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Rousseau

Jean-Jacques Rousseau's (1712-78) declared aim in *The Social Contract* was to give an account of rightful or legitimate political authority, authority *de jure*. This was not and could not have been Hobbes's aim. For Hobbes, because morality compels action only when and insofar as it is in individuals' interests that it do so, questions about the legitimacy of political authorities cannot arise in the way that they do for Rousseau. For Hobbes, *de jure* authority is of no concern in a state of nature. The task there is only to establish authority *de facto*, in fact. So long as authority claims are acknowledged, there is no gainsaying their legitimacy. What is decisive is might, the power to issue enforceable commands. We saw (in chapter 1) how Hobbes ultimately made a place for a notion of right - how, in his view, morality becomes advantageous for individuals and therefore germane to their lives *after* sovereignty is established. For Rousseau, in contrast, the world of might and the world of right are, from the very beginning, independent dimensions of human experience. It is the task of descriptive political science to investigate the former domain. It falls to the political philosopher to deal with questions of right - with "men as they are and laws as they might be" (*Social Contract*, henceforth SC, Introductory Note). As this formulation suggests, a theory of *de jure* authority, of "laws as they might be," must be consistent with human nature, with "men as they are." But "men as they are" is an equivocal concept. At the very beginning of *The Social Contract*, Rousseau contrasted how human beings are really (ideally) with how they actually are. "Man is born free but is everywhere in chains" (SC, I, 1). With respect to being free, then, how human beings actually are is the opposite of how they are really and therefore how they ought to be. This inversion of appearance and reality is of central concern to Rousseau's political philosophy and ultimately, as we will see, to his

politics as well. For now, it will suffice to infer from this formulation, read in light of others that follow it, that, for Rousseau, freedom is central to being human - not at the level of appearance but at the level of the real, of what ought to be. What is *essential* to being human, to "men as they are," is the (purported) fact that they are "born free."

Hobbes, of course, valued freedom too. But he never maintained anything like what Rousseau's declaration implies. For one thing, freedom or liberty, I will again use the terms interchangeably, mattered less to Hobbes than to Rousseau. The difference is not just that, for Hobbes, freedom is only one value among many - including order, the value that is the condition for the possibility of the rest. It is that Hobbes and Rousseau understood freedom differently. For Rousseau, freedom is not "the absence of External Impediments" or coercive restraints. It is *autonomy* - self-governance or self-direction. One is free to the degree that one obeys only oneself. This notion is foreign to Hobbes's way of thinking. But it is precisely the possibility of being free in this sense, of being an autonomous agent, that constrains what Rousseau will say about "laws as they might be." For Rousseau, rightful institutional arrangements must respect human beings' essential autonomy.

Hobbes insisted, as fervently as Rousseau did, that institutional arrangements accord with human nature. But Hobbes understood human nature psychologically, just as he understood authority empirically. Rousseau moralized both ideas. In his political philosophy, what matters is authority in right, not in fact; and what matters about human nature are not facts of human psychology but a metaphysical fact about human beings - that they are essentially free (autonomous) agents. We will find that Rousseau's views about human psychology play an important role in his account of the just state, and even that Rousseau and Hobbes were of one mind on the psychological dispositions of individuals in a state of nature immediately prior to the adoption of the social contract. But, for Rousseau, psychological factors do not constrain institutional arrangements in anything like the way that they do for Hobbes. Ultimately, Rousseau's and Hobbes's differences on this issue have more to do with metaphysics than psychology. In the place of Hobbes's all-encompassing materialism, Rousseau situated philosophical reflections on politics in the non-material reality of the moral world order, that Kant, following Rousseau's lead, investigated decades later.¹

¹ In *The Phenomenology of Mind*, in the section called "Spirit certain of itself: Morality," Hegel famously named this discovery of Rousseau's "the moral vision of the world," arguing that Rousseau discovered this aspect of the real, but that it fell to

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It is therefore possible that the concept of a just state can be satisfactorily "deduced," but that all existing states and therefore all *de facto* authority claims fall so far short of what is required for *de jure* legitimacy that all existing states are all, as a matter of fact, illegitimate. I would venture that this conclusion actually is implicit in the argument of *The Social Contract*. Rousseau does say that "taking men as they are and laws as they might be" he can demonstrate the existence of "some legitimate and sure rule of administration in the civil order" (SC, 1,1). But this claim is consistent with there being no actually existing legitimate states - past, present or future. It is one thing to deduce a concept and quite another to advance the hypothesis that it applies in one or another case. Rousseau's objective was the former. On the question of the actuality or

