

# ON THE ROLE OF UNIVERSITIES IN THE COMMON-WEALTH

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## I. INTRODUCTION

Near the beginning of the academic year in 2018, then-U.S. Attorney General Jeff Sessions used the opportunity of an address to politically conservative, college-bound high school students to bash U.S. universities.<sup>1</sup> They were, said Sessions, producing a “generation of sanctimonious, sensitive, supercilious snowflakes.”<sup>2</sup> Sessions continued to decry the weakness he maintained characterizes higher education today, as follows: “Through ‘trigger warnings’ about ‘microaggressions,’ cry closets, ‘safe spaces,’ optional exams, therapy goats, and grade inflation, too many schools are coddling our young people and actively preventing them from scrutinizing the validity of their beliefs. That is the exact opposite of what they are supposed to do.”<sup>3</sup> If, like me, you are a university administrator, at a minimum those words, from a once powerful political figure, demand reflection. They require that one ask the questions: what is it, then, that universities are supposed to do, and what is their role in a common-wealth?

Reflections on the implications of comments like those of Sessions merit an answer for at least two reasons. At the most immediate level, government support, both financial and in policy, is crucial to the functioning of our universities, both public and private. In a larger, theoretical sense, moreover, universities have for centuries played key, unelected—if sometimes very politicized—roles in society, whether under monarchical, authoritarian, or democratic rule. As I will demonstrate below, Sessions’s comments are neither exceptional to this era nor to this country. Indeed, a struggle for the form and content of university education has long been a part of the modern project. To that end, this Article will ultimately take what might be called an

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<sup>1</sup> Chris Quintana, *Colleges Are Creating ‘A Generation of Sanctimonious, Sensitive, Supercilious Snowflakes,’ Sessions Says*, CHRON. OF HIGHER EDUC. (July 24, 2018), <https://www.chronicle.com/article/Colleges-Are-Creating-a/243997>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

originalist look at the role of universities. That is, what did a key thinker in our political and civic tradition—namely Thomas Hobbes—have to say about the role of universities, and do his views matter for us? An answer to that question affirms that for a key contractarian thinker in our political and civil tradition, universities were and should be valued and recognized to matter because they played a key—and perhaps the key role in a properly functioning civil and political order. Before getting to Hobbes, however, a discussion of the nature of disputes over the form and content of university mission is appropriate.

## II. THE ROLE OF THE UNIVERSITY

### *A. Introduction: Old Debates and Modern Controversies*

Do universities matter? Are they relevant? Do they perform valuable social functions? Or do they do more harm than good? These questions swirl around us today and at times may seem newly contentious as we try and make our way through fraught political and social times. A recent Pew Research Center study found that perceptions of universities are sharply divided among partisan political lines, such that “[a] majority of Republicans and Republican-leaning independents (58%) now say that colleges and universities have a negative effect on the country,” while “most Democrats and Democratic leaners (72%) say colleges and universities have a positive effect.”<sup>4</sup>

In fact, the place and role of universities in contemporary society is frequently disputed. In the 1960s, in the United States and elsewhere in the world, university campuses were often the originating sites of youth-led protests—against the Vietnam War and other military actions, against alleged civil rights violations, and for new social behaviors and standards—and, sometimes, equally vigorous repression by state and university officials.<sup>5</sup>

In the last decade or so in the United States, universities have again become the focus of attack. Most of these critiques come not from the left—as in the 1960s—but rather, as in the comments of Jeff Sessions quoted at the outset of this Article, from the right.<sup>6</sup> The critiques tend to take one of two positions. The first, more voluble set of criticisms asserts that universities

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<sup>4</sup> *Sharp Partisan Divisions in Views of National Institutions*, PEW RES. CTR. (July 10, 2017), <https://www.people-press.org/2017/07/10/sharp-partisan-divisions-in-views-of-national-institutions/>.

<sup>5</sup> In the United States, the most notorious—and tragic—of these events is probably the massacre of students protesting the Vietnam War at Ohio’s Kent State University. *See, e.g.*, HOWARD MEANS, 67 SHOTS: KENT STATE AND THE END OF AMERICAN INNOCENCE (2016).

<sup>6</sup> *See supra* notes 1–3 and accompanying text.

have been captured by the ideological left and all manner of wayward activities and endeavors. These critiques tend to suggest that this results in a silencing of alternative ideological positions on the right.<sup>7</sup> The second set of criticisms, including one now current in this Commonwealth, centers on the need to refocus universities on what are deemed its central functions—to educate and train students for occupations that they can enter immediately upon graduation.<sup>8</sup> A subset of these critiques focuses on what is characterized as a misdirection of limited resources in support of instruction and research in subjects deemed peripheral to being a solid social and economic actor.<sup>9</sup> This last argument has itself been criticized of being elitist in its own way inasmuch as those who advocate it are rarely those who have pursued technical or trades-based educations themselves.<sup>10</sup> Still others argue that in the post-industrial capitalist world of the twenty-first century, universities have become the locus of “neoliberal” production, such that “the production of ‘knowledge workers’ ha[s] replaced the manufacturing of physical commodities as the driver of the economy.”<sup>11</sup> “In this new ‘cognitive capitalism,’ control of the university—in material as well as ideological terms—[has] become as crucial and contested as control of the factory floor had been to the earlier labor movement.”<sup>12</sup>

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<sup>7</sup> See, e.g., Christian Smith, *Higher Education Is Drowning in BS and It's Morally Corrosive to Society*, CHRON. REV. (Feb. 9, 2018), <https://www.chronicle.com/article/Higher-Education-Is-Drowning/242195>.

