



CRESC Working Paper Series

Working Paper No. 63

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March 2009

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Abstract

This paper focuses on two early modern developments that have considerable importance for later reflections on habit and government. It looks, **first**, at the place of habit in the moral psychology set out in Book ii of John Locke's *Essay Concerning Human Understanding*, and, **second**, at developments in Spain that had ramifications throughout Catholic Europe and more widely. Here we start with Francisco de Vitoria's attempts to counter disparaging perceptions of the American Indians, and his condemnation of the brutal treatment these perceptions were used to justify, thereby opening the way for what Anthony Pagden (1986) has called 'the origins of comparative ethnology' in the works of Bartoleme Las Casas and Jose d'Acosta. These apparently different developments have similar implications for the government of populations through the ways in which they link conduct to habit and habit to custom.

Habit, Custom and the Problematics of Early Modern Government

(i) Q: why do nun's always wear black and white? A: It's a habit they get into.

(ii) Commitment is what gets you started. 'Habit' is what keeps you going²

This paper focuses on early modern developments that have considerable importance for later reflections on habit and government. It looks, **first**, at the place of habit in John Locke's moral psychology as set out in Book ii of his *Essay Concerning Human Understanding*, and, **second**, at developments in Spain that had ramifications throughout Catholic Europe and more widely. Here we start with Francisco de Vitoria's attempts to counter disparaging perceptions of the American Indians, and his condemnation of the brutal treatment these perceptions were used to justify, thereby opening the way for what Anthony Pagden (1986) has called 'the origins of comparative ethnology' in the works of Bartolome Las Casas and Jose d'Acosta. These apparently different developments have similar implications for the government of populations through the ways in which they link conduct to habit and habit to custom, yet their place in a paper on liberal government may not seem entirely clear.

Beginning with Locke, while he is sometimes regarded as one of the first great liberal thinkers (Grant 1987), he did not call himself as liberal and, as Raymond Geuss notes 'liberalism is an invention of the nineteenth century' (2002, 321). Thus, it would risk anachronism to describe Locke (or Adam Smith) as liberal in anything like the modern sense of the term.³ Yet, Locke's work figures prominently in every legitimating prehistory of liberal political thought, although he plays only a small part in Foucault's account of liberalism.⁴ Whether or not he can be placed in the liberal camp, his work is something to be reckoned with. His *Essay on the Poor Law* (1697) and *Some Thoughts concerning Education* (1692, subsequently translated into many European languages) continued to be influential until well in the nineteenth century.

The case for discussing Vitoria here is rather more complex since it depends on how we view the relationship between liberalism and empire. Uday Mehta's *Liberalism and Empire* (1999) seems to suggest that the 'urge to Empire' was an integral part of liberal thought, yet while many nineteenth century liberals supported imperialism a significant minority did not (Bell, 2006). However, what matters for our discussion of liberal government is not whether liberals supported European imperialism, but how they thought about governing the subject populations of colonial possessions. It is clear that, in their reflections on government, liberals tended to distinguish between the work of governing the populations of Britain, France or the Netherlands and those of their colonies (Guha 1997, Hindess 2002). Vitoria is important here because, in undermining the idea that the American Indians were natural slaves, Vitoria maintained that they were childlike, thereby promoting an image that would be taken up in later liberal reflections on colonial rule.

Locke's habit

The children's joke, (i) at the beginning of this paper, draws on two meanings of the word 'habit': one, a costume or apparel characteristic of a calling or occupation; and the other, an acquired, and possibly automatic, pattern of behaviour. We shall see that, while it is not presented as a joke, Locke's discussion of habit also draws on different understandings of the term, both of which are contained within the second of the jokes' pair, one of them represented by the slogan, (ii).

The importance of Lockean psychology for later developments is not a consequence of its novelty, for, as we shall see below, much of what Locke has to say about habit had already been anticipated by Catholic thinkers, for example, by Aquinas. Rather, it is important, in part, because of the influence of his *Essay Concerning Human Understanding* (hereafter

Essay), and partly because it informs two of his most influential non-philosophical writings, the *Essay on the Poor Law* (1697) and *Some Thoughts concerning Education* (1692 subsequently translated into many European languages). It has been argued that, together with the revival of Stoicism in this period (Oestreich 1982), Locke was responsible for the construction of a new mode of governing conduct that came to the fore in Europe after the Reformation. (Tully 1989).⁵

