheres of activity, "private" beliefs and undertakings permeate public life, developing the mores that sustain self-government. The vitality of self-government demands an enlarged vision of the public sphere, encompassing more than the institutions of law and government. The mores required to govern oneself in daily life are inseparable from the consciousness required to act politically in associations with others. Both are kindled in the home and other "private" affiliations.

Yet seeing this connection between the political and the personal did not make Tocqueville a feminist. Gauged even by the 19th century standards set by his peers, John Stuart Mill and Harriet Taylor Mill, Tocqueville's intellectual contributions might even be called anti-feminist. Although Tocqueville argued that women's contributions to the health of the polity were as vital as men's, he believed women must not participate in arenas of self-government in the same way as men. Instead, women played their vital role in politics by participating in domestic life. Mill regarded gender segregation as an anti-democratic peculiarity in modern liberalism. Describing the woman as a bridge between the particular and the universal, Tocqueville recalls us to pre-liberal notions of the family. Describing liberal citizens as rights-bearing, genderless individuals, Mill articulates the foundations of contemporary modern liberal feminism (Millett 1971, Beauvoir 1953).

If we dismiss Tocqueville's "separate but equal" role for women in the democracy as merely sexist, or embrace Mill's analysis because it appears more readily to comport with contemporary definitions of equality as uniform treatment, we miss the deeper puzzles gender poses for democracy. In its methods, theory, and ontology, liberalism starts with a disassociated,

free "individual" From "methodological individualism" to the de-ontology of the liberal "community," status categories, including biological sex, have no bearing on the abilities of "individuals" or the rights of "citizens." Natural facts including biological capacities are methodologically and theoretically irrelevant in the artifact of social contract. While we may wish to preserve much of this approach, determining justice for abstract individuals in terms of abstract rights, the demands of daily life suggest that self-government actually requires a more subtle approach to the reality of difference.

Through their different treatments of the issues raised by gender difference, Mill and Tocqueville confront liberal theory's inadequate account of the particular and the private in the realm of the public. The liberal treatment of gender highlights one of liberalism's many ironies: although the polity is drawn from the coordination of private concerns, the public expression of private rights homogenizes individual differences and overwhelms individual rights in a wave of uniformity. The paradox of biological fact and liberal artifact starts with a belief: there is no natural source of political obligation, abstract individuals construct their rights and obligations by choice.

Obligation, Obedience, Self-Rule, and Choice

Liberal philosophy tells a story of political obligation in which each individual is naturally free and equal, and the reason for obligations as well as the character of authority must be constructed as an artificial social fact. In this story, any human being is equally able to enter the artificial roles of social contract. The most radical characterization of the equal individual — the Hobbesian actor in the state of nature — shows men and women equally able to subdue others. Hobbes deduces equal fitness to rule in civil society from this equal ability to use force in the state of nature. In nature and in the Leviathan, women as well as men have these capacities. In the Leviathan, women and men alike are "individuals" and thus are equally able to play the available roles of ruler or ruled. Since Hobbes authors this genderless individual who becomes the foundation of liberal analysis, it is worth considering his argument in detail.

The Hobbesian narrative undermines three beliefs: that status differences are natural, that biological differences have any political meaning, and that they can serve as the basis for social artifice.¹ Differences in the status of citizens or, in the Leviathan, differences between those who command and those who obey, are the result of social construction, not nature.

Nature hath made men so equall, in the faculties of body, and mind; as that though there bee found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himselfe any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himselfe. (1651, 183)

Individuals are even more similar in terms of mental faculties, because, given enough time, experience teaches everyone a similar lesson, prudence. Experience shows that competition, diffidence, and the quest for glory lead to a state of war, each against all, without authority to judge disputes. (1651, 185-188) Prudence teaches us to think ahead and our reasoning leads to two possibilities: natural freedom and a state of war, or civil dominion, order and peace. Paradoxically, for an individual to exercise liberty (the absence of external impediments to action) requires domination, either the use of superior force in nature or the sovereign exercise of dominion through civil law.² Natural liberty must be diminished so civil society can be established. Civil society requires an act of covenant; all authority in civil order is of human artifice.

¹ Hobbes, of course, intends this. The Leviathan opposes the homologue of natural, paternal power described by patriarchalist Robert Filmer and used to justify a natural or divine right of kings.

² In nature, action requires power. Power itself is inflationary, what sufficed today may not be enough to preserve one's agency tomorrow. Thus Hobbes's observation that the life of man is "solitary, poore, nasty, brutish and short" (186), follows from his observation that one must seek "power after power, unto death."

And from this diffidence of one another, there is no way for any man to secure himselfe, so reasonable, as Anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: And this is no more than his own conservation requireth, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at ease within modest bounds, should not be invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence such augmentation of dominion over men, being necessary to a mans conservation, it ought to be allowed him (184-185)

Discussing the two hypothetical avenues of acquiring dominion, generational authority and authority by conquest, Hobbes makes it clear that what he says of natural power applies to women as well as men. His purpose is not simply to demonstrate the natural equality of men and women, but to use that natural equality to dismiss the idea that generation naturally bestows civil authority.³ Authority within the family is artifactual since, the differences between a man and a woman are not so great that "right can be determined without War." (1651, 253-254)

Distinguishing between a theory of social relationships as artifacts and the historical origins of authority Hobbes explains that "In Common-wealths, this controversie is decided by the Civill Law: and for the most part, (but not always) the sentence is in favour of the Father; because for the most part Common-wealths have been erected by the Fathers, not by the Mothers of families." (1651, 253-254) In nature, however, there is no law governing matrimony or the

³ By arguing in this way, Hobbes undermines patriarchal arguments of natural authority. The patriarchalist model depended on natural parental authority as a homologue. Without this cornerstone, Hobbes could show that all authority was artificial.

The right of Dominion by Generation, is that, which the Parent hath over his Children; and is called Paternal! And is not so derived from the Generation, as if therefore the Parent had Dominion over his Child because he begat him; but from the child's consent, either expresse, or by other sufficient arguments declared. For as to the Generation, God hath ordained to man a helper; and there be alwayes two that are equally subject to both, which is impossible; for no man can obey two Masters. And whereas some have attributed the Dominion to the Man onely, as being of more excellent Sex; they misreckon in it. For there is not alwayes that difference of strength or prudence between the man and the woman, as that the right can be determined without War. In Common-wealths, this controversie is decided by the Civill Law: and for the most part, (but not alwayes) the sentence is in favour of the Father, because for the most part Common-wealths have been erected by the Fathers, not by the Mothers of families. But the question lyeth now in the state of meer Nature; where there are supposed no lawes of Matrimony; no lawes for the Education of Children; but the Lawes of nature, and the naturall inclination of the Sexes, one to another; and to their children. In this condition of meer nature, either the Parents between themselves dispose of the dominion over the Child by Contract; or do not dispose thereof at all...