Kant to elaborate its nature. See G. W. F. Hegel (James Baillie, trans.), *The Phenomenology of Mind* (London: George Allen and Unwin, 1910), pp. 615-27. This is, in fact, a main task of Kant's practical philosophy, evident particularly in such works as *The Groundwork of the Metaphysics of Morals* and *The Critique of Practical Reason*. In more recent time, the idea that Rousseau "discovered" a conceptual universe that Kant later explored was vigorously promoted by Ernst Cassirer. See *The Question of Jean-Jacques Rousseau* (Bloomington: Indiana University Press, 1954) and especially *Rousseau, Kant, Goethe* (Princeton: Princeton University Press, 1945). For an extensive defense of these claims, see my *The Politics of Autonomy: A Kantian Reading of Rousseau's "Social Contract"* (Amherst, Mass.: University of Massachusetts Press, 1976).

even the historical feasibility of *de jure* legitimate states, *The Social Contract* is tactfully discreet.

States coordinate individuals' activities through the use or threat of force. But no state could make do with force alone. There are not enough police; and who, finally, would police the police! Thus, for states to exist at all, some of the people all of the time and all of the people some of the time must effectively acknowledge the legitimacy of the institutions under which they live; they must do as the authorities command because they believe that the authorities command rightfully. All existing political communities are therefore to some degree *de facto* legitimate. But this fact is irrelevant to Rousseau's question, except insofar as beliefs about legitimacy occasion philosophical investigations of its possibility *de jure*. Whether or not authority exists in right is logically independent of beliefs about existing authority claims in just the way that beliefs about the existence of God have no bearing on the question of whether or not God really exists. Rousseau's concern, again, is with *the justification* of political authority, not with the nature of people's beliefs about the legitimacy of the political arrangements under which they live. The question is whether and under what conditions some members of political communities can *rightfully* command others, and when, if at all, these others are *rightfully* obligated to obey.

Rousseau's Contractarianism

Hobbes's use of a contractarian methodology was an innovation. By Rousseau's time, contractarianism had become standard. Rousseau's investigation of the rightfulness of political authority and political obligation respected this practice. Thus, like Hobbes, he set out to investigate what mutual advantage prescribes. In this vein, in the opening chapters of *The Social Contract*, Rousseau considered and rejected a number of imaginable social contract types, implicitly challenging much of the political theory of his day in the process. In Chapter Two, he dismissed social contracts that assume that sovereignty can be modeled in the way that patriarchal authority can, drawing the lesson that a legitimate social contract cannot countenance natural dependencies or other inequalities but must instead assume the equality of all the relevant contracting parties. In Chapter Four, Rousseau heaped scorn on what he called "pacts of slavery." Rousseau's use of the term is idiosyncratic. For him, "slavery" does not denote what it usually does: a property relation, according to which some individuals are owned by others. Rather, by "slavery,"

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Rousseau meant the subordination of an individual's will to the will of another. So understood, slavery contrasts with freedom (autonomy), obeying only oneself. Slavery in this sense is therefore what Kant would later call *heteronomy*, obedience to a law legislated by another. Following a longstanding convention among political theorists, who understood "slavery" in the usual way, Rousseau distinguished pacts of voluntary slavery from pacts of involuntary slavery. In the former case, individuals exchange liberty for some other good - for example, security. In Rousseau's terminology, then, Hobbes's social contract would be a pact of voluntary slavery. In the case of involuntary slavery, the alternative to becoming a slave is death. In faulting pacts of involuntary slavery, Rousseau took aim at views derived from Roman jurisprudence about the alleged right of conquest. He faulted the idea that conquest establishes authority *de jure*. But the heart of the argument of Book I, Chapter 4 is implicit in the case Rousseau made there against pacts of voluntary slavery. Rousseau's contention is that self-interested individuals can never "alienate" their liberty (autonomy). "To alienate," he wrote, "is to give or to sell" (SC, I, 4). Obviously, it can never be in anyone's self-interest to give autonomy away. But neither, Rousseau insisted, is there anything for which liberty can be advantageously exchanged or "sold"; not subsistence or security or anything else. The reason why is that freedom is *priceless*. It has what Kant would later call "dignity" (*Würde*); its value is absolute or, as Kant would say, "categorical." This claim of Rousseau's is asserted, not demonstrated. But, as we will see, it is absolutely central to his account of political authority and political obligation. For now, it will suffice to observe how it explains why even pacts of involuntary slavery are illegitimate. If autonomy cannot be advantageously exchanged, it cannot be exchanged even for life itself.