<sup>8</sup> See, e.g., Brice Schreiner, *Bevin: Cut College Programs That Don't Pay Off*, COURIER-J. (Sept. 12, 2017), <https://www.courier-journal.com/story/news/politics/2017/09/12/governor-matt-bevin-cut-college-programs-dont-pay-off/659926001/> (reporting that Kentucky Governor Matt Bevin “challenged” public university boards and presidents to consider eliminating some courses that don’t produce graduates filling high-wage, high-demand jobs”).

<sup>9</sup> See, e.g., Joe Gerth, *So Tell Us Again, Gov. Bevin, What Was Your College Major?*, COURIER-J. (Sept. 13, 2017), <https://www.courier-journal.com/story/news/local/joseph-gerth/2017/09/13/bevin-criticizes-liberal-arts-degrees-gerth-column/661120001/> (referencing, *inter alia*, the Kentucky Governor’s campaign arguments and 2016 budget address in which the former East Asian studies major said, “There will be more incentives to electrical engineers than to French literature majors’ . . . . ‘All the people in the world that want to study French literature can do so, they are just not going to be subsidized by the taxpayer like engineers.’”).

<sup>10</sup> *Id.* This view comes not only from the political right but also from the left. See, e.g., Cyrus Habib, *Stop Saying ‘College Isn’t for Everyone,’* AM.: THE JESUIT REV. (Sept. 10, 2018), <https://www.americamagazine.org/politics-society/2018/09/10/stop-saying-college-isnt-everyone> (noting the Democratic Lieutenant Governor of the State of Washington’s argument: “Now, does this mean that every student needs to spend four years studying existential philosophy in some ivy-covered quadrangle? Absolutely not. College degrees should run the gamut from traditional liberal arts programs to more applied technical subject areas. But in order to effectively prepare students for a rapidly changing labor market, post-secondary learning needs to offer more than narrow vocational training in a technical craft.”).

<sup>11</sup> Andrew Seal, *How the University Became Neoliberal*, CHRON. REV. (Aug. 1, 2018), <https://www.chronicle.com/article/How-the-University-Became/243622>.

<sup>12</sup> *Id.*

At base, both of these critiques question the role of universities in a democracy. Moreover, the critiques are not unrelated. The second—focusing on “useful” trades and marketable occupations, may have as a central driver the idea that the modern university has gone “too far” afield from supporting what are assumed to be the “traditional” functions of a university and therefore needs to be reined in and redirected.<sup>13</sup> These debates are not without consequence, not least for university funding,<sup>14</sup> but also for what disciplines and activities are promoted within universities, and for those that are sidelined or terminated altogether.<sup>15</sup>

More importantly still, it has long been recognized that how and what we learn is deeply connected to the kind of political life we end up endorsing and practicing.<sup>16</sup> These questions are, in other words, ones that continue to matter today, as they long have done. Before turning to the ultimate concern of this Article—namely what thinkers central to our civic tradition had to say about universities and what we might learn from them—it is useful to recall briefly some prominent entrants into the debate about the form and content of education, by way of recognizing the apparent intractability of this debate.

### *B. Some Historical Context*

To be sure, such debates are not novel to the late twentieth and early twenty-first centuries. The Anglo-Irish writer Jonathan Swift famously satirized them in his dissection of “Ancients” and “Moderns” at the end of the seventeenth century.<sup>17</sup> Moreover, Quentin Skinner traces the connection, starting in fourteenth century Italy, between political and social thought and its instruction and education, noting that the humanists “succeeded in

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<sup>13</sup> See Smith, *supra* note 7.

<sup>14</sup> See, e.g., Jeffrey J. Selingo, *States' Decision to Reduce Support for Higher Education Comes at a Cost*, WASH. POST (Sept. 8, 2018), [https://www.washingtonpost.com/education/2018/09/08/states-decision-reduce-support-higher-education-comes-cost/?utm\\_term=.903caf1ef2c4](https://www.washingtonpost.com/education/2018/09/08/states-decision-reduce-support-higher-education-comes-cost/?utm_term=.903caf1ef2c4) (noting that since 1990 state funding for public universities has decreased from 15% to 9% on average); Anthony P. Carnevale, *We Need a New Deal Between Higher Education and Democratic Capitalism*, GEO. U. CTR. ON EDUC. & THE WORKFORCE 13 (2016), <https://cew.georgetown.edu/wp-content/uploads/new-deal.pdf> (observing, *inter alia*, that “[o]vercrowding and underfunding is the willfully unnoticed elephant in the room in the policy dialogue on the future of the community college”).

<sup>15</sup> See Gerth, *supra* note 9.

<sup>16</sup> See, e.g., QUENTIN SKINNER, *THE FOUNDATIONS OF MODERN POLITICAL THOUGHT: THE RENAISSANCE* 213 (Cambridge Univ. Press 1978).

