



Instituto Juan March

Centro de Estudios Avanzados en Ciencias Sociales (CEACS)

Juan March Institute

Center for Advanced Study in the Social Sciences (CEACS)

Rousseau, the general will and the scandal of politics

Author(s): Strong, Tracy B.

Date 1993

Type Working Paper

Series Estudios = Working papers / Instituto Juan March de Estudios e Investigaciones,
Centro de Estudios Avanzados en Ciencias Sociales 41 (1993)

City: Madrid

Publisher: Centro de Estudios Avanzados en Ciencias Sociales

Your use of the CEACS Repository indicates your acceptance of individual author and/or other copyright owners. Users may download and/or print one copy of any document(s) only for academic research and teaching purposes.

ROUSSEAU: THE GENERAL WILL
AND THE SCANDAL OF POLITICS

Tracy B. Strong

Estudio/Working Paper 1993/41
February 1993

Tracy B. Strong is professor of the Department of Political Science at the University of California, San Diego and has been visiting professor at the Center for Advanced Study in the Social Sciences of the Juan March Institute.

The world is awakening to the idea of union, and these experiments show what it is thinking of. It is and will be magic. ... But this union must be inward, and not one of covenants, and is to be reached by a reverse of the methods they [The New England Reformers] use. *The union is only perfect, when all uniters are isolated.* It is the union of friends who live in different streets or towns.

R. W. Emerson
The New England Reformers

“In truth, there are no more secrets to keep, nor truths to silence.”

— Rousseau, Draft of a letter to the Archbishop Beaumont of Paris, upon the condemnation of the *Emile* as subversive (OC iv 1020).

At the end of the *Discourse on the Origin of Inequality* Rousseau had left his readers with a scandalous situation. Political society as we experience it, Rousseau argued there, had its origin in inequality, that is in the domination of one individual over another in terms of comparative advantage. The specifically social form this took was that of the rationalization of private property to the advantage of the rich and powerful. As such, inequality rested not only on illusion but on an illusion fostered and promoted to destroy the moral and social equality of human beings. It seemed as if we would have indeed to be philosophers before we could be human, since the alternative was slavery.

It also appeared at the end of the *Second Discourse* as if there was nothing to be done. The term of the development of self and society was, as we saw, a second state of nature in which all were equally subject to the domination of the ruler. Indeed, not even the ruler rose above the general miasma.

Man is born free, and everywhere he is in chains. He who believes himself to be the master of others does not escape being more of a slave than they.¹

Note: the chains are everywhere. It is no longer the case that some have enslaved others but themselves remain free. Freedom is, in this situation, a matter of “belief,” part of the general illusion of social organization. Masters are “more of a slave,” presumably, because they

¹ Social Contract (SC) i 1 *Oeuvres complètes*, vol. iii (Gallimard, Paris, 1966 ff) 351. Henceforth listed as OC and volume number.

do not know that they are slaves. Rousseau makes the matter more precise in the *Emile*, written around the same time. “Domination itself is servile when it is connected with opinion, for you depend on the prejudices of those whom you govern with prejudices.. To lead them as it pleases you, you have to behave as it pleases them.”²

Belief, opinion, deference, domination: all individuals are bound up in selves that are defined by illusory relationships. Inequality makes illusion seem real and makes us almost incapable of recollecting that illusion. Government based purely on opinion gives us individuals whose very selves are shaped by the terms of the relations of the society in which they already exist. It is no longer their society: “things are in the saddle and ride mankind,” as Emerson remarked. The presence of the past, of time accumulated, shapes humans inexorably. Worse yet, it is not just that we are defined in terms of the society in which we live: we have no definition of our own at all. At the end of the *Discourse on the Origins of Inequality*, Rousseau foresaw a series of stages in which society gradually emptied out the content of all historically defined human relations.

Here is the last stage of inequality, and the ultimate point which closes the circle and meets the point from which we set out: Here all private individuals again become equal, because they are nothing Here everything reverts to the sole law of the stronger and consequently to a new state of nature.³

The Hobbesian state of war with its mistrust is the reality of our lives: on this Rousseau and Hobbes agree. But for Rousseau, such a state has come about. The same point is recalled in the *Social Contract* when Rousseau writes of the suffrage: “At the other extremity of the circle unanimity returns. This is when citizens have fallen into slavery and no longer have neither liberty or will.”⁴ Having liberty or will is to be one’s own person; not to have them is to be a slave, not to have a self.

