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Power and authority in schooling and education in South Africa

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Although political obligation for the subjects arises from the covenant, it is enforced through the power of the sovereign, whose duty it is to maintain stability according to the dictates of his own conscience in the light of his interpretations of the laws of nature. As a sovereign owes nothing to his subjects, they can never lay claims against his actions but are committed to a course of obedience to the extent that they inflict no harm upon themselves.

Hobbes wants to invest the notion of representation with authority, through the act of covenant, but at the same time he negates the link, by asserting that covenants without swords are nothing but words so that there is no right of command without power. For example:

> The bonds of words are too weak to bridle men's ambition, anger and other passions, without fear of some coercive power.(9)

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Thus, for Hobbes, submission to power constitutes an act of consent whereby authority is invoked. On this view, the distinction between power and authority rests on the notion of consent i.e. power is likely to exist where there is no consent and authority, where there is.

While this claim is not obviously wrong, it makes the facile assumption that every act of obedience is an act of consent involving authority. This is not always true. There may be a variety of instances where consent is won through passive indifference, acquiescence and external pressure, such as fear, intimidation, ostracism, indoctrination, all of which are alien to the concept of authority because there are no rational grounds for obedience. Only to the extent that consent involves freedom of choice, agreement about rules and reasons, assertion and positive action, may it claim to be associated with authority.

Furthermore, in Hobbes's scheme, because the subjects have given their unconditional consent to the covenant, there are no legitimate avenues for resistance. Under such conditions, where they have surrendered the exercise of freedom of choice, autonomy and reason, subjects have by their consent, abdicated moral responsibility and consequently, deprived themselves of the opportunity to act in terms of authority.

Through the act of covenant, Hobbes suggests a space for the operation of authority but is unable to sustain a distinction by asserting that reason alone is too weak to secure commitment and that power is ultimately necessary to make covenants binding.

The failure to distinguish between the concepts of power and authority may be traced back to an initial assumption on which Hobbes's account rests i.e. that human nature is perceived entirely as a system of cause and effect. This is perhaps understandable in that the only alternative likely to have been available to Hobbes was a religious conception of human nature, in terms of an immortal soul, and incompatible with his attempt to locate the seat of authority for civil government outside the Church and the doctrine of the divine right of kings.

For Hobbes, human nature is governed by natural laws which are causally determined and which any individual would naturally follow to his/her advantage. Such laws do not in themselves embody values, but prescribe what must be given value in legal, moral and social codes. Their role is to provide a bedrock of justification on which stable civil government may be founded. Thus, as a result of his conception of human behaviour in causal

rather than rational terms, Hobbes is unable to sustain a distinction between the concepts of power and authority.

Both Calvin and Hobbes are looking for an alternative source of authority - one which can stand outside the web of concepts which they have inherited from the Roman Catholic Church. For Calvin, it is located in the word of God and for Hobbes, the seat of authority lies in the sovereign's power to enforce the covenant. Neither is, however, successful in achieving a separation of the concepts of power and authority initially conflated under the influence of the Church. Although Calvin and Hobbes each recognise a certain need for authority, its operation is circumscribed within the limits of their specified objectives. Opportunities for acting with a sense of agency and automony are ultimately curtailed by the emphasis laid on order, conformity and an acceptance of their prescribed authority.

c) Rousseau

For Hobbes, the social contract is a way of escaping the unwanted consequences of man in the state of nature, by sanctioning the sovereign's use of coercive power; whereas for Rousseau,(10) the social contract constitutes a means by which individuals may realise the

achievement of their moral potential. Man in the state of nature is amoral and it is only through the formation of a civil society that a space for the operation of morality is created. This involves the exercise of qualities such as, reason, will, choice and conscience - all of which presuppose the human activity of freedom.

Rousseau's emphasis on freedom leads him to establish a link between politics and morality, which is absent in Hobbes's scheme where individuals give their unconditional consent to the covenant. For example:

> To give up one's freedom is to give up one's being as a man, the rights of humanity and even one's duties. There is no possible compensation for anyone who gives up everything. Such renunciation is incompatible with man's nature and to remove all freedom from his will, is to remove morality from his actions.(11)

Rousseau consequently asserts the right of the people to direct its own destinies, basing government on the sovereignty of popular consent through the mechanism of the 'General Will' which enables the individuals to act in terms of the collective welfare and the common good.

The 'General Will' which is one of Rousseau's most fundamental political concepts, expresses a notion of common justice arrived at through the negotiation of individual opinions exchanged in an atmosphere of freedom and equality where particular interests are subordinated towards the realization of the social good. It differs from the 'will of all' which is merely the sum of private interests reflected in a numerical majority that in no way embodies a spirit of rectitude.