<sup>17</sup> See JONATHAN SWIFT, *A TALE OF A TUB WITH THE BATTLE OF THE BOOKS AND THE MECHANICAL OPERATIONS OF THE SPIRIT* 249–99 (Scolar Press 1971) (1704). To be sure, this was not a debate—or a distinction—that started with Swift. On the contrary, it had its origins in French humanist debates at least a century before him. See, e.g., MATTHEW ARNOLD, *CULTURE AND ANARCHY AND OTHER WRITINGS* (Stefan Collini ed., Cambridge Univ. Press 1993).

bringing to birth a doctrine that was subsequently to prove almost embarrassingly long-lived: the doctrine that a classical education not only constitutes the only possible form of schooling for a gentleman, but also the best possible preparation for an entry into public life.”<sup>18</sup> Over the next century, Skinner documents, this idea gained hold not only in southern Europe but across the continent, south and north, which was to give rise to “a new sense amongst the humanists that the precise details of a young man’s education – the question of what exactly he should be made to learn, and in what exact order of priorities – must be treated as matters of the highest importance.”<sup>19</sup> As Skinner documents, this led to a rejection of medieval notions of education as being divided by what we would call “class”—so that “gentlemen” had one education and clerks another.<sup>20</sup> By the time of the Reformation, the obligation to undergo a classical education had a decidedly Christian cast as well.<sup>21</sup> At its core, however, was a commitment to define the utility of higher education to assure a well-functioning society.<sup>22</sup> This search consistently pitted a worry about serving authority against preparing people for change, a struggle, again, between Ancients and Moderns,<sup>23</sup> or, to put it in more contemporary parlance, between the forces of conservatism and those of progressivism.

More than a century ago, no less a figure than William James entered into this debate and sought to define “the social value of the college-bred.”<sup>24</sup> James’s remarks, in an address he delivered to the alumnae of Radcliffe College in 1907, bear interest for current debates about the role of universities in our democracy exactly because they explore the connection between university education and democratic government.<sup>25</sup> First, James’s reflections directly acknowledge the elitist nature of universities.<sup>26</sup> On the one hand, universities in our democracy serve to, as he put it at the outset of his remarks, “*help you to know a good man when you see him.*”<sup>27</sup> That is, for James,

<sup>18</sup> SKINNER, *supra* note 16, at 88.

<sup>19</sup> *Id.* at 89.

<sup>20</sup> *Id.* at 90.

<sup>21</sup> *Id.* at 91–92.

<sup>22</sup> As Skinner notes, the tradition of political thinkers advising leaders how to be educated and how to think was an influential genre with its origins throughout Europe in the sixteenth century that “helped to establish a pattern of instruction and an ideal of conduct which remained widely admired for at least the next three centuries.” *Id.* at 213.

<sup>23</sup> *Id.* at 94.

<sup>24</sup> William James, *The Social Value of the College-Bred* (Nov. 9, 1907) (transcript available at <https://www.uky.edu/~cushe2/Pajares/jaCollegeBred.html>).

<sup>25</sup> *See id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* He also said that “[t]his is as true of women’s as of men’s colleges.” *Id.*

universities in a liberal democracy served to train those who would model our best behaviors.<sup>28</sup> He described the matter thus:

Our democratic problem thus is statable in ultra-simple terms: Who are the kind of men from whom our majorities shall take their cue? Whom shall they treat as rightful leaders? We and our leaders are the x and the y of the equation here; all other historical circumstances, be they economical, political, or intellectual, are only the background of occasion on which the living drama works itself out between us.<sup>29</sup>

In terms of the second set of contemporary critiques described above—that is, of the view that universities should serve to prepare people for “real world” occupations and not fill their heads with material irrelevant to training that will prepare them for those activities—James thus firmly positions himself on the other side. To be sure, his position is an elitist one: universities exist to train leaders of all fields, to make “full men” (and, although he was speaking to Radcliffe alumnae, he did speak in terms of men only who would lead).<sup>30</sup>

However, with respect to the claim that universities should serve a broad range of views and ideas, James was more sympathetic.<sup>31</sup> As he wrote:

This . . . view of the general steering function of the college-bred amid the driftings of democracy ought to help us to a wider vision of what our colleges themselves should aim at. If we are to be the yeast-cake for democracy’s dough, if we are to make it rise with culture’s preferences, we must see to it that culture spreads broad sails. We must shake the old double reefs out of the canvas into the wind and sunshine, and let in every modern subject, sure that any subject will prove humanistic, if its setting be kept only wide enough.<sup>32</sup>

And while James, the Harvard philosophy professor, perhaps unsurprisingly endorsed a view that favored broad instruction in the humanities, implicitly rejecting a view of university mission as preparing people for trades, he also endorsed a position that the curriculum should be broadly tolerant. For the modern struggles over the soul of the university and its mission, James’s views can be read as offering something to satisfy—or not—those on both left and right. For example, his support for “every modern

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

subject” may be read as an invitation for the kind of Western tradition “great books” curriculum-busting that was so contentious in the United States in the late 1980s and early 1990s,<sup>33</sup> while it may also be read as promoting wide ideological diversity of thought.