In asserting this claim, Rousseau expressly identified autonomy with moral agency, effectively clarifying the contention, implicit in the proclamation that "man is born free," that it is autonomy that makes human beings truly human. "Renouncing one's liberty," Rousseau maintained, "is renouncing one's dignity as a man, the rights of humanity and even its duties. There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with the nature of man . . ." (SC, I, 4). With these words, Rousseau declared unequivocally that autonomy is *the essential* property of being human, and that, as such, it is the source of all human value. To renounce liberty is to renounce what one essentially is and therefore, for reasons Rousseau left unexplored but that Kant would later elaborate, the condition for the possibility of value as such. It therefore follows that a legitimate social contract

will be one that leaves individuals free; that respects their essential autonomy. This is why pacts of slavery cannot model legitimate political associations; why, in addition to respecting the equality of persons, a legitimate social contract must also respect the autonomy of each and every associate.

The implications of this conclusion for political authority are set forth in Book I, Chapter 6, where the basic argument of *The Social Contract* is laid out. Book I, Chapter 6 is the central text for Rousseau's theory of political authority. It would be only a slight exaggeration to say that everything else in *The Social Contract* and in Rousseau's many other political writings either anticipate it or comment upon it. But before setting forth the heart of his case, Rousseau had one additional point to make. In Book I, Chapter 5, he distinguished what the political theory of his day called *pacts of government*, "the act by which a people selects a king," from *pacts of association*, "the act by which a people becomes a people." Rousseau's social contract is a pact of association. It constitutes the political community. Rousseau's contract therefore contrasts with the social contract that, according to the US *Declaration of Independence*, the British monarch, George III, had and then broke with his colonies in North America. The dissolution of that contract, in consequence of the king's alleged misdeeds, triggered a supposed right of revolution. But it did not dissolve the political communities that had contracted with the king. Thus Rousseau expressly distinguished sovereignty from government. Sovereignty is the issue of a pact of association; government is what follows from a pact of government. Book III of *The Social Contract* is about government. I will have almost nothing to say about it here. Book I and most of Book II, especially its first six chapters, address issues pertaining to sovereignty.

A Digression

Before turning to Book I, Chapter 6 of *The Social Contract*, it will be instructive to set that work aside in order to insert another line of argument, taken from Rousseau's *Discourse on the Origin of Inequality Among Men*, the so-called *Second Discourse*, into the account of *de jure* political authority that has unfolded to this point. These texts were never intended to be read as one. It is, therefore, unusual, to say the least, to join them together in the way that I will. But it is worth doing, especially for anyone who would read Rousseau after Hobbes. The *Second Discourse* recounts a story, set in the distant past, that is replete with insights

about political life and much else as well. In this brief digression, I can hardly do justice to all that can be teased out of this masterpiece. I will focus instead only on those aspects of it that bear on what Rousseau does in Book I, Chapter 6 of *The Social Contract*; specifically, on what fills in the gap between the first five chapters of Book I and Chapter 6. *i*, ^Although it is ostensibly about life in primitive times, *The Second Discourse* does not purport to provide a factual account of the lives of the first human beings. It is not a history in the contemporary sense; in fact, it is remarkably free of evidence of any kind. At its outset, Rousseau even declared that he would deal with the facts "by setting them aside," and he remained true to his word. In short, *The Second Discourse* is a philosophical fable, not a speculative history. It is a tale contrived to explore philosophical positions. As such, it takes atomic individualism seriously, more seriously even than Hobbes did. It describes the first human beings living in almost complete isolation from one another, without any settled social institutions, without language and without any recognizable culture. In this original state of nature, human beings could not have been in a state of war if only because the geographical proximity condition, so crucial to Hobbes's account, fails to obtain. As one might expect of beings that are regarded as atoms, the first men and women led lives that were radically independent of one another. They came together to mate, and infants stayed with their mothers until they were able to fend for themselves. But beyond what was necessary for reproducing the human race, social interactions were accidental, of short duration, and rarely more than incidental to individuals' short-term aims. ' For our purposes, the most salient feature of this original state of nature is the fact that in it people cannot be said to have had *wills* of any kind. Their cognitive capacities were too undeveloped. Thus they could not even begin to act strategically; to take one step back in order to take two steps forward. Rather, their desires were limited to what they immediately perceived. As Rousseau put it, they would set out to hunt a deer that they saw, and become distracted by the first rabbit that crossed their path, the instant the deer darted into the woods and out of sight. The inhabitants of the original state of nature had impulses that propelled them to act. But they did not have genuine volitions - plans of action with determinate characteristics, shaped by practical reason and susceptible to rational criticism. It therefore follows that the interests that Hobbes imputed to individuals in a state of nature, those that follow from their diffident, competitive and vainglorious natures, were beyond the capacities of the first men and women. In their natural condition, human beings had desires in roughly the way that higher animals do; they were