² *Emile*, OC iv, 308; see also *Lettres de la montagne* (LM) 8 OC iii, 841.

³ *Discourse on the Origin of Inequality* (DOI) OC iii, 191.

⁴ SC iv 2 OC 439.

Slavery is the threat. It is indeed for Rousseau inconceivable as part of a *human* society. It is an “absurd, ... senseless” institution.⁵ What is wrong with slavery is that slaves are unable to contract. Rousseau is at pains in this section of the *Social Contract* to show that no possible convention or contract can be possible between slaves or between slaves and non-slaves. The ability to contract is what makes an individual human. And as Rousseau elaborates, what makes him human is the ability to consent to a social pact, that is to become a citizen. Those who have “renounced their liberty [have given up their] human equality, have given up the rights of humanity, even its duties.”⁶ In the chapter on voting in *The Social Contract*, Rousseau writes that “the decision that the son of a slave is born a slave is the decision that he is not born human.”⁷ The insistence on the contractual basis of society is an insistence that there be individuals who are capable of contracting, as slaves are not, and that there be important social relations that are the proper subject of contract.

What is involved in Rousseau’s claim here? From the end of the XVIth century, the idea of a “social contract” had been proposed as a formulation for understanding the nature of the political relationship. It had its historical origins in the controversies surrounding lay investiture, when theorists supporting the papacy such as Manegold of Lautenbach had argued that the emperor only held his office by virtue of a de facto contract with the people to provide for their security. It acquired maturity with the development of Protestantism, where great emphasis was placed on the covenant between God and his people, arguing even that Adam was punished because he had broken his contract with God. When applied to politics, as it was increasingly throughout the seventeenth century, it signalled two important claims: first, that no human being was privileged in his (or her) access to the most important things, be these God or power; and secondly, that the status of government was always contingent, resting on no natural or necessary human quality.

The idea of the contract as the basis for society is thus first a claim about qualities central to human beings. The objections raised to the idea of a contract, however, focused on another issue, where there clearly seem to be a problem. If political society rested on a covenant or

⁵ SC i 4 OC iii 357-358.

⁶ *ibid* 356.

⁷ SC iv 2 OC iii 440.

contract, when had this contract occurred, and between whom, and who was bound by it, and why? Most importantly, how would those who were bound by it know that they were so bound? The social contract appeared to make the force of social and political obligation too weak, since it was clear that humans had never actually agreed with each other. Locke, for instance, facing the problem of the obligation of foreigners to obey the law, suggested that walking on a highway in a foreign country was sufficient to subject one *to the* laws of the society even if not enough to make one a subject o/that society.⁸ Thus a tacit contract or consent would be sufficient to legitimate the keeping of public order.

David Hume had, some years before Rousseau's writing, faced this problem directly. He argued that the idea of a social contract as the legitimating basis of society was empty, in the it presupposed the every thing that it hoped to establish. Famously, Hume wrote:

In vain we are asked in what record the charter of our liberties is registered. It is not written on parchment, not yet on leaves or barks of trees.⁹

Hume is perfectly willing to say that humans *consent* to the government they have; but he cannot say that they have voluntarily contracted to have it. His intention in this passage is not in fact just to denigrate the historical possibility of an original contract, but to assert that government cannot rest on anything like a contract (that is "on keeping our promises") unless, he says, we be "trained in a philosophical system."¹⁰ He suggests that the community cannot be found which is *based* on keeping its promises, unless it would be a community which rests on a particular type of authority, that of special training and expertise.

Hume thinks, not unreasonably, that people will only keep their promises for reasons. In the context of collective benefits such as political society, the reasons will not, he fears, be apparent or forceful enough to most individuals, unless they be trained in philosophy. In these circumstances, contracts -- that is, the acknowledgement of the claims on an other upon oneself -- are matters for *experts*, trained philosophers, and politics is, Hume knew, too important to be left to experts.

⁸ John Locke, *Second Treatise on Government*, par 116.

⁹ David Hume, *Political Essays*, "Of the Original Contract," p. 45.

¹⁰ David Hume, in *Theory of Politics*, ed. F. Watkins, p. 209.