In the United States context, at least, this struggle with the form and content of learning has a long and distinguished history. Writing a half-generation after James’s graduation address, John Dewey, the celebrated education theorist, framed the question thus: “[e]ducation may be conceived either retrospectively or prospectively. That is to say, it may be treated as a process of accommodating the future to the past, or as an utilization of the past for a resource in a developing future. The former finds its standards and patterns in what has gone before.”<sup>34</sup> Dewey rejected this notion. He viewed education as “the idea of continuous reconstruction of experience, an idea which is marked off from education as preparation for a remote future, as unfolding, as external formation, and as recapitulation of the past.”<sup>35</sup> Writing in 1915, Dewey also entered into the question of vocational as opposed to general education that today, more than a century later, again attracts attention and consideration in this Commonwealth and others.<sup>36</sup> Support for vocational training could only be understood, he opined, as “an instrument of perpetuating unchanged the existing industrial order of society, instead of operating as a means of its transformation.”<sup>37</sup> In these observations, I do not mean here to summarize the thinking about education that constitutes Dewey’s subtle and extensive theory. I mean only to connect his ideas with a long tradition that continues until today to struggle with form and content in education.

Perhaps the first and loudest salvo on the other side of this debate in recent memory in the United States was launched by Allan Bloom, the late University of Chicago philosopher and social theorist.<sup>38</sup> Lamenting what he saw as the undisciplined and modernizing trend of contemporary education, in his bestselling 1987 book *The Closing of the American Mind*, Bloom derided what he characterized as a “Peace Corps mentality” that he

<sup>33</sup> See, e.g., Barbara Vobedja, *The Great Books Debate*, WASH. POST (Aug. 17, 1988), [https://www.washingtonpost.com/archive/entertainment/books/1988/08/07/the-great-books-debate/4aa399c0-633f-4037-82c8-32b8a7bba073/?utm\\_term=.19d00e52003b](https://www.washingtonpost.com/archive/entertainment/books/1988/08/07/the-great-books-debate/4aa399c0-633f-4037-82c8-32b8a7bba073/?utm_term=.19d00e52003b) (documenting Stanford University’s vote “to alter its Western culture program -- requiring the inclusion of works related to women, minorities and class”).

<sup>34</sup> JOHN DEWEY, *DEMOCRACY AND EDUCATION* 92–93 (Macmillan 1916).

<sup>35</sup> *Id.* at 93.

<sup>36</sup> See *supra* notes 8–9 and accompanying text.

<sup>37</sup> DEWEY, *supra* note 34, at 369.

<sup>38</sup> See ALLAN BLOOM, *THE CLOSING OF THE AMERICAN MIND: HOW HIGHER EDUCATION HAS FAILED DEMOCRACY AND IMPOVERISHED THE SOULS OF TODAY’S STUDENTS* (Simon & Schuster 1987).

maintained had taken hold of higher education, at least in the United States, one that “is not a spur to learning but [] a secularized version of doing good works.”<sup>39</sup> Bloom’s criticism of liberalism and what he viewed as one of its most identifiable defenders—the university—is nuanced and many-faceted. Yet much of it can be boiled down to what he characterized as an errant promotion of “openness” as a “moral virtue,” instead of seeking to advance intellectual rigor, analytical study, and accumulation of time-tested knowledge.<sup>40</sup> Clearly siding with the Ancients, Bloom attacked “[l]iberalism without natural rights, the kind that we knew from John Stuart Mill and John Dewey,” which “taught us that the only danger confronting us is being closed to the emergent, the new, the manifestations of progress.”<sup>41</sup>

With respect to the university in particular, Bloom was no more sanguine, asserting:

The university now offers no distinctive visage to the young person. He finds a democracy of the disciplines—which are there either because they are autochthonous or because they wandered in recently to perform some job that was demanded of the university. This democracy is really an anarchy, . . . . In short, there is no vision, nor is there a set of competing visions, of what an educated human being is.<sup>42</sup>

Bloom’s preference is clearly for a focused university education that does not admit all ideas and approaches on equal terms.

### III. HOBBS, THE COMMON-WEALTH,<sup>43</sup> AND UNIVERSITIES

The previous section aimed to document the long history of struggle over the role and ideological content appropriate for a university education. The remainder of this Article aims to look further back than Bloom or even Dewey, however, to determine what a thinker central to the formation of the modern liberal state, specifically Thomas Hobbes, has to tell us about the role of a university in a common-wealth. That is, the Article asks if the thoughts of that social contract theorist, one whose ideas are central to modern

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<sup>39</sup> *Id.* at 34.

<sup>40</sup> *Id.* at 26.

<sup>41</sup> *Id.* at 29.

<sup>42</sup> *Id.* at 337.