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incapable of anything more. These ancestors of ours were therefore as unable to deliberate in a self-interested way as they were to deliberate in an agent-neutral or impartial way. They were not capable of deliberation at all. Thus there is nothing "natural" about being self-interested. This general disposition can no more be taken for granted than morality can. The contrast with Hobbes is plain. In Hobbes's view, self-interest was unproblematic and morality was derived from it. For Rousseau, both must be derived - from the dispositions and capacities of the individual "atoms" who populated the original state of nature.

As is well known, Rousseau maintained that the first men and women were generally content. Hence the idea of "the noble savage" and also the contention, dear to Rousseau's heart, that civilization corrupts. This last claim follows from the observation that people nowadays, unlike their ancestors, are anything but happy. It is important, however, to be clear about just how Rousseau understood the contentment of the first men and women. They were content because, given their cognitive and volitional deficiencies, they were incapable of entertaining desires that their environment was unable to satisfy, no matter how impoverished their environment might be. They lacked the requisite imagination. But the original state of nature was no Garden of Eden where goods of all kinds fell to earth like manna from heaven. Indeed, Rousseau thought that very few resources actually were available to the first men and women, far fewer than would become available later. But, in the original state of nature, scarcity was not a fact of the human condition in the way that it was for Hobbes. For scarcity to matter in the way that Hobbes thought it did, individuals must apprehend its reality, they must understand, at the very least, that nature supplies them with less than they desire. The inhabitants of the original state of nature were far from any such apprehension. They lived in a world bereft of resources, but this fact hardly impinged on their consciousness. Viewed from our point of view, scarcity was pervasive. But, from their point of view, it did not exist at all.

Rousseau speculated too that, as with other animal populations, the size of the human race in those early days was roughly in equilibrium with environmental conditions. Barring natural calamities or other external events that might temporarily disrupt the usual balance between the supply of resources and the demand for them, the ratio of births to deaths would keep the human population at just the right level to allow human beings, like other animals, to thrive to the best of their very limited capacities. Even illness was not a problem in the state of nature, Rousseau reasoned, because, again like other animals, human beings who became ill would, in short order, either recover or die. Infirmities of

old age were rare; those who could not survive on their own would mercifully expire. The inhabitants of the original state of nature were therefore generally healthy and robust. In principle, then, this primitive condition could have lasted forever; no internal pressures threatened it - not a growing population, not the demands of vulnerable and dependent persons, not anything at all.

Although the benefits, such as they are, of civilization were unavailable to the first men and women, the original state of nature was anything but a condition that its inhabitants would have wanted to end, even had they been capable of forming the intention. Everyone in a Hobbesian state of nature has an interest in terminating "the natural condition of mankind"; no one in Rousseau's state of nature does. The contrast is as plain as could be. Rousseau's individuals are neither diffident, competitive nor vainglorious. Neither do they live in a world of scarcity, no matter how few resources they have available. Even the unstated geographical proximity condition, so important to Hobbes's argument, fails to obtain. Individuals are, of course, still relatively equal in Hobbes's sense. But, in Rousseau's original state of nature, this fact of the human condition is benign. Vulnerability to mortal assault is not a concern. This is not to say that the original state of nature was unchangeable. Obviously it was because it did come to an end. But when it changed, it did so for reasons that were extrinsic to its own internal organization.

The psychological dispositions that Rousseau imputed to the inhabitants of the original state of nature were few. Like other animals, the first men and women were moved by self-love (*amour de soi*); they sought to advance their own well-being, as best they were able to ascertain what it was. And, again like many other creatures, they were capable of pity (*pitié*) or empathy towards others of their own species. Otherwise, Rousseau had little to say about human nature in Hobbes's sense of the term. Implicitly, though, it is plain that he thought that human beings are capable of being moved by a variety of dispositions, depending on circumstances and therefore ultimately on the historical conditions that shape their lives. Human beings are susceptible to taking on the dispositions of the inhabitants of Hobbes's state of nature, as the first paragraph of Book I, Chapter 6 of *The Social Contract* effectively claims. But they are also capable of being moved by moral considerations or, as Rousseau would have it, by a general will. Moreover, as circumstances change, individual's dispositions change. Social orders and the dispositions they engender can be transformed. Indeed, circumstances can be changed deliberately, by individuals contracting together. Hobbes thought so too in a sense. He thought that self-interested, rational individuals could