If there be no Contract, the Dominion is in the Mother. For in the condition of meer Nature, where there are no Matrimoniall lawes, it cannot be known who is the Father, unless it be declared by the Mother: and therefore the right of Dominion over the Child dependeth on her will, and is consequently hers. Again, seeing the Infant is first in the power of the Mother, so as she may either nourish, or expose it, if she nourish it, it oweth its life to the Mother; and is therefore obliged to obey her, rather than any other; and by consequence the Dominion over it is hers. But if she expose it, and another find, and nourish it, the Dominion is in him that nourisheth it. For it ought to obey him by whom it is preserved; because preservation of life being the end, for which one man becomes subject to another, every man is supposed to promise obedience, to him, in whose power it is to save, or destroy him.

If the Mother be the Fathers subject, the Child, is in the Fathers power, and if the Father be the Mothers subject (as when a Sovereign Queen marrieth one of her subjects,) the Child is subject to the Mother; because the Father also is her subject. 253-254.

education of children. Authority lies in the mother because only she is know to be the parent and the child literally owes her its life.

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Maternal authority has no particular political meaning in the Hobbesean model.

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Authority in the commonwealth is artificial and either males or females may exercise it. Hobbes supports the authority of a female sovereign in a letter to one critic, writing "But this [argument about civil and ecclesiastic authority] perhaps may seem hard when the sovereignty is in a Queen. But is because you are not subtile enough to perceive, that though Man be male and female, authority is not" (1662, 48-49). Hobbes foresaw terrible consequences from this radical statement of humanity's complete authority for social construction. Ceaseless conflict followed boundless liberty. Paradoxically natural freedom can mean limited capacities for negotiation and choice, while civil constraints may create greater choice. For Hobbes, the origin for strategies to deal productively with conflict is incontestable sovereignty. While Hobbes may be a source argument for gender equity in obedience to rule, he is hardly a source for the use of will in self rule. Hobbes observes the equal capacity of men and women to be ruled and the equal right of male or female sovereigns to take on unlimited authority. The problem of authority that Hobbes poses is genderless, his solution de-ontological. Tocqueville engages the problem of authority,

particularly the transmission of values for self government, and offers solutions in terms of intermediate institutions such as the family, by posing a gender solution. Mill poses a solution to the problem of gender inequity, but neglects the problem of authority in the socially constructed world of liberal theory.

Mill on the Source of Obligation. Women and the Family

Amidst the torrent of increasing political equality, gender inequity surfaces as an island of resistance. Mill shows the disparity between men's and women's prospects to conflict directly with the liberal thesis of voluntary consent and voluntary assumption of political obligations. If liberty is the principle of the modern age, then the social subordination of women is "a solitary breach of what has become [this] fundamental law." (275) Mill's thesis in "On the Subjection of Women" is "That the principle which regulates the existing social relations between the two sexes — the legal subordination of one sex to the other — is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other." (261) Choice is the essence of liberty and any limitation on freedom is unacceptable.

Mill argues that the legal subordination of women begins with the marriage contract. Mill regarded the marriage contract as a source of injustice, and the modern family as a "school for despotism." Mill alternately characterizes marriage as a rigged lottery, an unfair contract, or civil slavery. Civil liberty might increase for the male citizen who leaves nature to embrace civil obligations; the same may not be said of their wives. Tradition fetters rational processes; marriage as a social institution reflects a "milder form of dependence" derived from "a primitive state of slavery." Women do not take on the yoke of citizenship by evaluating fair, equal choices of sex roles, accepting marriage as the structure in which citizenship is practiced. Mill regards marriage as a tyrannical imposition that prevents a public role as citizens for the women who suffer its yoke.

The yoke is naturally and necessarily humiliating to all persons, except the one who is on the throne, together with, at most, the one who expects to succeed to it.

.. whatever gratification of pride there is in possession of power, and whatever personal interest in its exercise, is in this case not confined to a limited class, but common to the whole male sex... If any system of privilege and enforced subjection had its yoke tightly riveted on the necks of those who are kept down by it, this has. I have not yet shown that it is a wrong system: but every one who is capable of thinking on the subject must see that even if it is, it was certain to outlast all other forms of unjust authority. (268)

The terminology of contract implies a free exchange that Mill believes is impossible within the reality of woman's lot, for in his view, women neither enter nor exit this contract freely.

Socialization based on social subordination denies choice — the defining characteristic of liberty.

Even the Hobbesian choice of entering the most authoritarian of contracts, exchanging freedom for order, obtaining protection at the price of subjection, is denied women. In civil society women lack the expansion of rights and choice that comes with subordinating natural freedom to civil constraints. Socialization to a subordinate position also makes it impossible to derive different citizenship roles from differences in women's natural capacities. Mill argues that we have no evidence about how women and men really are because there has never been a natural state. If anything, a heuristic, "the state of nature" tells us of natural equality. In actual political life, what appears naturally convenient to civil society is recreated by law and custom and is, thus, no longer natural

Neither does it avail anything to say that the nature of the two sexes adapts them to their present functions and position, and renders these appropriate to them. Standing on the ground of common sense and the constitution of the human mind, I deny that any one knows, or can know, the nature of the two sexes, as long as they have only been seen in their present relation to one another. If men had ever been found in society without women, or women without men, or if there had been a society of men and women in which the women were not under the control of the men, something might have been positively known about the mental and moral differences which may be inherent in the nature of each. What is now called the nature of women is an eminently artificial thing — the result of forced repression in some directions, unnatural stimulation in others. (276)

Every form of domination looks natural to those in power (269). He argues that the socialized subordination of women typifies rule by force, not nature. Every form of difference is conceived as a basis for domination. Biological facts are otherwise irrelevant to the social

artifact. Biological difference, so conceived, is an impediment to be removed through institutional design.

Laws and systems of polity always begin by recognising the relations they find already existing between individuals. They convert what was a mere physical fact into a legal right, give it the sanction of society, and principally aim at the substitution of public and organized means of asserting and protecting these rights, instead of the irregular and lawless conflict of physical strength. (264)

Mill argues that a great number of women do not accept this tyranny. Instead they often demand admission into the "male" sphere. These attempts are rebuked by physical abuse, leaving the abused and others who witness such coercive measures afraid to leave their masters, Physical coercion and socialization keep women in their place (270-271).

But, it will be said, the rule of men over women differs from all these others in not being a rule of force: it is accepted voluntarily; women make no complaint, and are consenting parties to it.