<sup>43</sup> This was Hobbes’s original spelling and henceforth I will continue to use it. See THOMAS HOBBS, LEVIATHAN (Richard Tuck ed., Cambridge Univ. Press rev. student ed. 1991) (1651) [hereinafter LEVIATHAN]. Among other things, the hyphen, I believe, emphasizes the linkage of values—common efforts and economic wealth—that Hobbes and others, of his time and subsequently, aimed to suggest with the word.



democratic theory and practice, offer any insights as to the role educational institutions do or should play in civil society. As will be seen below, Hobbes had strong feelings about the role of the university in his society—and most of those feelings were quite negative. However, he also opined on how he thought universities could be reformed to be more useful institutions in the civil society of his day. Those echoes of our own debates merit consideration and provide material for useful reflection on current controversies and circumstances. An underlying assumption that motivates this effort is, therefore, the belief that understanding the ideas of a formative thinker in our civil and political thought tradition about the role of universities might help us obtain clarity about how to support—or not—academic institutions today.

The remainder of this portion of the Article will be divided in three parts. In Section A, I will make the case for examining the thought of Hobbes to this end, recognizing the limits—and possible anachronism—of so using him. In Section B, I will review aspects of Hobbes's writings to the extent that he discusses universities or comparable social institutions. Section B will seek also to identify what we might understand to be his position on the role of universities in the common-wealth. Section B further will consider any difficulties with these observations. In Section C, I will offer conclusions about the foregoing and, in particular, as to whether they help resolve the current fierce debates about universities and ideological difference.

### A. *Why Hobbes?*

An examination of Hobbes's thoughts about universities is useful for at least two reasons. First, as one of the foundational contractarian thinkers whose ideas form the background of what we today understand a properly functioning common-wealth to look like, it is useful to reflect on aspects of his thought to shed perspective on current debates. In saying this, I hope to avoid the risk of anachronism.<sup>44</sup> However, in that we have inherited and adopted many aspects of his comprehensive theory of the modern state, I suggest that, at a minimum, analyzing his views on some aspects of that state and its institutions is by definition a useful exercise. Moreover, given that his most famous work, *Leviathan*, both begins and concludes with a negative evaluation of the academic institutions of his day,<sup>45</sup> I begin on the assumption that these were as important questions for Hobbes as they are for us today.

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<sup>44</sup> A worry I have expressed elsewhere. Colin Crawford, *Access to Justice for Collective and Diffuse Rights: Theoretical Challenges and Opportunities for Social Contract Theory*, 26 IND. J. GLOB. LEG. STUD. (forthcoming 2019).

<sup>45</sup> LEVIATHAN, *supra* note 43, at 14, 490–91.

Finally, in comparison to some of the thinkers with whom he is typically grouped, Hobbes had quite a lot to say about universities. I could find nothing in Locke's major works, by contrast, that discussed the role of universities in the common-wealth.<sup>46</sup> My suggestion here is that Hobbes's thoughts may be understood to provide us a mirror, if distant, that nonetheless offers a refracted image that prompts useful study and reflection. Second, on the record, Hobbes's historical example is useful to study because it provides a sharp contrast to modern debates about universities.

As will be seen below, Hobbes held a dim view of universities and their social and political effects. A brief examination of what he had to say and an attempt to understand why he believed what he did is illuminating.

### *B. Hobbes and Universities*

In presenting what Hobbes had to say about universities, it is important to contrast the universities of his time from those of the present, and also to recall his particular experience. Hobbes was born in 1588 and began university in 1603.<sup>47</sup> Although he was apparently a bright student,<sup>48</sup> the fact that he entered university at age fifteen was unexceptional. Like him, most young men who went to university at the period began in early to mid-adolescence.<sup>49</sup> That they were not yet adults and thus, arguably more impressionable, bears keeping in mind. Second, and more to the point of this Article, Oxford, where Hobbes went to university, was in the decades before the English Civil War, a seat of royalist and papist sympathies.<sup>50</sup> Oxford dons and clerics were among the most staunch defenders of the Roman Church and their scholastic philosophy was the standard fare.<sup>51</sup> By all accounts, young Thomas Hobbes did not take to the scholastics and their ideas.<sup>52</sup> This is not the place to enter into a consideration of scholasticism and its many variants. Suffice it to say that scholasticism can be understood as an exegetical method that sought to connect Christian theology with ancient and medieval texts, as best exemplified by Thomas Aquinas.<sup>53</sup> To generalize, the

<sup>46</sup> I refer to the *Essay and the Two Treatises*. See JOHN LOCKE, AN ESSAY CONCERNING HUMAN UNDERSTANDING (A.D. Woozley ed., New Am. Library 1964) (1689); JOHN LOCKE, TWO TREATISES OF GOVERNMENT (Peter Laslett ed., Cambridge Univ. Press 1960) (1689).

<sup>47</sup> QUENTIN SKINNER, HOBBS AND REPUBLICAN LIBERTY 2 (Cambridge Univ. Press 2008).

<sup>48</sup> *Id.*

<sup>49</sup> See SAMUEL JISSELING, *The Liberal Arts and Education in the Middle Ages*, in RHETORIC AND PHILOSOPHY IN CONFLICT: AN HISTORICAL SURVEY 46–53 (Springer 1976).

<sup>50</sup> See LEVIATHAN, *supra* 43, at 89.

<sup>51</sup> SKINNER, *supra* note 47, at 2–3.

<sup>52</sup> See LEVIATHAN, *supra* note 43, at 85, 91.