The 'will of all' demands the conformity of all to the interests of a majority, overlooking those of minority groups. Such a decision can never be obligatory on those excluded and can only win their obedience through necessity, expedience, the exercise of power etc.; whereas the 'General Will' which incorporates the whole gamut of opinions expressed, irrespective of the numbers holding those opinions, results in a consensus decision which is morally binding on all because it depends on an aggregate rather than a majority in determining the collective welfare.

In distinguishing between 'will of all' and the 'General Will', Rousseau shows an awareness of the difference between the concepts of power and authority. The former might be expressed in terms of the 'will of all' which is based on the sum of attitudes of self interest and

the latter, i.e. authority might be understood through the operation of the 'General Will' which is concerned with establishing the common good through the exercise of mutual agreement, reasons, choice and freedom etc. For Rousseau, the ultimate source of political authority lies in the expression of the 'General Will'.

In connection with the origins of civil society, this led Rousseau to reject two traditional explanations, both based on an inequality that precludes the operation of freedom and morality :

1) that society is a natural phenomenon, as depicted in Aristotle's account (Part I, Section i, b) and

2) that force constitutes political authority, as illustrated in the account given by Hobbes (Part I, Section ii, b).
He claims that force is a physical power without moral effect. "To yield to a force is an act of necessity, not of will - at the most an act of prudence" and "force does not create a right".(12)

Unlike Hobbes who justifies force through an act of covenant, Rousseau finds the subjects' surrender of their rights to the chosen sovereign incomprehensible because they are stripping themselves of morality. In

alienating their liberty and abdicating their responsibilities, they are subjecting themselves to the arbitrary and irrational dictates of power, thereby subverting the course of political justice, which it is the purpose of any civil association to uphold through the binding authority of the 'General Will'.

Although both Hobbes and Rousseau insist that the sovereign is indivisible and absolute, Rousseau avoids drawing Hobbes's absolutist conclusion by distinguishing between the sovereign and the government. While the government will generally fall into the hands of a few, sovereignty can never be delegated. Its inviolable nature belongs unequivocably to the citizens. Theirs is the right to legislate. The government is accorded the subordinate role of executing the sovereign will which is never unconditional and may be revoked at any time. The function of the government is consequently derived from the sovereign, and to the extent that it fulfils its mandate, it is invested with legitimacy.

In his political theory and particularly in making this distinction between government and the sovereign, Rousseau has in mind a small city-state rather than a modern nation-state. The separation of power and will, nevertheless, illustrates further insight into a way of

distinguishing between the concepts of power and authority.

The viability of this distinction is, however, challenged by various practical difficulties. Because Rousseau attributes a sovereignty that is absolute, inalienable and indivisible to the 'General Will', he contends that the citizen who refuses to obey its dictates, must be "forced to be free".(13) For Rousseau, the compulsion to obey the 'General Will' is a rational extension of freely consenting to live in a civil association, so that the citizen who follows his/her own selfish advantage rather than the common good, has failed to fulfil an obligation to the community and should be brought to this realization. Citizens who cannot accept authority of the 'General Will' (or similarly, Rousseau's more specific idea of civil religion,) must be insane, criminal or unsuited to being members of society. Thus, Rousseau dismisses those who do not accept the 'General Will' as their total moral authority - a contradiction in terms, as was seen in the case of Hobbes, for to give unconditional consent to a covenant, the 'General Will' or any other 'total' moral authority, is ironically to surrender the ability to exercise freedom and morality underlying the concept of authority and to become susceptible to manipulation in terms of the concept of power.

Besides this contradiction, there is the further problem of defining the true interests of the citizens or being convinced of the infallibility of the 'General Will' in identifying the common good. Assuming this is possible, there is also the question of ascertaining the appropriate means towards achieving these ends as well as the practical difficulty of creating a vehicle which will adequately express the 'General Will'. For example, a virtuous minority may be closer to the 'General Will' than a misguided majority but one way in which the citizens may be given tangible expression to their will is through voting; consequently, the community is generally dependent on the majority decision or the 'will of all'. Similarly, even a despot may be guided by the 'General Will', giving the citizens a fair degree of freedom, but what guarantee is there for the rights of individual citizens? These and other criticisms (14), relating to the vagueness of the terms which tend to be prescriptive rather than descriptive, have laid Rousseau's ideas open to accusations of totalitarianism.

Finally, Rousseau's ambivalent attitude towards authority may be illustrated by the crucial role of the Lawgiver. The law should never be narrow, legalistic and specific but rather abstract, in keeping with its function as an expression of fundamental principles which direct the social purpose of the 'General Will'.