All causes, social and natural, combine to make it unlikely that women should be collectively rebellious to the power of men. They are so far in a position different from all other subject classes, that their masters require something more from them than actual service. Men do not want solely the obedience of women, they want their sentiments. All men, except the most brutish, desire to have, in the woman most nearly connected with them, not a forced slave but a willing one, not a slave merely, but a favourite. They have therefore put everything in practice to enslave their minds. The master of all other slaves rely, for maintaining obedience, on fear; either fear of themselves, or religious fears. The masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose. (271)

Superior physical force is converted into sentiments that foreclose choice and the desire for choice. Traditions that "from the earliest twilight of human society, [placed] every woman (owing to the value attached to her by men, combined with her inferiority in muscular strength) [in] bondage to some man"(264) become the bars of a prison toward which women seem to walk voluntarily. The roles of women and the institution of marriage are not the result of rational choices, decisions based on experimental trials testing a variety of insitutional arrangements. In the case of marriage, tradition and even reason are hypocritical snares that promote illiberal gendered practices (262-3). The origins of marriage as a legal institution cannot be found in

reason; reason has replaced the obstacles of biology in every case of citizenship rights. Mill argues that very other case of authority design seeks the rational basis of rule, replacing the rule by the strongest with the rule of justice.

The generality of a practice is in some cases a strong presumption that it is, or at all events once was, conducive to laudable ends. This is the case, when the practice was first adopted, or afterwards kept up, as a means to such ends, and was grounded on experience of the mode in which they could be most effectually attained. If the authority of men over women, when first established had been the result of a conscientious comparison between different modes of constituting the government of society; if, after trying various other modes of social organization — the government of women over men, equality between the two, and such mixed and divided modes of government as might be invented — it had been decided, on the testimony of experience, that the mode in which women are wholly under the rule of men, having no share at all in public concerns, and each in private being under the legal obligation of obedience to the man with whom she has associated her destiny, was the arrangement most conducive to the happiness and well being of both; its general adoption might then be fairly thought to be some evidence that, at the time when it was adopted, it was the best: though even then the considerations which recommended it may, like so many other primeval social facts of the greatest importance, have subsequently, in the course of ages, ceased to exist. (263)

Not only was entry into the "contract" the result of force, life inside the contract was based on authoritarian designs. Ownership of rights in a person's body is a mark of slavery; for Mill this is the legal condition of women. A woman's political life was enveloped by the citizenship of males on whom she was expected to depend (her husband, father, or brother) in the 19th century legal status, *femme covert*. This institutional arrangement terminated a married woman's legal life. Although the actual life of any woman may not be as bad as the law allows, exceptions, even those that replace the rule, are not germane to Mill's analysis.

Whether the institution to be defended is slavery, political absolutism, or the absolutism of the head of a family, we are always expected to judge of it from its best instances. . . All this would be very much to the purpose if any one pretended that there are no such things as good men. . . . Meanwhile, laws and institutions require to be adapted, not to good men, but to bad. Marriage is not an institution designed for a select few. Men are not required, as a preliminary to the marriage ceremony, to prove by testimonials that they are fit to be trusted with the exercise of absolute power. . . . In every grade of this descending scale are men to whom are committed all the legal powers of a husband. The vilest malefactor has some

wretched woman tied to him, against whom he can commit any atrocity except killing her, and, if tolerably cautious, can do that without much danger of the legal penalty. . . . When we consider how vast is the number of men, in any great country, who are little higher than brutes, and that this never prevents them from being able, through the law of marriage, to obtain a victim, the breadth and depth of human misery caused in this shape alone by the abuse of the institution swells to something appalling. Yet these are only the extreme cases. They are the lowest abysses, but there is a sad succession of depth after depth before reaching them. In domestic as in political tyranny, the case of absolute monsters chiefly illustrates the institution by showing that there is scarcely any horror which may not occur under it if the despot pleases, and thus setting in a strong light what must be the terrible frequency of things only a little less atrocious. (287-288)

If law allowed such excesses, Mill argued, marriage was no "partnership," operating as it did, against liberty and equality.

Exiting from the "contract" also was prohibited. Without divorce as an option, Mill points out that the woman cannot withdraw voluntarily from this partnership. In a situation of unequal social roles the binding contract of marriage may aid some women. Mill acknowledges that the indissolubility of marriage has elevated the social position of women by giving them a permanent hold on men who would otherwise have cast them off.

In contrast, men, when they marry, enter an institutional structure that increases their power and authority. Mill argues that marriage laws benefit men who wish to take property in women. Marriage laws, he argues, were not made by such mature, caring people, but "by sensualists, *and for* sensualists, and to *bind* sensualists. The aim and purpose of that law is either to tie up the sense, in the hope so doing, of tying up the soul also, or else to tie up the sense because the soul is not cared about at all." (40) Marriage, for men, is a vehicle for uncontested access to women in terms of conjugal right. The institution of marriage represents forced entry, an authoritarian structure, and denied exit. This institution is founded on force derived through physical strength.

In this analysis of the relationship between force and socialization, Mill focuses on only one aspect of physical differences between men and women, that of physical strength. Given such observable uses of force to curtail choice and promote gender inequities, strength is an important

quality in need of analysis. From the standpoint of theory as well as the actuality of married life, physical strength is an important concern; in liberal theory and democratic practice rights are no longer distributed on the basis of superior uses of force by those with superior physical strength. Yet it is less clear that other biological capacities are irrelevant to an analysis of gender. In the Hobbesian model, childbearing is not a completely irrelevant natural capacity that women have and men lack. Although it has no essential meaning in civil artifice, childbearing is a power in the state of nature.

Focusing as Mill does on physical strength as the only important attribute of biological difference would seem to make other biological differences irrelevant to liberal politics. If we could make a more equal contract by redesigning marriage, women could simply be incorporated into the public sphere as "individuals," and as "citizens." In this logic, the family is a microcosm of the polity. The private and particular need only the same analysis that works for the public and universal. Mill's analysis of "private" tyrannies within the family are instructive as an archetypal analysis of familial authority in terms of liberal *public* values. For example, Mill applies Madison's caution that a person cannot justly be party and judge in a dispute to the power of fathers in the family.

He who would rightly appreciate the worth of personal independence as an element of happiness, should consider the value he himself puts upon it as an ingredient of his own. There is no subject on which there is a greater habitual difference of judgment between a man judging for himself, and the same man judging for other people. When he hears others complaining that they are not allowed freedom of action — that their own will has not sufficient influence in the regulation of their affairs — his inclination is, to ask, what are their grievances? what positive damage they sustain. .. and if they fail to make out, in answer to these questions, what appears to him a sufficient case, he turns a deaf ear, and regards their complaint as the fanciful querulousness of people whom nothing reasonable will satisfy. But he has a quite different standard of judgment when he is deciding for himself. Then, the most unexceptionable administration of his interests by a tutor set over him, does not satisfy his feelings: his personal exclusion from the deciding authority appears itself the greatest grievance of all, rendering it superfluous even to enter into the question of mismanagement. 337.