Hume has in fact and quite consciously attempted to take philosophy out of the question of political legitimacy. He did so for the best of reasons, a worry about the domination of experts and professionals, one might say. Furthermore he knew that the kinds of justification that philosophy seemed to provide risked making people think they were entitled to more certainty in political matters than was possible. One need then to moderate what Kant (and Burke) was later to lament as the danger of an unlimited “enthusiasm” in political matters.¹¹

Hume was persuaded of this on grounds that derived from his epistemological skepticism. He was convinced that our knowledge of an other, and thus of what an other meant when he or she said “I promise,” would only be secure if I could actually know the sentiments that other had in uttering those particular sentences. Since I could manifestly not *have* your sentiments, it followed for Hume that I would only be assured of them, that I would know that you mean what you say when you promise to obey the laws, in one of two ways. Either I might be trained and skilled in detecting your meanings -- I might be a philosopher. Then I *might* know if you will keep your word. But if I were not so trained, if I were an ordinary person, then I could only rely on what ordinary people rely on, on the grooves of habit long worn into our social behavior. But the habit of social behavior was the habit of a particular social behavior, the habit, say, of Englishmen. Thus there was no universal legitimate basis for political society, there was only that basis that served to allow us to behave as, say, the English behave.

Thus, whereas opinion served to delegitimize political society for Rousseau, for Hume it was its very essence. Hume was struck by this power of our historical identity and did all he could to foster that power. “Nothing is more surprising to those who consider human affairs with a philosophical eye than the easiness with which the many are governed by the few.” He continues: “It is ... on opinion only that government is founded, and this maxim extends to the most despotic and most military governments as well as to the most free and most popular.”¹² He concludes this essay with a ringing endorsement to “cherish and encourage our ancient government as much as possible. “The opinions that the English have are to be encouraged and

¹¹ I. Kant, *Critique of Pure Reason* p. 128.

¹² Hume, *Political Essays*, p. 24.

each of the six volumes that Hume wrote on the *History of England* was designed to further that aim.¹³

This was, in the middle of the XVIIth century, strong stuff. Hume, whom Rousseau admired as an individual for having a “strong republican spirit,”¹⁴ denied to government any legitimacy other than historical. Yet Rousseau’s analysis of the historical quality of present-day governments, including that of England, had showed them to be based on fraud and illusion. Even if people had indeed consented, the consent was absurd, eventually a form of slavery.

The problem that Hume raised was that of the assurance that one could count on what one knew about another person. Hume, not unreasonably, thought the knowledge we have of others insufficient to be relied on. Here Hume’s writing on politics created for Rousseau a scandal analogous to the one that Kant had found Hume creating in epistemology. As with epistemology, the fact of the challenge was laid down openly. Hume formulated it in several different areas of social and political thought. When Hume wrote that “it was not irrational for me to prefer the destruction of the entire world to the merest scratching of my little finger,” he was denying that rationality could settle moral decisions. Towards the beginning of the *Critique of Pure Reason*, Kant famously remarked that it was “destructive of philosophy” that no one had been able successfully to resolve the argument in Hume as to the apparently purely contingent character of the relation between facts and understanding.¹⁵ The argument in the *Critique* is on the epistemological level, but it is clear that Hume also extended his understanding to other realms. Indeed, the purpose of Hume’s social thought is to replace contingency with practice.¹⁶

While Rousseau had almost certainly not read Hume’s *Treatise* (a book, Hume wrote, that “fell still-born from the press”), from the account in the *Confessions* he was clearly acquainted with Hume’s thought. The extent is unclear despite his claim there to have read only part of the *History*. He possibly had read the political essays; he seems to have had acquaintance with the

¹³ The most brilliant dissection of this kind of history is by J.G.A. Pocock, *The English Constitution and the Feudal Law*.

¹⁴ *Confessions* 12 OC i 625.

¹⁵ I. Kant, *Critique of Pure Reason*, p. 55 (B 20); see also p. 44 and 127-128.

¹⁶ See Kant, *Critique*, p. 127 (B 127).

Inquiry on Human Understanding.¹⁷ I would like to argue in this essay that Rousseau's political thought should be thought of as a solution -- or the attempt at a solution -- to a stance that was, we might say, "destructive of political philosophy."

If political society as it is experienced in the contemporary world is illusion, then there was, under present theoretical circumstances, "nothing" for political philosophy to be about. Rousseau proclaims in the *Emile* that as there was no more *patrie* so also there was no more citizen. This is, it should be noted, merely a claim that since true political society has more or less disappeared from human experience, the citizenship that was in earlier times automatically available was itself also annihilated. What would have to be the case, however, if citizenship were to be possible. It is to this matter that the *Social Contract* is aimed. The intention is to resolve the scandal in which Hume's skepticism had left political theory. Is there, Rousseau asks in the beginning of the book, "some legitimate and assured rule of administration, taking men as they are and laws as they might be."¹⁸ A "rule of administration," Rousseau tells us elsewhere, will be what he calls its "constitution." He means by this that which makes society what it is. This equivalence between the "principles of political right" and the possibility of the existence of political society can be seen in the earlier titles Rousseau had entertained for his book. They included "The Constitution of the State," "The Formation of the Body Politic," "The Formation of the State," "The Form of the Republic."¹⁹ The book is about what constitutes the possibility of political society.