contrive to overcome relative equality, thereby turning an otherwise intractable Prisoners' Dilemma game into an Assurance Game, as individuals' interests require. Rousseau envisioned a far more radical change of circumstances. For him, the social contract transforms the very terms of the problem it is contrived to solve. It changes human nature. Therefore, even if it is sometimes fair to model human beings as diffident, competitive and vainglorious beings, individuals themselves can, so to speak, transform the model. This idea is utterly foreign to Hobbes's way of thinking.

What turned human nature Hobbesian, in Rousseau's story, also transformed the human condition, making it too more Hobbesian. It was the successful introduction of private property in land. In Part Two of *The Second Discourse*, Rousseau declared that the first person ever to mark off a parcel of land and to call it his own, and then to get others to believe him, was "the true founder of civil society." Rousseau attributed his success to the "simplicity" of those who accepted his claim. There is therefore nothing natural about private property, in Rousseau's view. It is an arbitrary social invention. Land, of course, was the principal means of production for individuals in primitive times and also in Rousseau's day. It is therefore fair to say that what holds for land holds for productive property generally. It is private property as such that wrenched humankind away from its original contentment. Its introduction unleashed an inexorable, internally necessitated, process that culminated, eventually, in a war of all against all.

The revolution in social relations inaugurated by the introduction of private property liberated technologies in agriculture and metallurgy. There is no need to recount here how Rousseau accounted for technological innovations in the original state of nature. Suffice it to say that he attributed an innate intelligence to the first men and women, unknown elsewhere in the animal kingdom, and that, in the fullness of time, human intelligence bore fruit. Of course, much that was invented had to be reinvented countless times, for there was no reliable way to pass along news of new instruments and new techniques. But sometimes technological innovations took hold, becoming part of the legacy transmitted from one generation to the next. The emergence of language is crucial to Rousseau's account of how this happened, and so too is the rise of the patriarchal family, the first form of social organization. I will pass over what Rousseau had to say about these matters, however, to point out that the "true founder of civil society" was the first to be able to utilize agricultural technology on a significant scale. With his property rights acknowledged, he was able, for the first time in human history, to reap

what he had sown. Without private property, his crops, like everything else, would simply be there for anyone to take; with private property, they were his alone. Others followed his example, at first voluntarily, because it made their lives easier and therefore better. Eventually, others were obliged to follow his lead from necessity, as the number of imitators grew. For as settled agriculture took up more and more of what used to be common land, the original form of economic life - hunting and gathering - became increasingly untenable. In time, the remaining non-agricultural land became insufficient to support the hunters and gatherers who had roamed about freely in the past. At that point, no one had any choice but to adopt the new social relations and the new technologies.

*' Settled agriculture vastly increased productivity in the sense that more food was produced per unit of land than had been the case before. But, paradoxically, this increase in productivity established scarcity as a fact of the human condition. It did so by upsetting the original equilibrium between population size and land capacity. With more food available, population rose. But once the transition from hunting and gathering to agricultural production occurred, the productivity of the land remained roughly constant. Agriculture's ability to expand productivity was exhausted almost as soon as it was introduced.² Family plots, however, were divided among increasingly numerous male heirs. Thus the number of family plots rose at the same time that their size diminished. Eventually, there was less food per household and therefore per person than there had been before.

>• A new equilibrium might have established itself but for the sort of phenomenon that has come to be called a *tragedy of the commons*? Imagine a group of farmers, sharing a common grazing land for their privately owned cattle. Each farmer has an interest in adding one more cow to his stock. Up to a certain point, the addition of a cow does not affect the amount of food available for other cows to eat. But once the land's carrying capacity is exceeded, each additional cow diminishes the food supply for all the cows that graze on the commons. Eventually, because their cows have less to eat, all the farmers are worse off in the sense that the amount of beef that they are able to produce altogether is less than it

² It was only in the twentieth century, thanks to mechanization and then to technological advancements in agronomy, that the productivity of agricultural land has improved substantially over levels established centuries and even millennia ago.