These institutional arrangement of the family harm the polity as much as individuals, having a negative effect on the consciousness required for self government. Women become saboteurs and men become tyrants.

Through these various means, the wife frequently exercises even too much power over the man; she is able to affect his conduct in things in which she may not be qualified to influence it for good — in which her influence may be not only unenlightened, but employed on the morally wrong side; and in which he would act better if left to his own prompting. But neither in the affairs of families nor in those of states is power a compensation for the loss of freedom. Her power often gives her what she has no right to, but does not enable her to assert her own rights.(290)

Law, allowing the wife no rights, warps her personality into deviousness. This is not a good moral education for democracy, especially in those that teach the morals.

If the man exerts his whole power, the woman is of course crushed: but if she is treated with indulgence, and permitted to assume power, there is no rule to set limits to her encroachments. The law, not determining her rights, but theoretically allowing her none at all practically declares that the measure of what she has a right to, is what she can contrive to get.

The equality of married persons before the law, is not only the sole mode in which that particular relation can be made consistent with justice to both sides, and conducive to the happiness of both, but it is the only means of rendering the daily life of mankind, in any high sense, a school of moral cultivation. Though the truth may not be felt or generally acknowledged for generations to come, the only school of genuine moral sentiment is society between equals. (293)

The family, so constituted, is poorly designed to teach lessons of justice.

The family is a school of despotism, in which the virtues of despotism, but also its vices, are largely nourished. Citizenship, in free countries, is partly a school of society in equality; but citizenship fills only a small place in modern life, and does not come near the daily habits or inmost sentiments. The family, justly constituted, would be the real school of the virtues of freedom. .. What is needed is, that it should be a school of sympathy in equality, of living together in love, without power on one side or obedience on the other. This it ought to be between the parents. . . . The moral training of mankind will never be adapted to the conditions of the life for which all other human progress is a preparation, until they practise in the family the same moral rule which is adapted to the normal constitution of human society.(294-5)

Tyranny is the motive for this institutional arrangement. Mill argues that "the generality of the male sex cannot yet tolerate the ideas of living with an equal." (299)

The reason given in those days was not women's unfitness, but the interest of society, by which was meant the interests of men: just as the *raison d'etat*, meaning the convenience of the government, and the support of existing authority, was deemed a sufficient explanation and excuse for the most flagitious crimes. (299)

Life for some is as good as it is only because men are more virtuous than law and abstain from the tyranny that law allows. "Laws never would be improved, if there were not numerous persons whose moral sentiments are better than the existing laws." (295)

The less fit a man is for the possession of power — the less likely to be allowed to exercise it over any person with the person's voluntary consent — the more does he hug himself in the consciousness of the power the law gives him, exact its legal rights to the utmost point which custom (the custom of men like himself) will tolerate, and take pleasure in using the power, merely to enliven the agreeable sense of possessing it. What is more; in the most naturally brutal and morally uneducated part of the lower classes, the legal slavery of the woman, and something in the merely physical subjection to their will as an instrument, causes them to feel a sort of disrespect and contempt towards their own wife which they do not feel towards any other woman, or any other human being, with whom they come in contact; and which makes her seem to them an appropriate subject for any kind of indignity. (295-296).

Such forceful language cannot be read as simply according with contemporary views of justice, however. For example, Mill is not so clearly aligned with the negation of separate spheres for men and women. He believes that family governance is woman's proper vocation. Her argues that the *choice* of family governance would be the usual path, if women could choose. Why this choice would be *normal* if not *natural* is never clear, unlike Mill's emphasis on choice. Women can do it all, if not have it all; along with the choice of family governance, women can also enact self-governance in the public sphere.

There is nothing, after disease, indigence, and guilt, so fatal to the pleasurable enjoyment of life as the want of a worthy outlet for the active faculties. Women have the cares of a family, and while they have the cares of a family, have this outlet, and it generally suffices for them: but what of the greatly increasing number of women, who have had no opportunity of exercising the vocation which they are mocked by telling them is their proper one? What of the women whose children have been lost to them by death or distance, or have grown up, married, and

formed homes of their own? There are abundant examples of men who, after a life engrossed by business, retire with a competency to the enjoyment, as they hope, of rest, but to whom, as they are unable to acquire new interests and excitements that can replace the old, the change to a life of inactivity brings ennui, melancholy, and premature death. Yet no one thinks of the parallel case of so many worthy and devoted women, who, having paid what they are told is their debt to society... are deserted by the sole occupation for which they have fitted themselves... (338)

Women must choose this vocation.

The great occupation of woman should be to *beautify* life: to cultivate, for her own sake and that of those who surround her, all her faculties of mind, soul, and body; all her powers of enjoyment, and powers of giving enjoyment; and to diffuse beauty, and elegance, and grace, everywhere. If in addition to this the activity of her nature demands more energetic and definite employment, there is never any lack of it in the world. If she loves, her natural impulse will be to associate her existence with him she loves, and to share *his* occupations; in which if he loves her (with that affection of *equality* which alone deserves to be called love) she will naturally take as strong an interest, and be as thoroughly conversant, as the most perfect confidence on his side can make her.

Such will naturally be the occupations of a woman who has fulfilled what seems to be considered as the end of her existence, and attained what is really its happiest state, by uniting herself to a man who she loves. But whether so united or not, women will never be what they should be, nor their social position what it should be, until women, as universally as men, have the power of gaining their own livelihood: until, therefore, every girl's parents have either provided her with independent means of subsistence, or given her an education qualifying her to provide those means for herself. The only difference between the employments of women and those of men will be, that those which partake most of the beautiful, or which require delicacy and taste rather than muscular exertion, will naturally fall to the share of women: all branches of the fine arts in particular. (44-45)

Mill argues for women to play a role that spans private and public, acknowledging that the social roles of men and women reflect the dichotomies of particular and universal, private and public. Democracy requires someone to attend to the particular, bringing sympathy born of real connections to others into the public arena. Justice is related to equality as the ground for sympathetic understanding.

We are entering into an order of things in which justice will again be the primary virtue; grounded as before on equal, but now also on sympathetic association; having its roots no longer in the instinct of equals for self-protection, but in a cultivated sympathy between them; and no one being now left out, but an equal measure being extended to all.

Mill asserts temperamental differences between men and women (302-313), but these are artificial (or at least the natural is not known). (313) He wishes to employ the most important difference to motivate public acts that accord with sympathy, as well as reason. Mill's argument underscores the need for each faculty in liberal communities.