¹⁷ For instance, the arguments in SC iv 8 (OC III 460) seem clearly aimed at Hume's comments on pagan religion in *The Natural History of Religion*, chapter 5. The Essays had been translated into French in 1752; Dérathé reads the reference in the *Fragments politiques* (OC iii 518) to "deux hommes cherchant a se rendre celebres" as referring to Hume. The definition of miracles in *Lettres de la montagne* (OC iii 734) is the same as that of Hume in the *Inquiry*; Rousseau uses a version of Hume's argument in the *Lettre à Charles de Beaumont* (OC iii 104). On the *Lettres* (OC iii 740) he raises the possibility of an example of miracle which is the same as that used by Hume. Marguerite Richebourg, however, in "La bibliothèque de Jean-Jacques Rousseau," *Annales de la société Jean-Jacques Rousseau*, vol. xxi, p. 222, argues that Rousseau neither owned nor read Hume's *Inquiry*.

¹⁸ SC i OC iii 351.

¹⁹ OC iii 1410.

The “nothing” which passes for political society in the present refers, for Rousseau, not just to a society with a problematic tradition (this would still be something) but to a situation where each individual lives, as it were, outside him or herself.

The citizen, always active, sweats, scurries, constantly agonizes in search of still more strenuous occupations: he works to his death, even rushes towards it in order to be in a position to live... The sociable man, always outside himself, only knows how to live in the opinion of others, and so to speak, derives the sentiment of his own existence solely from their judgment.²⁰

What is to be done? Obviously humans should derive the “sentiment of [their] own existence” from their *own* judgement. But to achieve this what is precisely *not* to be done is to take off the chains that Rousseau has found everywhere. Our “own” will not be found by breaking all shackles. The task is rather, as he goes on to say, to “render them legitimate.” “The gentle voice of nature is no longer for us an infallible guide, nor is the independence which we received from her a desirable state. “Indeed, had by some chance this “liberty without rule” remained conjoined to our “ancient innocence,” then the “earth would be covered with people between whom there would be almost no communication,” human understanding would never develop, and we would “live without experience and die without having lived.”²¹ If society has made humans the nullity that they presently are, it will only be in society that we now can be human beings. In a draft of the Letter of C. de Beaumont, Rousseau writes that he has “penetrated the secret of governments, ... shown it to the peoples not that they shake off the yoke, which is not possible for them, but that they become humans again from their slavery.”²²

Rousseau continues here in a revealing manner. The idea which one might have from this condition of deconstructed humanity of “what it means to be human (*du genre humain*)” would give us, were we to conceive of it as a moral being, a “sentiment of common existence.” In other words, to think of humanness is to think of *common* existence.²³

²⁰ DOI OC iii, 192-193.

²¹ SC first version i 2 OC iii 283.

²² *Fragments* 10 OC iv 1019.

²³ *ibid* 284.

This is the beginning of his answer to Hume. It will consist in understanding the equality among humans that was necessary for the contract to occur in terms of common human existence. The “social bond,” writes Rousseau, is “that which is common” in all the various interests in society and it is “solely” on this that society may be governed.²⁴

What is common existence, such that it would be human? The word “common” carries with it a double meaning, each implied in the other. Common refers to what we have in common, to what we share. It also refers to that which is ordinary, everyday, even vulgar. In the Favre manuscript of the *Emile* Rousseau indicates that humans have a sixth sense “called the common sense (*sens commun*)” It is so called not because it is common to all persons, but because, he says, it is the outcome of the well-ordered use of the other senses. It instructs us in the “nature of things, by the collective participation (*concours*) of all of their appearance.” This faculty exists only with reference to the world of the mind, that is it consists in the ability to find relations between entities. It is not defined by a particular property but as the ability (sense) to see how two entities might respond to the same name. It is the ability to perceive the common which is at the root of the ability to have politics.

“Common” has a complex and ancient history, in both English and French. History has parsed out several meanings to it: we have “Common” as we use it when we speak of community, referring to that which humans have together as part of and as defining of a group. Thus “a lack of community” means a society in individuals feel isolated and strangers to each other.