³ See Garrett Hardin, "The Tragedy of the Commons," *Science*, vol. 162 (December 1968), pp. 1243-8.

had been. They are therefore less well-off in terms of the very interests that motivated them to add cows to the commons. But, even so, self-interest requires that individual farmers continue to add cows, so long as the net investment yield on an additional cow is positive. Thus, as in a standard Prisoners' Dilemma, by doing what is individually best, these farmers make themselves worse off than they could otherwise be. They improve themselves to ruin. Similarly, Rousseau's peasant farmers each have interests in adding children to their families. In settled agricultural societies, children are sources of labor and supports in old-age. But as they do so, they cause overall well-being to decline, and they transform the human condition for the worse. For even if the amount of food available overall remained constant or even rose slightly, food scarcity - the fear of its possibility, as much as its actuality - became an increasingly salient fact of human life.

This change in circumstances necessitated the actualization of human beings' cognitive and volitional capacities. Where persons were once moved by impulse only, they soon became the fully volitional creatures people are today, capable of strategizing and otherwise acting with a view to advancing their long-term interests. At the same time, circumstances shaped the nature of individuals' wills. Finding themselves in circumstances in which scarcity was becoming an increasingly important factor in their lives, individuals had no choice but to be mindful of their futures. They therefore had to become rational accumulators. Human beings never lacked the ability to become calculative and self-interested. In the original state of nature, however, the requisite capacities were undeveloped. It took the social revolution brought on by the introduction of private property in productive assets to trigger their actualization. But once the human race set itself on this course, human nature evolved into what Hobbes claimed it always was. People became "competitive."

Rousseau also recounted how self-love, *amour de soi*, developed into *amour propre*. In Rousseau's usage, the term can mean "rational egoism." But it also suggests what Hobbes meant by "glory." In the new world order shaped by scarcity, individuals come to seek "recognition." They therefore came to value standing high in the esteem of others, and to abhor signs of disrespect. This development too helped to transform Rousseau's state of nature into Hobbes's. In time, therefore, thanks to a process that unfolded according to the internal "logic" that the second part of *The Second Discourse* describes, humankind came to find itself in a condition very much like a Hobbesian war of all against all. The contented and peaceful inhabitants of the original state of nature became competitive and vainglorious individuals, living in a world of relative

scarcity from which exit was no longer a feasible option. To be sure, relative equality and diffidence, the main factors in Hobbes's account of the state of nature, hardly figure in the story of *The Second Discourse*. But what Hobbes had to say about their joint effect is entirely consistent with Rousseau's speculative reconstruction of human life in the aftermath of the transformations the introduction of private property wrought. In any case, Hobbes's claim was that the warlike character of the state of nature was overdetermined; that there are a number of grounds, each of them sufficient, for bringing about this result. Some of them - competition in conjunction with relative scarcity, glory, and geographical proximity - appear more or less directly at the end of Rousseau's story; others - diffidence and relative equality - apply, if at all, only implicitly. But the conclusion remains: the condition that precedes the adoption of the social contract is a war of all against all. For Hobbes, this condition is a timeless fact with which political philosophy must contend, no matter what institutional arrangements prevail or what system of property rights is in place. For Rousseau, it is an historically situated fact. Moreover, it is a contingent circumstance in the sense that the root cause of the problem, private property in productive assets, need never have appeared. But, given that what might not have happened actually did occur, a state of war became a stage through which humankind must pass on the way to the ultimate restoration of the primordial happiness of the first men and women - at a higher level in a *de jure* state.

Before turning back to *The Social Contract*, one other claim advanced in *The Second Discourse* should be noted. Rousseau's official topic in that text was, of course, the development of inequality, and so there is a great deal of discussion there of the rise of inequalities of status and wealth. In this connection, Rousseau discussed the rise of *de facto* states. He was not kindly disposed to existing political forms. Indeed, he described the state as a trick foisted on the poor by the rich. States make laws, and laws, Rousseau observed, apply to everyone universally. Universality is, in fact, intrinsic to the very idea of law, a point Rousseau would make again, with great effect, in Book II, Chapter 6 of *The Social Contract*. Thus states protect the property of the rich and the poor equally. But in actually existing states, thanks to inequalities of wealth, it is the well-off who benefit most from this protection. So long as there are institutions in place that allow their interests as rational accumulators to be served, the rich are much better off after a state is established than they were before. They do lose the right to take anything they can obtain. But this is the price they must pay for state protection for all that they have acquired. Taking the costs and benefits into account, the rich are far better off than they would

otherwise be. Whether it is also beneficial for the poor to have the protection *olde facto* authorities is much less clear. But, in Rousseau's view, there is no doubt that these authorities, along with the rich for whom they do so much, have an interest in encouraging the poor to believe that it is.