The chief difference would seem in that case to be, that men are led from the course of duty and the public interest by their regard for themselves, women (not being allowed to have private interest of their own) by their regard for somebody else. (321)

Changing the relationships between men and women would lead to justice, because all injustice has its roots in this division. Justice is not only based on abstract rights, however. The "feminine" virtue of sympathy would lead us to transcend the notion of rights as merely concerned with interests.

[T]he advantage of having the most universal and pervading of all human relations regulated by justice instead of injustice [would be the result of changing these relations.] The vast amount of this gain to human nature, it is hardly possible, by any explanation or illustration, to place in a stronger light than it is placed by the bare statement, though any one who attaches a moral meaning to the words. All the selfish propensities, the self-worship, the unjust self-preference, which exists among mankind, have their source and root in, and derive their principal nourishment from, the present constitution of the relation between man and women... The example afforded, and the education given to the sentiments, by laying the foundation of domestic existence upon a relation contradictory to the first principles of social justice, must, from the very nature of man, have a perverting influence of such magnitude, that it is hardly possible with our present experience to raise our imaginations to the conception of so great a change for the better as would be made by its removal. All that education and civilization are doing to efface the influences on character of the law of force, and replace them by those of justice, remains merely on the surface, as long as the citadel of the enemy is not attacked. The principle of the modern movement in morals and politics, is that conduct, and conduct alone, entitles to respect: that not what men are, but what they do, constitutes their claim to deference; that, above all, merit, and not birth, is the only rightful claim to power and authority. If no authority, not in its nature temporary, were allowed to one human being over another, society would not be employed in building propensities with one hand which it has to curb with the other. The child would really, for the first time in man's existence on earth, be trained in the way he should go, and when he was old there would be a chance they he would not depart for it. But so long as the right of the strong to power over the weak rules in the very heart of society, the attempt to make the equal

right of the weak the principle of its outward actions will always be an uphill struggle; for the law of justice, which is also that of Christianity, will never get possession of men's inmost sentiments; they will be working against it, even when bending to it.(323-326)

The benefits of women's choice to bring sympathetic understanding to the community stem from a new consciousness and means to enact it in daily affairs. (326-327).

An active and energetic mind, if denied liberty, will seek for power: refused the command of itself it will assert its personality by attempting to control others. To allow to any human beings no existence of their own but what depends on others, is giving far too high a premium on bending others to their purposes. Where liberty cannot be hoped for, and power can, power becomes the grand object of human desire. . . (338)

The sentiment of personal dignity is vital to the development of public expressions of virtue. (338)

The benefits to human society if we "[cease] to make sex a disqualification for privileges and a badge of subjection,"

[consist] in an increase of the general fund of thinking and acting power, and an improvement in the general conditions of the association of men with women. But it would be a grievous understatement of the case to omit the most direct benefit of all, the unspeakable gain in private happiness to the liberated half of the species; the difference to them between a life of subjection to the will of others, and a life of rational freedom. After the primary necessities of food and raiment, freedom is the first and strongest want of human nature. While mankind are lawless, their desire is for lawless freedom. When they have learnt to understand the meaning of duty and the value of reason, they incline more and more to be guided and restrained by these in the exercise of their freedom; but they do not therefore desire freedom less; they do not become disposed to accept the will of other people as the representative and interpreter of those guiding principles. On the contrary, the communities in which the reason has been most cultivated, and in which the idea of social duty has been most powerful, are those which have most strongly asserted the freedom of action of the individual — the liberty of each to govern his conduct by his own feelings of duty, and by such laws and social restraints as his own conscience can subscribe to. (336)

Mill and Tocqueville agree that women must choose freely; they agree on what is probably a natural choice. They disagree on the degree of coercion necessary to access the choice. So, it is important to see just how Mill and Tocqueville differ in their definitions of liberty and equality.

Mill argues for the free choice of different social roles, relying on a "democratic" family structure to teach these roles and assent to them. Mill consistently applies the model of public authority to the private sphere. For Mill, self governance in the public depends on self governance in the private. A limited authority in the private is necessary for a consciousness of limited authority in the public.

But how, it will be asked, can any society exist without government? In a family, as in a state, some one person must be the ultimate ruler. Who shall decide when married people differ in opinion? Both cannot have their way, yet a decision one way or the other must be come to.

It is not true that in all voluntary association between two people, one of them must be absolute master: still less that the law must determine which of them it shall be. The most frequent case of voluntary association, next to marriage, is partnership in business: and it is not found or thought necessary to enact that in every partnership, one partner shall have entire control over the concern, and the others shall be bound to obey his orders. No one would enter into partnership on terms which would subject him to the responsibilities of a principal, with only the powers and privileges of a clerk or agent. If the law dealt with other contracts as it does with marriage, it would ordain that one partner should administer the common business as if it was his private concern; that the others should have only delegated powers; and that this one should be designated by some general presumption of law, for example as being the eldest. The law never does this; nor does experience show it to be necessary than any theoretical inequality of power should exist between the partners, or that the partnership should have any other conditions than what they may themselves appoint by their articles of agreement.

It is quite true that things which have to be decided every day, and cannot adjust themselves gradually, or wait for a compromise, ought to depend on one will: one person must have their sole control. But it does not follow that this should always be the same person. The natural arrangement is a division of powers between the two; each being absolute in the executive branch of their own department, and any change of system and principle requiring the consent of both. The division neither can nor should be pre-established by the law, since it must depend on individual capacities and suitabilities. If the two persons chose, they might pre-appoint it by the marriage contract, as pecuniary arrangements are now often pre appointed. There would seldom be any difficulty in deciding such things by mutual consent, unless the marriage was one of those unhappy ones in which all other things, as well as this, become subjects of bickering and dispute. The division of rights would naturally follow the division of duties and functions; and that is already made by consent, or at all events not by law, but by general custom, modified and modifiable at the pleasure of the persons concerned. (291)

The construction of an "individual" who, in nature, is free and equal to any and all, and who, in civil order enjoys private rights and liberties, would seem a welcome relief to contemporary women. Yet making all biological capacities irrelevant in civil society may not be quite the boon it first appears. Mill has emphasized two parts of this gender puzzle: 1. How the authority structure of the family comports with public sphere authority and 2. A vital public sphere's need for decisions based on the particular, as well as the universal. Ironically in his concern to make the family structure fit democracy, Mill takes us back to an issue Hobbes laid to rest. The family, Hobbes argued, is not a natural analogue for government. In contrast, Mill suggests a need to align familial and political forms of authority, harmonizing the two structures in terms of the political. How the sympathy for the particular enters the public equation is, consequently, much less certain than before, as Tocqueville shows.