‘Habit’ appears more than 40 times in Locke’s *Essay*, most often as part of a longer word (habitual, inhabit, etc), but occasionally standing by itself. While making the argument that communication requires complex ideas and therefore terms for identifying them, Locke uses the example of modes of action to illustrate his point. This discussion offers something close to a definition of habit:

[the] power or ability in a man of doing anything, when it has been acquired by frequent doing the same thing, is that idea we name **habit**; when it is forward, and ready upon every occasion to break into action, we call it **disposition**. Thus, testiness is a disposition or aptness to be angry. (Book II, chapter 22, para 10)

In this passage, **habit** and **disposition** are both brought together and set apart. The former refers to an acquired capacity to do something that one might otherwise find difficult or impossible, while the latter refers to a repeated pattern of behaviour, or rather to the impulses which bring that behaviour about. We can see that they are distinct from the possibility that, of those with a disposition to be angry, a fortunate few may yet acquire the habit of remaining calm.

However, if this is what Locke means by habit, then his references elsewhere in the text to *settled* or *acquired* habits (chapter 9, para 9, chapter 21, para 46) carry a considerable load of redundancy. In fact, the context makes it clear that Locke uses the term in two quite different senses: one is habit in the sense just cited (as conditioned reflex), which is almost the opposite of free will; and the other, habit as a condition of judgement and thus of freedom.

Appeals to the influence of repetition play an important role in a later part of Locke’s discussion, where he argues that our understanding of good and evil is a product of repeated experiences of pleasure and pain. What makes us view certain actions as morally good or evil is that the pleasure or pain that follows them is a function of their conformity’ to some Law, whereby Good or Evil is drawn on us, from the will and Power of the Law-maker’ (chapter 28, para 5). Locke describes three kinds of Law as playing a part in the government of behaviour: Civil Law, Divine Law and the Law of Opinion and Reputation. This last refers to actions that are regarded as worthy of praise or blame in the community in question.. People generally assume they can get away with their infringement of the first and they pay little attention to the second, but the Third is inescapable:

no man escapes the Punishment of their Censure and Dislike, who offends against the Fashion and Opinion of the Company he keeps, and would recommend himself to. Nor is there one in ten thousand, who is stiff and insensible enough, to bear up under the constant Dislike and Condemnation of his own Club (chapter 28, para 12)

Our understandings of morally good and evil, then, are consequences of the habits induced by interaction with our peers, and with other sources of reward and sanction. They are products of conditioning, not of our natural inclinations.

Locke applies the same analysis to the ideas to which we give assent in other areas, to our views of what is true or false, beautiful or ugly. He maintains that we should give assent to propositions only after careful weighing up of evidence and consideration of the relevant arguments. Yet he insists that there is nothing natural about such behaviour. We are far from being guided by a natural tendency to seek the truth, he argues, but we give our assent on the

basis of whatever habits of thought have been induced in us by custom, convention and education:

It is easy to imagine, how by these means it comes to pass, that Men worship the Idols that have been set up in their minds; grow fond of Notions they have been long acquainted with there; and stamp the Characters of Divinity, upon absurdities and errors, become zealous Votaries to Bulls and Monkeys; and contend too, fight and die in defence of their Opinions (chapter 3, para 26).

Thus far, it might seem that the author of the *Essay* was an early exponent of the crude cultural/sociological determinism that has been castigated for regarding the beliefs and desires of individuals as little more than products of their culture.⁶ Yet, the *Essay* can also be seen as advocating the rugged individualism which views individuals as entirely responsible for their actions. Thus, while acknowledging that custom and fashion may be influential in practice, Locke insists that their effects can, and often should, be resisted:

Fashion and the common opinion having settled wrong notions, and education and custom ill habits, the just values of things are misplaced, and the palates of men corrupted. Pains should be taken to rectify these; and contrary habits change our pleasures, and give a relish to that which is necessary or conducive to our happiness. This every one must confess he can do; ... (chapter 21, para 71)

The key phrase here is the final 'he can do'. In Locke's view, while 'ill habits' may be products of education and of custom, they should not be seen as immutable. They can, and often should, be replaced by 'contrary' ones.