Although the 'General Will' is always right, "the judgement guiding it is not always enlightened".(15) It is presumably for this reason that Rousseau advocates the need for a Lawgiver whose function is educative in that it is to open up unexplored possibilities for popular consideration without exercising legislative control or relieving individuals of their moral responsibilities. Contained within the role of the Lawgiver are parallels with Plato's philosopher-ruler - both imply a lack of confidence in man's ability to perceive the truth and act upon it rationally. Such a position stands in direct opposition to Rousseau's emphasis of freedom, equality and morality underlying popular consent and sovereignty.

Thus, although Rousseau attempts to distinguish between power and authority through demarcating the 'will of all' and the 'General Will', government and sovereignty, he ultimately fails to sustain the distinction for reasons outlined above. Notions such as being "forced to be free" under the absolute moral authority of the 'General Will' as well as the ambiguous role of the Lawgiver, clash with the individual's opportunities for practising freedom and morality in a civil society, blurring the distinction between power and authority.

d) J.S. Mill

While Hobbes and Rousseau were preoccupied with what might constitute an appropriate source of control in society, J.S. Mill (16) was concerned with the same problem but from an inverse perspective, illustrated by the question: When is the state justified in restricting the liberty of the citizen?

Fully aware of the 'tyranny of the majority' described by Rousseau in the 'will of all', Mill formulates a principle which will limit arbitrary power and safeguard personal liberty. In accordance with utilitarian thinking (17) which Mill regards as self-evident, man's fulfilment lies in realizing happiness and eluding pain. Any restraint of freedom will consequently deny this possibility. Mill, nevertheless, avoids drawing the anarchist conclusion by justifying interference on the grounds of the self-protection principle. Thus, an individual must be granted maximum opportunity to express his/her potential without the imposition of restraints as long as his/her actions do not directly harm another. Mill emphasizes the need for individuality, creativity, spontaneity and independence of thought and action, expressing the ideals on which a liberal conception of man has come to rest.

The position is concerned to reconcile the delicate balance between liberty and authority. On the one hand, authority, especially where it has recourse to power and restricts individual freedom, is viewed with hostility; on the other, it presupposes rules designed to limit arbitrary power and is regarded as a necessary pre-condition for the practice of liberty.

Although Mill wants to make a distinction between power and authority on the basis of individual liberty, his intention is seriously impaired by the categorization of behaviour into 'self' and 'other-regarding' actions, where the former will brook no interference whatsoever and the latter, which might be injurious to others, invite restriction. Mill himself acknowledges that such a distinction is virtually impossible to make, for example:

> How (it may be asked) can any part of the conduct of a member of society be a matter of indifference to other members? No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connexions, and often far beyond them.(18)

and

> I fully admit that the mischief which a person does to himself may seriously affect ... those nearly connected with him and in a minor degree, society at large.(19)

And yet, the viability of this distinction is crucial for Mill's principle.

J.C. Rees (20) defends these criticisms by arguing that the distinction does not so much rest on 'self' versus 'other-regarding' actions, as on a semantic nicety which differentiates between 'effects' and 'interests'. The latter has a narrower definition in relation to notions such as socially recognized rights and expectations, which apply in 'other-regarding' actions, invoking legitimate interference, if need be. While this renders the category of 'self-regarding' actions more plausible, whether Mill would have allowed so important an elaboration of his principle (given his awareness of the objection) to hang on such flimsy and implicitly stated criteria as Rees's close analysis of the text suggests, is not at all certain or convincing.

Furthermore, Richard Wollheim (21) shows that this interpretation is contrary to Mill's clearly stated utilitarian thinking; as for example in, "I regard utility in the largest sense, grounded on the permanent interests of man as a progressive being."(22) Within the context of utilitarianism, Wollheim argues that it is possible to distinguish between 'self' and 'other-regarding' actions, if a clear distinction is made between a preference which is based on the personal

feelings of an individual and a moral belief which applies to what all people should or ought to do. On this view, pain which occurs as a result of the former i.e. a preference, is attributable, not to the consequences of an action, but rather to a personal belief so that it falls outside the jurisdiction of the state and may be classified as 'self-regarding'. Conversely, pain inflicted as a result of an action which is contrary to a moral belief, becomes a matter of state intervention, contained within the category of 'other-regarding' behaviour.

If Wollheim's argument holds, it answers traditional criticisms which have been levelled against the viability of distinguishing between 'self' and 'other-regarding' activities - a distinction which is crucial for Mill's principle in defining the limits of state action and in differentiating between power and authority. For Mill, power is an unacceptable, arbitrary infringement of personal liberty which must be safeguarded in terms of authority.

Mill, however, invites some reservations by introducing a qualification that restricts the practice of liberty to those in "maturity of their faculties", justifying despotism as "a legitimate mode of government in dealing with barbarians".(23) Mill attempts to justify such a

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