Tocqueville on the Source of Obligation, Women and the Family

Utilitarians, contractarians, and libertarians, all liberal theorists are concerned with justifications for the exercise of authority over such naturally free beings in civil society. To make this transition from a naturally free human being to rights-bearing citizen, liberal theory must separate the private from the public, the individual from the community. Narratives of self-governing political authority subsequently must explore institutional means to reunite citizens as a polity, or, in Madison's words, find ways to make private interests a "sentinel over the public right." While private and public appear as separate spheres, their actual interdependence is critical to the practice of self-government. This observation leads us to search for links between the personal and the political.

The family and its associated society of kinship and friendship, Tocqueville argued, were themselves of political importance. Women's political obligations concerned not so much their direct participation in public life, but instead their obligations in the family. Marriage presented a "yoke" to which women must freely bend; like other obligations of citizenship, civil liberty increased through an act of will, diminishing natural freedom. The citizenship of men required reciprocal obligations, but the authority of the family was not similarly structured. What for men

was a freely chosen obligation, for women was obedience. After an initial act of will, choice and self government were no longer women's lot. Providing this "undemocratic" authority structure for the family was crucial to self-governing in public life, Tocqueville argued. The differences between Mill and Tocqueville concerning the issue of gender illuminate two very different understandings of the meaning of democracy and the problems that liberty and equality pose.

The Ontology and Psychology of Liberty

Tocqueville is concerned with a number of basic problems in the Hobbesian account of authority: 1. Liberalism's extreme individualism, a characteristic that influences all manner of relationships, from those representing the authority for belief to the relationships of citizens to actual laws. 2. Excessive concern for material well-being as the only measure of one's meaning and worth. 3. The steady march to despotism along the path of individualism, materialism, uniformity, and the concentration of political power. 4. The decline of common beliefs, including transcendent ideals of justice and the mores that temper envy and myopia, and the institutional arrangements that teach "a right understanding of self interest" as alternatives to these negative possibilities.

We can summarize these problems by observing that a social condition of equality (the defining characteristic of democracy) places each individual on equal footing, independent of all others, but weak in comparison to the majority and the government that represents it. The psychology of the equality in the absence of institutions that bring individuals together in community is troubling.

The first thing that strikes the observation is an innumerable multitude of men, all equal and alike, incessantly endeavoring to procure the petty and paltry pleasures with which they glut their lives. Each of them, living apart, is a stranger to the fate of all the rest; his children and his private friends constitute to him the whole of mankind. As for the rest of his fellow citizens, he is close to them, but does not see them; he touches them, but he does not feel them; he exists only in himself and for himself alone; and if his kindred still remain to him, he may be said at any rate to have lost his country.

Above this race of men stands an immense and tutelary power, which takes upon itself alone to secure their gratification's and to watch over their fate. That power

is absolute, minute, regular, provident, and mild. It would be like the authority of a parent, if like that authority, its object was to prepare men for manhood; but it seeks, on the contrary to keep them in perpetual childhood; it is well content that the people should rejoice, provided they think of nothing but rejoicing. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances: what remains but to spare them all the care of thinking and all the trouble of living? (V2 336)

The cause and consequence of despotism is social and political isolation.

As in periods of equality no man is compelled to lend his assistance to his fellow men, and none has any right to expect much support from them, everyone is at once independent and powerless.... [A democratic citizen's] independence fills him with self-reliance and pride among his equals, his debility makes him feel from time to time the want of some outward assistance, which he cannot expect from any on them, because they are all impotent and unsympathizing. In this predicament he naturally turns his eyes to that imposing power which alone rises above the level of universal depression. Of that power his wants and especially his desires continually remind him, until he ultimately views it as the sole and necessary support of his own weakness. (V2 311)

A few relationships provide an alternative to this bleak picture. All are based on ties that transcend individual weakness. For example, we have discussed the coincidence of interests that motivate participation in voluntary associations. Better even than the benefits of mutual interests are sentiments that form a more essential link between people. These sentiments may be learned through shared activities in voluntary associations. Tocqueville discusses the particular habit of the heart known as "sympathetic understanding" in detail. Another association in which to learn habits of concern that transcend even a right understanding of self interest is the family.

Gender, Human Being, and Citizen: Democracy and the Family

Tocqueville compares the aristocratic family in which fathers are political authorities as well as family heads to the very different institution of the democratic family. He observes:

In America the family . . . does not exist. All that remains of it are a few vestiges in the first years of childhood, when the father exercises, without opposition, that absolute domestic authority which the feebleness of his children renders necessary and which their interests, as well as his own incontestable superiority, warrants. But as soon as the young American approaches manhood, the ties of filial

obedience are relaxed . . . Master of his thoughts, he is soon master of his conduct. In America there is, strictly speaking, no adolescence: at the close of boyhood the man appears and begins to trace out his own path. (V2 203)

Father and son stand on equal ground as citizens. The father is a source of information and, perhaps, capital for the son's ventures. But, since they are political equals, their relationship to each other must be based on causes other than dominion.

In democracies, where the government picks out every individual singly from the mass to make him subservient to the general laws of the community, no such intermediate person is required; a father is there, in the eye of the law, only a member of the community, older and richer than his sons. . . . In a democratic family the father exercises no other power than that which is granted to the affection and the experience of age; his orders would perhaps be disobeyed, but his advice is for the most part authoritative. (V2 204-205)

Natural ties must replace the obligations and responsibilities that come from force, obedience, and domination. Because individuals are politically able to avoid the obligations of filial duty, it is even more important that they choose, instead, to honor these obligations.

Democracy, Tocqueville finds, supplies the remedy.

Perhaps it is not impossible to condense into a single proposition the whole purport of this chapter, and of several others that preceded it. Democracy loosens social ties, but tightens natural ones; it brings kindred more closely together, while it throws citizens more apart. (V2 208)

Such obligations are assumed because 1. they are acceptable (there is no social stigma attached to a lower status in the family) 2. they are temporary (children accept the rights and responsibilities as equal to their parents) 3. they are freely chosen. Without permanent inequalities, individuals may choose to submit for a greater purpose that includes their good. This reasoning replicates the thinking used in any exercise of self governing capabilities. The family is a model of democratic relationships, even if the structure of authority appears at first glance to be otherwise. How is this democratic model learned? Through the activities of mothers in the republican family.

Tocqueville and Women

The three chapters in which Tocqueville specifically addresses women concern the education of girls in the United States, the young woman as wife, how equality maintains good morals, and how the equality of the sexes is understood in America. A brief overview of these chapters shows:

1. Tocqueville argues that women play a vital role as citizens in democracies because they instill the morals required for self government in the next generation (we are concerned because societies last longer than any individual). It is vitally important to democracy that young girls be educated to exercise independent judgment and protect the ontological foundations of the polity.