“Common,” however, also designates the ordinary, or vulgar. It is almost always pejorative when used this way and denotes an aristocratic superiority to that which is “Common.” It can become a badge of pride: one of the oldest English uses refers to free burghers as “the common” and it is of course from there that the English House of Commons drew its name. Pitt was, for instance, the “Great Commoner.”

Most important here, however, is that these usages are all of equal antiquity. By the time the XIIIth century came to an end, Britons were speaking using “Common” in all three of these senses. And derivatives cropped up everywhere: The *Oxford English Dictionary* spends nine pages on “common” and its cognates.

²⁴ SC ii 1 OC iii 368.

This is the subject matter most centrally of the *Social Contract*. The argument that Rousseau makes there is, in my reading, a claim that the common is only established in and by politics. Politics is thus for Rousseau, as it had been for Aristotle, constitutive of the human. The difference, however, is this. Whereas Aristotle had understood the human nature to be available to humans, for Rousseau, our nature or rather the conditions of our nature must be made. Politics thus precedes the human in Rousseau, rather than being coterminous with it. It is in politics that humanness, i.e. the ability to experience the common in all of its sense, will take place.

Rousseau was attempting to make political philosophy again possible and, I shall argue, the key to his effort was the elaboration of a particular understanding of the human being that he called a “citizen.”²⁵ Just as one is naturally not anything, so being a citizen is something one has to make. As such “citizen” does not, in my reading, designate for Rousseau the member of a society or political system. It designates more importantly a being in whom the thought of the common is realized. The citizen is, in other words, some one who lives in the ordinary or common world, the only world that is a real human world.

For the thought of the common to be realized in one person that person must, says Rousseau, “so to speak, contract with himself.” (So, as we shall see, is the Rousseau of the *Reveries*, precisely because he is alone with himself, still a citizen). The formulation of the “social pact” is well known, but little understood.

*Each of us puts in common his or her person and all, his or her power under the supreme ordering (direction,) of the general will; and we receive corporeally (en corps,) each member as a part indivisible from the whole. At that moment, instead of the particular self (personne) of each contractant, this act of association produces a moral and collective body composed of as many members as the assembly has voices, a body that receives from this same act its unity, is common ego (moi), its life and its will.*²⁶

This passage is not without its ambiguities. One reading would be that at the moment of the social pact the sum total of individuals is replaced by a collective being. Where there were

²⁵ A realization shared by, for instance, Andrew Levine, in *The End of the State* (Verso. London, 1987) p. 14, although I share little else with the argument of this book.

²⁶ SC i 6 OV iii 361.

many, now there is One. Yet another reading shows us that at the moment of the social pact we take into ourself, as our self, a self that is common or general, and that each individual engaged in the pact does exactly the same. This is what it means to be in common. The social pact replaces in me the self that could individually compact with a self that is common. In this way, one would read the purpose of the social pact as the free realization of the humanly common. I have in some sense taken the others into me, as they have me into themselves.

For reasons that will become cumulatively clear, I strongly favor the second reading. As such, my argument differs from a standard reading that Rousseau was mainly concerned to attack absolutism and late-feudal notions of monarchy. This reading, which gives us a more or less “liberal” Rousseau, is certainly not *wrong*, for his argument clearly cuts against such notions. But this is not the focus of what pre-occupies him. His concern is with what the word “common” means in phrases such as “the common people,” “having something in common,” our “common humanity.” Common here is both ordinary, everyday, but also that which is our “portion” as human beings, the entitlement of our existence.²⁷ Liberalism may be one by-product of this understanding, but it is not Rousseau’s thought. Indeed, the great variety of ambivalences displayed to Rousseau (from proto-totalitarian to anarchist) is consequent to not grasping this central pursuit.²⁸

To approach this problem let us take a contemporary formulation of political theory. Some years ago William Connolly formulated the fact that politics has a claim on our life as follows.

In our politics, people engage in acts of protest and civil disobedience; they also lobby, dissent, negotiate, blackmail, vote, engage in violence, and strike... [A]ny outsider who lacks our understanding of the distinctions among these actions could not possibly participate in or explain our political practices. To understand the political life of a community one must understand the

²⁷ This usage of “portion” has been established by Stanley Cavell in *The Sense of Walden* and is what Jean-Luc Nancy means by *le partage* in “The Compearance,” *Political Theory*, August 1992.