The Social Contract

In Book I, Chapter 6 of *The Social Contract*, Rousseau formulated and "solved," at least to his own satisfaction, what he called "the fundamental problem of political life." That problem is occasioned by the fact that, in private property regimes, social life, in the absence of *de jure* authority, increasingly takes on the aspect of a war of all against all. In a sense, then, Rousseau's "fundamental problem" and Hobbes's are similar. But Rousseau described this condition in a way that is importantly different ■ from Hobbes's account. For Hobbes, the war of all against all is a consequence of an eternal antagonism afflicting the wills of rational, self-interested, and radically independent entities, atomic individuals, living in conditions that cannot be fundamentally changed. Here is Rousseau's description: "I suppose that men have reached the point where obstacles that are harmful to their maintenance in the state of nature gain the upper hand by their resistance to the forces that each individual can bring to bear to maintain himself in that state" (SC, I, 6). What stands in opposition, then, are "obstacles" and "forces"; not radically independent entities, but different aspects of the same entity, the social relations that obtain between individuals in an ever-developing state of nature. Thus the situation Rousseau described is not a condition in which discrete entities, atomic individuals, stand in timeless opposition to one another. Rousseau described an internally developing contradiction. Thus Rousseau not only anticipated Kant, but Hegel too. His account of the relation between individuals' "forces" and the "obstacles" they confront illustrates precisely what Hegel would later intend by his own use of the term "contradiction." A unitary entity - in this case, human social relations - developing according to its own internal dynamic, becomes increasingly structurally unstable. Eventually, it "[reaches] a point" at which "the human race would perish unless it changed its mode of existence" (SC, I, 6). Thus the "obstacles" each individual confronts are other individuals' "forces," and their opposition is a consequence of the "mode of existence" under which this internally developing contradiction matures. It is important to realize too, as the third paragraph of Book I, Chapter 6 makes clear, that the "forces" available to individuals include liberty

;(autonomy) in addition to the physical and mental endowments that individuals can use against one another in a state of war. !Both in his understanding of liberty and in his inclusion of it among individuals' forces, Rousseau differed from Hobbes. However, Rousseau's claim that a solution to the problem individuals in a state of nature confront lies not in the introduction of new "forces," but in a change in those individuals' "mode of existence," a redeployment of forces, is a Hobbesian idea. So too is Rousseau's contention that individuals, finding themselves in a war of all against all, can only redeploy their forces by forming an "association" directed "by a single will" (SC, I, 6). But Rousseau's understanding of what such an association would look like was not at all the same as Hobbes's. For Rousseau, the people themselves are sovereign; for Hobbes, the sovereign is only the peoples' authorized "representative." Rousseau's view of what would happen should individuals in a state of nature fail to change their mode of existence, his claim that "the human race would perish" is non-Hobbesian too. Hobbes thought that an unchecked war of all against all would lead, in time, to the annihilation of the human race. But, although Rousseau does say that "the human race would perish," it was evidently not physical annihilation that he had in mind. After all, as Rousseau made clear in his discussion of pacts of involuntary slavery, life itself is of no value if essential humanity is lost. What the ever-developing antagonisms of the state of nature threaten, then, is not human life but humanity's essence, autonomy. Essentially, human beings are "born free"; they are morally autonomous agents. In regimes of private property, they become unfree, as the imperatives of rational accumulation, not rational volition, increasingly govern what they do. To say that the human race would perish is to say that this loss of freedom would, at some (rapidly approaching) point, become irreversible.

The fundamental problem, as Rousseau conceived it, is to constitute a political authority - by combining the wills of many, much in the way that Hobbes envisioned, but, contrary to Hobbes, *without sacrificing any individual's autonomy*. The problem, in other words, is to reconcile authority and autonomy: "To find a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which, each one, while uniting with all, nevertheless obeys only himself and remains as free as before" (SC, I, 6). The social contract "solves" this problem.