2. But why would anyone with independent judgment and good sense submit to the marriage contract that Tocqueville describes? This is the question the chapter on the young woman as wife must answer. Chastity and marital fidelity seem to be the subject of "good morals" and this chapter shows how equality makes everyone too busy or too terrified of a bad reputation to have bad morals.

3. The issue of different treatment, but "equal" regard for women is dealt with in the chapter on equality of the sexes. It is here that we learn about liberalism's basic dilemma of particular and abstract universal. With this overview in mind, let's look more closely at the argument. First let's get some things straight about morality and marriage.

The Change from Property to Passion: "What's Love Got To Do With It?"

In aristocracies, birth and fortune make men and women such different creatures that only their passions draw them together. Their social condition and consequent beliefs prevent them from openly or permanently uniting. Estates, not lovers are joined in marriage. The object of marriage in aristocracies is to unite property, not persons. Thus only ephemeral, clandestine connections are made. In America, where equality of condition has destroyed the barriers that would prevent a marriage of choice, Motivations are different. Tocqueville wryly observes, "however credulous passion may make us, there is hardly a way of persuading a girl that you love her when you are perfectly free to marry her but will not do so." (Lawrence 595)

While there are generally no chaperons in democracies, conditions conspire to keep men and women in separate spheres. Women do not enter the world of politics and business and men do not enter the domestic economy, so dangerous liaisons are unlikely to happen. Why would marital irregularities be so dangerous to the polity? Tocqueville assumes men have irregular morals; women must protect society from them by being chaste. "The disturbed and constantly harassed life which equality makes men lead not only diverts their attention from lovemaking by depriving them of leisure for its pursuit but also turns them away by a more secret but more certain path." The breakup of the family would weaken national morality. (Lawrence 598) (Lawrence 598) To transcend the superficial slogans of contemporary pro-family rhetoric, we must understand more of the nexus of will, choice, and power in Tocqueville's analysis of self-government.

Will and Power in the Education of Young Women

Tocqueville asserts that women shape the mores of society, thus everything concerning the status of women is of political significance. The young girl is educated to know the world and judge it for herself. So before she has reached marriageable age she begins the process of freeing herself from mother and already "thinks for herself, speaks freely, and acts on her own." (Lawrence 590) The vices of society are not hidden from her, in fact she is educated to understand them, making her better able to choose wisely. Americans are consistent in such education. "They realize that there must be a great deal of individual freedom in a democracy; youth will be impatient, tastes ill-restrained, customs fleeting, public opinion often unsettled or feeble, paternal authority weak, and a husband's power contested." (Lawrence 591) One must be able to choose. Rather than being a victim of coercion, one must truly believe in the choice. Instead of teaching the girl to distrust herself, Americans increase her information and her confidence. Such an education, Tocqueville believes, develops judgment at the expense of imagination so that women are cold and chaste rather than the tender companions of men. (Lawrence 592) Her choice is a rational calculus that tempers passion. Reason, not religion alone defend her chastity. Institutional arrangements that protect her such as strict rape laws

provide the foundational security for her to employ good judgement. Her reasoning powers help her most when it comes to making the free choice to enter into marriage.

In the bond of marriage women lose their independence forever, Tocqueville explains. Why would a democratic community want that? The simple answer that Tocqueville gives demonstrates the connection between marriage and a nation's industrial strength, since marriage, he maintains, safeguards the order and prosperity of the nation, as well as the house. Since America has Puritan roots and is a trading nation, both its religious beliefs and industrial habits lead it "to demand much abnegation on the woman's part and a continual sacrifice of pleasure for the sake of business. . ." (Lawrence 592)

Why would women take on this yoke? The simple answer is majority opinion. Public opinion keeps women confined to the domestic sphere.

When she is born into the world the young American girl finds these ideas firmly established; she sees the rules that spring therefrom; she is soon convinced that she cannot for a moment depart from the usages accepted by her contemporaries without immediately putting in danger her peace of mind, her reputation, and her very social existence, and she finds the strength required for such an act of submission in the firmness of her understanding and the manly habits inculcated by her education. (Lawrence 592-593)

Because the cost of going against public opinion would be the loss of participation in all social intercourse she does not undertake such foolishness. "One may say that it is the very enjoyment of freedom that has given her the courage to sacrifice it without struggle or complaint when the time has come for that." (Lawrence 593) Tocqueville refuses to see public opinion as the ultimate cause for her decision, however, arguing that it is the woman's will that chooses for itself this very hard yoke. This will partakes of her reason.

When the time has come to choose a husband, her cold and austere powers of reasoning, which have been educated and strengthened by a free view of the world, teach the American woman that a light and free spirit within the bonds of marriage is an everlasting source of trouble, not of pleasure, that a girl's amusements cannot become the recreation of a wife, and that for a married woman the springs of happiness are inside the home. Seeing beforehand and clearly the only path that can lead to domestic felicity, from the first step she sets out in that direction and follows it to the end without seeking to turn back. (Lawrence 593)

Gender Equality in Difference: Respect Represented in Law

Americans, Tocqueville argues, view the equality of the sexes as a situation of separate but equal roles. "I think that the same social impetus which brings nearer to the same level father and son, master and servant, and generally every inferior to every superior does raise the status of women and should make them more and more nearly equal to men." (Lawrence 600) Equality, for Tocqueville, means similarity of regard, not uniformity of duty. Nature intended to give the diverse faculties of women and men diverse employment. To sustain these separate functions, Americans apply the "great principles of division of labor from political economy." (Lawrence 600) Social equality does not intend to undermine the husband's authority as the natural head of the conjugal association. The aim of democracy is to regulate and legitimate necessary powers, not to destroy all power.

This opinion, Tocqueville maintains, is not held by one sex and opposed by the other. Unlike the women in Mill's analysis, American women do not see conjugal association as a usurpation of their rights, nor do they feel degraded by the institution. "On the contrary, they seem to take pride in the free relinquishment of their will, and it is their boast to bear the yoke themselves rather than to escape from it. That, at least, is the feeling expressed by the best of them; the others keep quiet." (Lawrence 602)

When Tocqueville speaks of Americans in the context of this chapter he seems often to mean men, the citizen-in-public is male. "Americans constantly display complete confidence in their spouses' judgment and deep respect for their freedom. They hold that woman's mind is just as capable and man's of discovering the naked truth, and her heart as firm to face it. They have never sought to place her virtue, any more than his, under the protection of prejudice, ignorance, or fear." (Lawrence 602) Even this respect for women described in terms of male virtue is lacking in Tocqueville's native France. In Europe women are considered seductive, incomplete human beings. In America, although men and women may not use their intelligence in the same way, they are of equal worth (Lawrence 603). Nowhere do women enjoy a higher status than in America.