<sup>53</sup> See SKINNER, *supra* note 16, at 50–53.

scholastic tradition was thus more aligned with what we would today characterize as conservative habits of mind than with progressive ideas, in the sense that it sought to maintain and build upon order and tradition. Contrary ideas were held by the humanists,<sup>54</sup> whose beliefs can, to generalize, be aligned more with the Moderns and an openness to new and different ideas as sources of inspiration.

This is not to suggest that Hobbes was throughout his career a humanist thinker. That is not my claim here. Such a claim is far outside the aim of this Article. Nonetheless, it is true that his early intellectual sympathies were humanist and not scholastic and that, in the estimation of Richard Tuck, he enjoyed an education in the classics designed:

[T]o equip a man for the kind of public service which their heroes such as Cicero had performed: the best way of life (they believed) was that of the active and engaged citizen, fighting for the liberty of his republica [sic] or using his oratorical skills to persuade his fellow citizens to fight with him.<sup>55</sup>

It is important, therefore, to understand that Hobbes was opposed to scholastic ways of thinking and what they represented. In this, Hobbes was decidedly anti-clerical in his sentiments and affiliations. This aspect of his thought is central to appreciating Hobbes's views on universities.

To make a rough analogy, this aspect of Hobbes's thinking put him in a posture apropos his society of a progressive today seeking to upend what he or she considered to be dominant, conservative values. This is of course not a surprising observation since Hobbes is famous, for example, for his stance as a defender of the idea that the sovereign exists to serve the public good and not for an unquestioned belief in the divine right of kings.<sup>56</sup>

What then did Hobbes make of universities? To put it bluntly, Hobbes believed that the universities of his time were not pulling their weight, that they were not fulfilling the function for which they existed.<sup>57</sup> This appears to have been regrettable for him because he did not think universities unimportant.<sup>58</sup> Indeed, and tellingly, the paragraph that ends the very first chapter of *Leviathan* provides a scathing indictment of the scholastic methods that dominated instruction in the universities of his day.<sup>59</sup> The passage, which

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<sup>54</sup> See *LEVIATHAN*, *supra* note 43, at 131.

<sup>55</sup> *Id.* at xiv.

<sup>56</sup> See, e.g., *id.* at 131.

<sup>57</sup> See, e.g., *id.* at 490–91.

<sup>58</sup> See *id.* at 14.

<sup>59</sup> *Id.*

concludes a chapter on how human beings understand, on how we sense things, though lengthy, merits quotation in full:

But the Philosophy-schools, through all the Universities of Christendome, grounded upon certain Texts of *Aristotle*, teach another doctrine; and say, For the cause of *Vision*, that the thing seen, sendeth forth on every side a *visible species* (in English) a *visible shew*, *apparition*, or *aspect*, or a *being seen*; the receiving whereof into the Eye, is *Seeing*. And for the cause of *Hearing*, that the thing heard, sending forth an *Audible species*, that is, an *Audible aspect*, or *Audible being seen*, which entering at the Eare, maketh *Hearing*. Nay for the cause of *Understanding* also, they say the thing Understood sendeth forth *intelligible species*, that is, an *intelligible being seen*; which coming into Understanding, makes us Understand. I say this not, as disapproving the use of Universities: but because I am to speak hereafter of their office in a Common-wealth, I must let you see all occasions by the way, what things would be amended in them; amongst which the frequency of insignificant Speech is one.<sup>60</sup>

Three points deserve mention here. First, Hobbes connected the natural process of understanding—like seeing and hearing—with the role of universities. Universities were for him central channels for directing natural processes. Second, these fountains of frequently “insignificant speech” were failing at their task. Third, universities have a central role—in his vernacular an “office” in the common-wealth—despite their failings. For Hobbes, universities mattered.

Thereafter, however, one is hard-pressed to find Hobbes offering a positive word about universities or the people who direct their form and deliver their content. For example, the “Schools” nourish superstitious “doctrine” such as belief in spirits and witchcraft, said Hobbes, even though their role should be to get rid of them.<sup>61</sup> Moreover, they are populated by “deceived Philosophers, and . . . Schoole-men.”<sup>62</sup> “Yet another fault in the Discourses” of such men, Hobbes goes onto explain:

[W]hich may also be numbered amongst the sorts of Madnesse; namely, that abuse of words . . . by the Name of Absurdity. And that is, when men speak such words, as put together, have in them no signification at all; but are fallen upon by some, through misunderstanding of the words they have received, and repeat by rote; by others, from intention to deceive by obscurity. And this is incident to none but those, that converse in matters

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<sup>60</sup> See, e.g., *id.* at 14.

<sup>61</sup> *Id.* at 19.

<sup>62</sup> *Id.* at 24.

incomprehensible, as the Schoole-men; or in matters of abstruse Philosophy.<sup>63</sup>

Absurd madmen,<sup>64</sup> purveyors of misunderstanding, incomprehensible<sup>65</sup> thinkers, and abstruse philosophers—Hobbes clearly had little time for what he viewed as the weakness of the university experience as delivered by his contemporaries.<sup>66</sup> By contrast, he maintained that “[t]he common sort of men seldome speak Insignificantly, and are therefore, by those other Egregious persons counted Idiots.”<sup>67</sup> Hobbes—himself a skilled translator of Homer and Thucydides and a talented linguist<sup>68</sup>—goes on in this passage to suggest that the “Schoole-men” would do well to focus on communicating ideas in a vernacular that more people could understand rather than in a style that he believed obfuscated and unnecessarily mystified simple truths, concluding: “And thus much of the Vertues and Defects Intellectuall.”<sup>69</sup> In modern terms, at the risk of anachronism, he thus may be understood to have endorsed a populist view of the function of the university, one where the role of the educated was to expand access to the benefits and knowledge a formal education provides. Hobbes’s was a vision of the role of a university as advancing ideas that would not have been unwelcome 300 years later to John Dewey.