This solution, Rousseau maintained, consists in "the total alienation by each associate of all his rights to the whole community" (SC, I, 6). But how can individuals alienate everything to "the whole community" when the point of the social contract is precisely to constitute themselves as a

community? Recall that the social contract is an act by which a people becomes a people, a pact of association. Prior to it, there are only atomic individuals. Thus there is no "whole community" to which individuals could alienate everything! And how can individuals enter into a contract of "total alienation?" Rousseau had already established that individuals cannot alienate liberty. But since liberty is part of each individual's endowment in the state of nature, would it not follow that a contract of total alienation is impossible? Liberty (autonomy) is inalienable because there is nothing in principle for which it can be advantageously exchanged or, what comes to the same thing, because the renunciation of liberty is tantamount to the renunciation of essential humanity itself. A contract of "total alienation" would therefore seem to be, in Rousseau's earlier words, "vain and contradictory" (SC, 1,4). Thus it appears that Rousseau's "solution," a social contract of "total alienation" between individuals and "the whole community," is inconsistent with the main claims Rousseau had established prior to formulating "the fundamental problem" that this contract is supposed to solve.

I would therefore suggest that the idea of a social contract is actually not suitable for expressing the thought that Rousseau was trying to convey, despite his thoroughgoing adherence to a contractarian idiom. Rousseau indicated an awareness of this possibility when he pointed out, in an almost self-conscious equivocation, that, in entering into the social contract, each individual "contracts, as it were, with himself" (SC, 1,7). Needless to say, one cannot literally contract with oneself, a point that Hobbes had made emphatically clear. A contract is an agreement between at least two independent parties. Hobbes addressed this problem in his own way, but at the cost of forcing all individuals, except one, into what Rousseau would call a pact of slavery. Rousseau must therefore address it differently. But how?

Setting this question temporarily aside, it should be observed that Rousseau thought that the social contract did indeed work to the advantage of each of its adherents, as any genuine contract should. He even described its benefits in the language of double-entry bookkeeping, adding up the "credits and debits" (SC, I, 8). In part, what Rousseau concluded recalls the reckoning made in *The Second Discourse* for *de facto* states. In entering into the social contract, individuals lose the natural liberty of the state of nature but gain "civil liberty" - the freedom, protected by law, to do whatever the law does not proscribe. Individuals lose the unlimited right to everything, a right that was theirs in a state of nature, but gain property rights, and therefore protection for what they have acquired. Whether, in this case too, the result is accurately described

as a trick foisted on the poor by the rich will depend on the degree of wealth inequality in the society the just state superintends, an issue that does not arise at the level of abstraction at which Book I of *The Social Contract* is pitched. But whatever we ultimately conclude about the consequences of private property rights for different segments of the population, what matters preeminently in a *de jure* state is that in it, in contrast to the states Rousseau excoriated in *The Second Discourse*, individuals gain autonomy - they are able, finally, to become the free beings they always potentially were. It should be noted, finally, that, on the first two of the purported advantages of the social contract, the two the *de jure* state shares with *de facto* states, Hobbes and Rousseau were of one mind. However, of the last and by far the most important advantage, the realization of essential autonomy, Hobbes had no inkling. » As if to underscore how much the social contract is in each individual's interest, Rousseau went on to proclaim that entry into the political community ennobles humankind, turning "stupid, limited animals" into "intelligent beings and men" [SC, I, 8). In this respect too, Rousseau and Hobbes stand opposed. For Hobbes, the establishment of sovereignty changes nothing in human nature. It only alters the payoff structure individuals confront. For Rousseau, "the passage from the state of nature to the civil state produces quite a remarkable change in man, for it substitutes justice for instinct in his behavior and gives his actions a moral quality they previously lacked. Only then, when the voice of duty replaces physical impulse and right replaces appetite, does man, who had hitherto taken only himself into account, find himself forced to act upon other principles and to consult his reason before listening to his inclinations" (SC, I, 8). Only then, in other words, does a form of volition radically different from the kind whose history Rousseau recounted in *The Second Discourse* enter political life.

Like Hobbes's social contract, Rousseau's is "equal for all" (SC, I, 6). But unlike Hobbes's contract, Rousseau's does not have the indirect consequence of subordinating individuals to anyone, not even to a sovereign. For the sovereign is the people themselves in the "mode of existence" that the social contract makes possible. The sovereign is therefore not exactly the peoples' "representative," as Hobbes had maintained; the sovereign and the people are one. What makes this reconceptualization of sovereignty possible are those "other principles" that the social contract "forces" individuals to act upon. These principles follow from the generality or universality of rational deliberation. It is in this context, then, that Rousseau introduced his most important contribution to modern moral and political thought, the idea of a *general will*.

This notion is inscribed in the social contract itself: "If we eliminate from the social contract whatever is not essential to it," Rousseau wrote, "we find that it is reducible to the following terms: *Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole*" (SC, I, 6).