Americans do not think that man and woman have the duty or the right to do the same things, but they show an equal regard for the part played by both and think of them as beings of equal worth, though their fates are different. They do not expect courage of the same sort or for the same purposes from woman as from man, but they never question her courage. They do not think that a man and his wife should always use their intelligence and understanding in the same way, but they do at least consider that the one has as firm an understanding as the other and a mind as clear. (Lawrence 603)

Tocqueville's theory of gender "equality-in-difference" requires that respect for a woman's person be represented in law. Rape requires severe punishment to secure not only women's honor, but also her freedom, including her freedom to travel, experience life, and learn. She must have freedom to bend to the yoke by her own will.

Thus, then, while [the Americans] have allowed the social inferiority of woman to continue, they have done everything to raise her morally and intellectually to the level of man. In this I think they have wonderfully understood the true conception of democratic progress. (Lawrence 603)

In Tocqueville's view all people bear the yoke of self discipline. His concern is not simply women bearing the yoke of marriage, but, more generally, all self-governing people who accept obligations as the source of rights. If one reads Tocqueville's chapters on women without the context of his larger analysis, it would be easy to dismiss his view of morals, the family, and women's roles as archaic, superficial, and sexist. If one were merely sexist, it would be easy to make a soundbite of sexism from the Tocqueville oracle, as many politicians now do. Placed against the background of his fear that democracy will, as Mill seems to desire, harmonize the private in terms of the public, we can read Tocqueville's exploration of gender differently.

Women as the Bridge

For Tocqueville, radical equality presents a tension between the private, reflected in the individual, and the public, reflected in the community. For individuals to govern themselves requires not only freedom, but the mature judgment reflected in Tocqueville's "self interest rightly understood." Self interest is the cause of separation into the private and the medium through which this breach is reunified. The motivation of reasoning that one could be better off if he relinquished some natural freedom to align himself with others, is necessary to create the

foundation for self government. The personal dilemma of how to motivate this unification in democracy is solved for Tocqueville not only in the institutional structure of federalism, but in extra-legal institutions such as the family and religion. Stated somewhat differently, Tocqueville imagines that no large scale body can be unified, let alone self governing, without a number of institutional arrangements that cause participation in associations as an intermediary between government and the individual. The family functions as both such an extra legal institution and as a private association that teaches the qualities of self government and acts as a unit of government. It is in this institutional context that Tocqueville analyzes women as the bridge between private and public.

Unlike Mill, Tocqueville believes that many limitations on freedom are not only acceptable, but necessary to self government. Tocqueville shows us two sides to every question of authority. People, he argues, need fixed structures in which to take innovative actions (including acts that amend basic structures), yet fixed structures will preclude, as well as promote action. Paradoxically, constraint is necessary to a mentality of experimentation. For Tocqueville, the clear authority of the family, like the simple ideas of revealed religion, support foundational mores and traditions that make political innovation thinkable. In democracy, intermediate institutions such as the family and religion are political because they create the foundational consciousness required for self-governance. Traditions, laws, and mores create the structure that allows us to create.

In contrast, Mill takes a narrow view of traditions, gender, and the private. Intermediate institutions such as the family are fetters that prevent people from thinking and acting in a self-governing capacity. Drawing analogies between markets and the exchange of ideas, Mill exemplifies the democratic tendencies of liberal skepticism that Tocqueville predicted and feared. Far from an open exchange of ideas, Tocqueville believed the equality of all ideas would lead to tyrannical opinion, slogans, and other dysfunctional communication patterns. Intermediate institutions mitigated the consequences of such dysfunctions, democratic despotism.

Because they have different understandings of the problems of democracy, Tocqueville and Mill have a different view of the functions of women and the family in democracy. For Tocqueville, the family, particularly the role played by women, is a source of stability, carrying valuable traditions, necessary mores, and the consciousness of self-government forward to the next generation. For Mill the family teaches only authoritarianism, deceitful behaviors, roles of command and obedience, and all manner of consciousness in conflict with democracy.

If Mill and Tocqueville disagree about the extent of liberty and the meaning of the authority structure of the family for democracy, they find common ground on the necessity of choice and the requirement of bringing the private into public life. In different ways, Mill and Tocqueville each saw concern for the particular and the universal as two functions to be performed by two castes in society. Addressing the issue of gender difference, neither Mill nor Tocqueville considers the potential for both concerns to be developed in one human being. A liberal dichotomy of two separate spheres apparently precludes the development of human potentials necessary for self-government, an ethic of the particular, united to the concern for public right.

To accomplish the liberal mission of self-government we also must bridge the particular and the abstract universal. We currently emphasize equality as sameness, but it may be useful when differences are real to emphasize complementarity. Tocqueville acknowledges the differences between the sexes and attempts to create a unified, stable political environment from the vital features represented in the two genders. He believes that it is at our peril that we use legislation to transform women into citizens with the same functions as males. If we do so, no one, he argues, will be focused on the private and particular, except in the most selfish of ways. Ideas about honor, courage, and virtue will concern such acts of valor against nameless enemies and perils in war, not daily acts of courage and sacrifice for particular others in particular circumstance. The realm of law and politics, the public sphere is abstract and narrowing, even as it appears to expand our individual meaning to universal significance. As we pale in insignificance against universal principles and an ever-homogenizing majority, our view of the private also

changes. We assert self-centered concern, without reference to others, who appear to have no significance for us. The real meaning of a vital public comes from its alliance with an authentic private sphere, known through the connection of the particular with the universal.

Women, for Tocqueville, embody the concern for the private, encouraging us to recognize the existence of a more comprehensive regime than liberalism often sets forth. Politics is not a separate sphere of activity for self governing people, nor is the private alienated from the public. Women have been the embodiment of the sphere of care and concern for the particular because of their reproductive function. If they no longer play this role, who or what institution will fill these needs?

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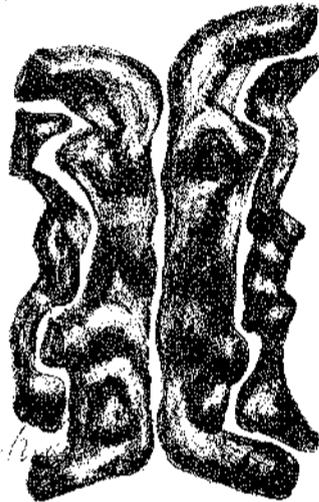
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74
Question - Research agenda
1. p. 29-30 items 1-4
Answers, 1-112 forward
nature of thing
series of issues & interactions



Abstract for research of
Paul H. Hirsch
Research agenda
7. 1-112 forward

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