As has been seen, for Hobbes the intellectual defects of the scholastic method far surpassed its virtues. To be sure, his complaints need be understood largely located in the theological and politico-religious disputes of his time.<sup>70</sup> The failure to translate sacred texts into the vernacular was but one aspect of the vision Hobbes defended. His opposition to the Roman Church fueled his criticism of the universities in other ways, such as his criticism of separate civil and canon law systems,<sup>71</sup> his lament on the durability of Papist ideas in universities until the end of the reign of Henry

<sup>63</sup> *Id.* at 58–59.

<sup>64</sup> For Hobbes, the “absurdity” of the scholastics was a favored insult. *See, e.g., id.* at 93 (on “Absurdity” and contradictions of “Schoole-men”—by which he appears to refer to Roman Catholic clergy).

<sup>65</sup> “Incomprehensible” is a favored way he denigrated the style of contemporary academics. *See, e.g., id.* at 59 (speaking very badly of incomprehensible thoughts of “Schoole-men”).

<sup>66</sup> *Id.* at 58–59.

<sup>67</sup> *Id.* at 59.

<sup>68</sup> What Hobbes characterized as the lack of ability of the “Schoole-men” to translate sacred texts into the vernacular was for him a major failing. *See, e.g., id.* at 472–73 (on the inaccessibility of “School-Divines” thinkers and their use of ancient texts they could not translate into a modern tongue).

<sup>69</sup> *Id.* at 59.

<sup>70</sup> *See generally* JOHN DUNN, *THE POLITICAL THOUGHT OF JOHN LOCKE* (Cambridge Univ. Press 1969).

<sup>71</sup> *LEVIATHAN, supra* note 43, at 226–27.

VIII,<sup>72</sup> and his generalized criticism of the Aristotelean-Thomist thought that he asserted dominated the universities, what he caustically dismissed as “Aristotelity.”<sup>73</sup> All of these failings were “incompatible with the quiet of the commonwealth” and “have crept into the minds of uneducated people partly from the pulpits of popular preachers and partly from daily conversation with men whose easy circumstances give them leisure for these pursuits and who in their turn got these errors into their heads from those who taught them in their young days at the Universities [*Academiae*.]”<sup>74</sup>

Given the extremely harsh portrait Hobbes paints of the form and content of contemporary university education, it is especially noteworthy that he ends *Leviathan* with a spirited defense of what universities can be.<sup>75</sup> This key Hobbesian text is thus bracketed by a discussion of universities. As noted above, it begins with an indictment of the failings of contemporary universities.<sup>76</sup> Yet the book concludes on a surprisingly positive endorsement of what universities can be and do and *Leviathan*'s penultimate passage makes a spirited apologia to that end.<sup>77</sup> Notably, the passage links the form and content of university education with their effects for political and civil life.<sup>78</sup> Once again, the passage is lengthy, but its power and importance for the argument advanced here require quoting it in full. Wrote Hobbes:

[T]here is nothing in this whole discourse . . . as far as I can perceive, contrary either to the Word of God, or to good manners, or tending to the disturbance of the public tranquility. Therefore, I think it may be profitably printed, and more profitably taught in the Universities (in case they also think so, to whom the judgment of the same belongeth). For seeing the Universities are the fountains of civil, and moral doctrine, from whence the preachers, and the gentry, drawing such water as they find, use to sprinkle the same (both from the pulpit and in their conversation) upon the people, there ought certainly to be great care taken to have it pure, both from the venom of heathen politicians and from the incantation of deceiving spirits. And by that means the most men, knowing their duties, will be the less subject to serve the ambition of a few discontented persons in their purposes against the state, and be the less grieved with the contributions necessary

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<sup>72</sup> *Id.* at 236–37.

<sup>73</sup> *See id.* at 461–63 (on “Aristotelity” and Hobbes’s description of the abuses of the universities and what they taught).

<sup>74</sup> Thomas Hobbes, *Philosophical Elements on the Citizen*, in HOBBS ON THE CITIZEN 146 (Richard Tuck & Michael Silverthorne eds., Cambridge Univ. Press 1979).

<sup>75</sup> *See* LEVIATHAN, *supra* note 43, at 490–91.

<sup>76</sup> *See id.* at 14.

<sup>77</sup> *See id.* at 490–91.