Moreover, just as Locke extends his analysis of our ideas of good and evil to the ideas we hold in other areas, so he extends the argument that ill habits can and often should be replaced:

we have a power to suspend the prosecution of this or that desire; as every one daily may experiment in himself. ... in this seems to consist that which is (as I think improperly) called free-will. For, during this suspension of any desire, before the will be determined to action, and the action (which follows that determination) done, we have opportunity to examine, view, and judge of the good or evil of what we are going to do; and when, upon due examination, we have judged, we have done our duty, all that we can, or ought to do, in pursuit of our happiness; and it is not a fault, but a perfection of our nature, to desire, will, and act according to the last result of a fair examination. (chapter 21, para 48).

'To be determined by our own judgment, is no restraint to liberty', Locke says at the beginning of the following paragraph. He goes on to argue that the freest individuals are those who have learned to be wary of their habits and dispositions, who are careful to suspend decision and action until they have been able to 'examine, view, and judge of the good or evil of what [they] are going to do'. We might say, although Locke himself does not, that suspending judgment before taking action or making a decision is a good habit that we should all acquire.

Locke thus presents habit in both a negative and a positive light: it is the enemy of free action and the source of freedom. In effect, Locke argues that we act, for the most part, on the basis of habits of thought and of action that are the products of custom fashion and other peer group pressures, **and** that we are all capable of resisting such pressures and of acting freely on the basis of our own considered judgement. It is easy to see that the model of the individual he uses here can suggest a range of techniques of government that might be employed both in the direct regulation of behaviour and in the formation of individuals who can for the most part be relied upon to regulate their own behaviour. In his other writings Locke developed proposals

for education and training, and programs aimed at developing mental habits appropriate to the proper conduct of the understanding (Locke 1697, 1968).

Locke also produced an influential report on reform of the Poor Law regime which begins by lamenting the increasing numbers of the poor and the burden which their support imposes on society. There is, he maintains, no shortage of opportunities for employment, so the growth in numbers of the poor cannot be explained by the lack of opportunities:

And it can be nothing else but the relaxation of discipline and the corruption of manners; virtue and industry being as constant companions on the one side as vice and idleness are on the other(1969, p.378)

If the explanation for the increasing numbers of the poor lies in their bad habits, he suggests, the remedy is clear: break the bad habits and develop good ones in their place. ‘The first step, therefore, towards the setting of the poor on work, we humbly conceive, ought to be a restraint of their debauchery by a strict application of the laws provided against it’ (ibid.). The report goes on to propose a network of rewards and punishments designed to transform the poor law system into a vast machine for reform and rehabilitation.

Vitoria and Aristotle’s natural slave

The **second** development to be considered in this paper begins with Francisco de Vitoria’s examination of the justifications used to defend Spanish rule over the indigenous peoples of the Americas. Vitoria is significant here because he was one of the most influential Thomist thinkers in the counter-Reformation. His work had an impact throughout Catholic Europe and in the Spanish New World territories. Anthony Angie (1996, 2005) has argued that, together with his *de iure Belli*, Vitoria’s influential relectione⁷ *De Indiis*, dating from 1539, marks the beginnings of modern international law.⁸ In fact, Vitoria’s relectione is less concerned with understanding the Indians and considering how they may be governed than it is with the conduct of the Spanish themselves. His few comments on the character of the Indians are clearly intended to counter misleading claims made by the defenders of Spanish rule. Nor, in order to make its points, does *De Indiis* need to say much about habit. Vitoria’s discussion is significant here for other reasons. First, as a follower of Aquinas, Vitoria takes for granted that education (in the virtues) and habit (the habitual doing of virtuous acts) play an important part in promoting virtuous behaviour (Davis 1997). Second, as Pagden notes (1986:106), his critique of the idea that the Indians in general could be seen as natural slaves ‘opened the way’ to alternative Aristotelian/Thomist accounts of the Indians.

Pagden’s invaluable survey (1986: 26) of early Spanish perceptions of the American Indians argues that Aristotle’s theory of natural slavery provided ‘the very first model used to explain... Indian behaviour’. Aristotle describes the natural slave as a type of human in which the intellect had not developed sufficiently to achieve mastery over the passions. According to this view, natural slaves were rational enough to be able to follow instructions, but not sufficiently rational to be able to govern themselves. Since Aristotle maintained that humans were rational by nature, this amounted to saying that natural slaves had failed to develop their natural potential. (Pagden 1986: 67-78). The claim that the Indians were natural slaves appears to explain what Europeans saw as their strange behaviour, yet, in attempting to explain so much, it actually accounted for very little. Pagden (99) notes that it assigns the Indians to ‘a timeless void of semi-rationality’

Vitoria’s critique argues, first, that it makes no sense to say that the rational potential of man is unrealised within any substantial human population:

“‘God and nature never fail in the things necessary’ for the majority of the species, and the chief attribute of man is reason; but the potential which is incapable of being realized in the act is in vain” (p.250)

The educated audience of Vitoria’s relectione would have recognised that the opening phrase in this passage recalled Aristotle’s frequent assertion that ‘nature makes nothing in vain’ (eg. On the Soul 432b. 22-3) and they would have understood the whole passage as asserting that Aristotle’s concept of ‘natural slave’ was incoherent (Pagden 1986:94). The claim that nature had created whole populations of humans incapable of reason would be absurd.

Vitoria argued, second, that when Aristotle suggested that some people were natural slaves, he could not have meant that they belonged to others by nature: [for] ‘slavery is a civil and legal condition, to which no man can belong by nature’ (p.251). However, while the use of the category of natural slave may have been inappropriate, Vitoria acknowledged that the implication of mental incapacity was not without empirical foundation. The Indians did indeed seem to behave oddly, and this tempted many observers to describe them, wrongly, as natural slaves. In contrast, Vitoria insisted that the Indians were not entirely mad, but that they possessed a capacity to reason that was not particularly well developed.

On the other hand and briefly presenting an image that would be taken up in many later European reflections on colonial rule and in European social thought more generally,⁹ Vitoria maintained that while the Indians were not madmen or natural slaves, they were childlike. The first step in this argument is to insist that, ‘they have properly organized cities, proper marriages, magistrates...all of which require the use of reason.’ (p.250) Yet

[if] they seem to us insensate and slow-witted, I put it down mainly to their evil and barbarous education. Even amongst ourselves we see many peasants (*rustici*) who are little different from brute animals. (Pagden & Lawrence: 250 – cf. Pagden 1986:82)

The first sentence here indicts the Indians poor education, while the reference to Spanish peasants suggests that there may also be a problem with their customs and bad habits. Moreover:

If some mischance were to carry off all the adult barbarians, leaving only the children and adolescents enjoying to some degree the use of reason ...it is clear that princes could take them into care and govern them for as long as they remained children. But, if this is the case, it seems impossible to deny that the same can be done with their barbarian parents...(Pagden & Lawrence 1991: 291)

While the suggestion that adult barbarians are rather like children seems to provide some justification for Spanish rule, Vitoria adds an important qualification that would haunt later apologists of colonial rule. The argument from childishness, he insists, cannot justify any kind of colonial rule. The argument only applies:

If everything is *done for the benefit and good of the barbarians, and not merely for the profit of the Spaniards*. But it is in this latter restriction that the whole pitfall to souls and salvation is found to lie. (ibid. emphasis in original)

Pagden argues that Vitoria’s analysis here displaced one version of Aristotelian psychology by another in which differences in forms of behaviour are understood in terms of childishness (and thus as resulting from a lack of appropriate training and education).

The view that bad education is the key to understanding Indian behaviour suggests mechanisms for changing that behaviour, which are not far removed from those indicated by Lockean psychology. Moreover, Pagden suggests, Vitoria’s explanation of the Indian’s strange behaviour in terms of education had more far-reaching implications. In effect, he

argues that Vitoria undermined the view that the Indians inhabited ‘a timeless void of semi-rationality’ (1986: 99), thus opening

the way to an historical and evolutionary account of the Amerindian world, ... from which ..other men... - such as Las Casas and Acosta – were ultimately to benefit (1986:106)