<sup>78</sup> *Id.*

for their peace and defence, and the governors themselves have the less cause to maintain at the common charge any greater army than is necessary to make good the public liberty, against the invasions and encroachments of foreign enemies.<sup>79</sup>

*Leviathan* is celebrated as the premier work in English that established social contractarian principles, later to be elaborated by others, notably Locke and the U.S. Founding Fathers.<sup>80</sup> Yet scholarship about it has not concentrated on the fact that this founding thinker in our political and civil tradition understood that universities should play a key role in maintaining civil and political order. The above passage, though somewhat obliquely, makes this view clear. For Hobbes, universities served as moral and civil exemplars, to reduce popular ignorance, to instruct on our civic roles, entitlements, and obligations, and to reduce—presumably by virtue of their instruction—susceptibility to incendiary populism and what we might today call corruption.<sup>81</sup> This idea was repeated elsewhere by him, as when he declared that “anyone who wants to introduce a sound doctrine has to begin with the Universities. That is where the foundations of civil doctrine, which are true and truly demonstrated, have to be laid; after the young men are steeped in them, they can instruct the common people in private and in public.”<sup>82</sup>

Of course, the above raises the question of what constitutes the “true and truly demonstrated” civil doctrines.<sup>83</sup> Are the true and truly demonstrated civil doctrines those that favor intellectual innovation and exploration or those that insist on order and tradition? The answer, I suggest, is a little bit of both and will be the subject of the final section of this Article.

### *C. Hobbes’s Views of Universities and Today*

#### 1. Ancient or Modern?

As with many deep thinkers, it is difficult easily to pigeonhole Hobbes into one ideological group, to characterize him as either Ancient or Modern, to use the antiquated distinction between different types of thinkers. In his

<sup>79</sup> *Id.*

<sup>80</sup> See, e.g., JAMES TULLY, *A DISCOURSE ON PROPERTY: JOHN LOCKE AND HIS ADVERSARIES* 8, 23 (Cambridge Univ. Press 1980).

<sup>81</sup> See *LEVIATHAN*, *supra* note 43, at 490–91.

<sup>82</sup> Hobbes, *supra* note 74, at 146–47.

<sup>83</sup> One assumes that it is one of the forms of civil society as a result of contractarian steps.

youth, as noted above, he was clearly committed to humanist ideas.<sup>84</sup> Unquestionably, the Moderns of the next century were the heirs to the humanists with their emphasis on openness to new ideas and a rejection of old habits of instruction and thinking. However, it would be facile to dispose of the question so easily. In another sense, Hobbes showed sympathy to order and tradition. *Leviathan*, after all, is in some sense an extended paean to the need for civil order and the risks of not having it. The scholastic ideals he rejected were those tied to the Roman Church. In his cosmology, a new tradition and order were needed, one that he believed to be consistent with what he perceived to be the true ends of Christianity.<sup>85</sup> Indeed, if the last portion of the previous passage stands for anything, it stands for the need for institutions—and notably the universities—to stand for regular, predictable moral and civil guidance. In this, Hobbes's sympathies aligned him with many of the impulses that propelled the Ancients caricatured by Swift a century later.<sup>86</sup>

## 2. The Relevance of Hobbes's Ideas for Modern Law & Policy

This leads to a final question: is all of this a mere historical curiosity, or does Hobbes have anything to teach us in the regulation of and attitude toward the form and content of higher education today? On the one hand, Hobbes—himself no stranger to a barbed insult—likely would have been amused by the slash-and-burn characterization of universities offered by Jeff Sessions and quoted at the outset. Like Sessions in our time, Hobbes believed that the universities of his day missed the point of higher education. On the other hand, however, his focus on the need for civil and moral virtue as the aim of higher education is a sentiment with echoes centuries later in the words of William James, with the emphasis on training members of a commonwealth to stand as exemplars of our highest values.<sup>87</sup> As he wrote: “It is a duty of sovereigns to have . . . the true elements of civil doctrine written and to order that it be taught in all the Universities in the commonwealth.”<sup>88</sup> To modern ears, that sounds an awful lot like a proposal for a universal curriculum, a canon of study, one designed to make sure that all members of the commonwealth share the same values.

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<sup>84</sup> See *LEVIATHAN*, *supra* note 43, at 85, 91.

<sup>85</sup> *But see generally* BLOOM, *supra* note 38 (nothing the author's secular reading of Hobbes which seems entirely off-base as a historical matter).

<sup>86</sup> See SWIFT, *supra* note 17, at 249–99.

<sup>87</sup> See *supra* notes 23–31 and accompanying text.

<sup>88</sup> Hobbes, *supra* note 74, at 147.



In sum, this suggests to me that, as we debate the place of universities in our Commonwealth or in any common-wealth today, Hobbes's ideas have great power. Specifically, they suggest that the ideological debates—left versus right, progressive versus conservative—are debates worth having because they force us to examine and discuss what we understand the moral and ideal civic life to be. Certainly his encomium to a university well-constituted suggests that Hobbes would have been dismayed by efforts to cripple the power and strength of universities as fora for open discussion and debate in order to improve the moral and social order. His evident sympathy in the final passage quoted above for the “common” man also suggests that Dewey's idea—again articulated centuries later—of education's purpose to connect with and improve the life of all members of civil society was one Hobbes endorsed.

At the same time, Hobbes's example serves as a warning: his vision of what universities might be triumphed only after the success of the progressive movement of his day—a divisive and bloody civil war over religious values. If that is the price of sorting out these questions, Hobbes's example may give us pause.