We should pause at this point to note that an evolutionary account of the Indians is not the obvious alternative to the timeless category of natural slave. To say that the Indians are human but not natural slaves is, in Thomist terms, to say that they are creatures of reason and of good and bad habits, just like the Europeans, including their peasants. If they do not behave as Europeans expect, this suggests that, as Vitoria notes, they have been poorly educated and, as he does not but might have noted, that they have developed very different habits and the customs that sustain them. Thus the effect of displacing the unproductive category of the natural slave opens the way to comparative analysis of what we would call different cultures, and especially of different customs and forms of education.¹⁰ Yet, while developmental (if not exactly evolutionary) accounts of the Indians did follow in the histories written by Las Casas and Acosta, it would require considerable further argument to show that this comparison had to take a diachronic/evolutionary rather than a geographical/synchronic form. However, rather than pursue this issue here (Hindess 2007, 2008), it may be more fruitful to reiterate that Vitoria’s discussion opens the way for analysis of the Indians’ behaviour in terms derived from Aquinas’ synthesis of Aristotelian philosophy and Christian theology. Pagden (1986: 147, 198f) informs us that the Dominican project of creating a moral order on the basis of Aquinas’ synthesis was later taken up by the Jesuits, including Jose d’Acosta, whose *Historia natural y moral de las Indias* (Acosta 2002) offered a history of Indian mores, and Lafitau, two of the most influential European writers on the American Indians in the seventeenth and early eighteenth centuries. For the Thomist, as for Locke, habit may cut both ways. On the positive side, we have already noted the importance for Aquinas of habit and education in the promotion of virtuous behaviour. Yet we should not forget the negative potential of habit. For example, in *Summa Theologica*, we find Aquinas arguing that ‘habit is a quality difficult to change’, and that it may be acquired by custom and lead to sin¹¹. Nevertheless, while it leaves no space for Locke’s Law of Opinion and Reputation, for the purposes of governing conduct in populations, except for its religious aspects the practical Thomism opened up by Vitoria’s critique does not differ significantly from the application of Locke’s ideas.

¹ This paper is part of a collaborative project with Tony Bennett and Francis Dodsworth on, Liberal Government and Habit. Tony Bennett’s contribution is published as ‘Culture, History, Habit’ (CRESC Working Paper no 64) and Francis Dodsworth’s as ‘The Subject of Freedom in Republican Thought: Habit, Virtue and Education in the Work of John Brown (1715-66)’ (CRESC Working Paper no 65).

² (i) is a children’s joke (Collis 1986:51), and (ii) is a Fitness First slogan taken from the wall of its Canberra Centre gym in early 2008.

³ Note the sceptical view of Locke’s liberal credentials set out in Dunn 1969, and again in Skinner’s observation (1978, ll pp.239, 147n) that, instead of viewing Locke as ‘the first modern liberal, we would do better to treat him as inheriting a ‘radical Calvinist politics’

⁴ Locke appears only a few times in Foucault’s lectures on liberalism (2008), first, as producing a theory of government, but not of the state (p.91), and second, as an early figure in the history of English empiricism and the emergence of the idea of the individual as subject of interests (p. 273f) and third, briefly, in connection with the idea of civil society (p.297).

⁵. Compare the discussion of Locke’s proposals in Beier 1988, Dunn 1989 and Ivison 1993

⁶ We leave open the question of whether or not any sociologist has seriously advocated such a position, and note simply that American sociological functionalism has often been accused of doing so, for example, in Giddens, 1984 and Wrong, 1976.

⁷ Literally 're-reading'. *Relectiones* were lectures, longer and more formal than ordinary. At this time in Salamanca, ordinary lectures took the form of commentaries on a set text. *Relectiones*, in contrast, were investigations of a particular problem delivered to an academic audience. (Pagden 1991: xvii). Pagden also notes (ibid.) that *de Indiis* belonged to a tradition of ritual legitimation 'instituted by the kings of Castile'.

⁸ Anghie's treatment of Vitoria's work is dismissed as anachronistic in Pagden's Introduction to Vitoria's *Political Writings* (1991:p.xvi) Pagden favours the conventional view that locates the origins of international law lie in the natural law theories of Grotius, Pufendorf and Selden, But compare David Armitage's Introduction to Grotius' *The Free Sea* (Indianapolis: Liberty Fund, 2004,p.xv)

⁹ Compare Schiller's 1972, 1985 uses of the image of childhood.

¹⁰ We might note that Pagden poses the issue in these terms. He argues, for example, that Las Casas was particularly concerned to show 'why Amerindian culture differed sometimes radically from European norms' (1986: 121). His anachronistic use of a concept of culture which was not available to Las Casas, Acosta, and Lafitau or to their contemporaries is certainly worth noting, but it makes little difference to our discussion.

¹¹ 'where there is greater inclination of the will to sin, there is more grievous sin. But in the intemperate man the will is inclined to sin by its own choice, that proceeds from a habit acquired by custom' (1892, Question CLVI Of Incontinence, Article III. *Does the incontinent man sin more than the intemperate?*)

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