²⁸ As it is for not unrelated reasons with Hobbes. As such, while I do not think that his thought resembles that of Hobbes (not as much, at least, as writers like Cranston and Viroli do: see Maurice Cranston’s recent biography of Rousseau; Maurizio Viroli, *Rousseau and the Well-Ordered Society*), I do find parallels in the misreadings they each give rise to.

conceptual system within which that life moves; and therefore those concepts that help to shape the fabric of our political practices necessarily enter into any rational account of them.²⁹

In this account, the central and most problematic word is the first person plural pronoun, “we.” What is its status? Does it mean “we” Americans, we democrats, we Westerners? if so then it must be “my” position as well, yet I am unawares of ever having assumed it for myself. On the other hand, with a little introspection and doubling my negatives, it seems to me not clear that it is not “me.”

Connolly’s essay here generates but does not answer a, perhaps the, central political query. The question raised here is the question of what it means for me (or you) to acknowledge my (our) membership in a group to which I am not aware of ever having consented explicitly. This is the problem of citizenship, and of the claims on me that as citizen I am obliged to acknowledge. As such it is a modern problem in that it proceeds from the realization that there is a *question* about who I am politically. Were my position in the political realm to be clear (I am the Count of Poitou; I am Lord Anthony’s serf) there would be no question. Rousseau himself sees the first person plural and singular coming together as his political ideas themselves come together. Speaking in the *Reveries* of the time at which his ideas came together, he writes. “Let *us* fix once and for all *my* opinions, *my* principles, and let *us* for the rest of my life be what *I* would have found *I* should be after having thought well about it.”³⁰ The combination of the first persons singular and plural in what Rousseau calls a “project” is striking. This project will allow him to think the idea of the common, that is, to think the “we” in the “I.”

So the question here -- the modern political question -- is a question about what claim the common or the ordinary may be said to have on me — what part is it of who I am? Another way of putting it: to be a citizen is to be common, in common, to experience the common. Living in terms of others, living in inequality, makes this impossible.

We can now look in more detail at Rousseau’s working out of the thought of the common. The *Social Contract* appeared in 1762. It was probably either condensation or a piece of a projected longer work on *Political Institutions*, of which no trace remains. And in general it was

²⁹ William Connolly, *The Terms of Political Discourse*, pp. 38-39.

³⁰ *Reveries* 3 OC I 1016 (my italics).

a book of which Rousseau was proud, praising it to Hume over *La nouvelle Heloise* and using it as a touchstone repeatedly in later works. The subtitle -- Principles of Political Right -- gives its scope and ambition. It is divided into four books, the first of which addresses questions of the nature of political society, the second those of the nature of sovereignty, the third the institutions of government, and the fourth, extraordinary structures designed to keep the government from becoming corrupted. The book was thought so politically dangerous that even Rousseau's supporter, the censor Malesherbes, was unable to authorize its importation to France from Rey's printshop in Amsterdam. It was ordered burned by the rulers of Paris and Geneva in June 1762 on the grounds that it contributed to political subversion.

I. *The nature of political society: the general will*

The *Social Contract* is a book bracketed by the first person singular. It begins with "I" and ends with "me." In between, Rousseau is concerned above all to understand how the person who might use this pronoun successfully -- let us say a person who had received the education that *Emile* had -- might with equal success use the first person plural. In the book itself, the first person plural is rarely used. When it is, however, it constitutes the establishment of a base line, a claim: "Will one never explain this word (force) to us?"³¹

As Rousseau comes to formulate the quality of the social compact in chapter six the reader is witness to a gradual change in pronouns. The "problem" is in the singular: "Find a form of assumption in which defends with all the common force the person and good of each associate, and by which each person in joining him or herself to all nevertheless obeys only him or herself and remains as free as before. "When Rousseau is led a page later to give a formal definition of the "essence" of the social compact, he writes as follows. The solution is in the first person plural. I must return to the formulation of the social pact.

*Each of us puts in common his or her person and all his or her power under the supreme ordering (direction) of the general will; and we receive asan in our body (en corps) each member as a part indivisible from the whole.*³²

³¹ SC i 3 OC iii 354.

³² SC i 6 OC iii 361 -- note how the meaning is altered if we translate (with Masters) as "an indivisible part of the whole."

Whence this “we”? In the act of association is created a “moral body” that has a number of aspects. It exists as, and only as, a “common me (*moi commun*)” and was once called a “city” but now a “republic” or a “public person.” Considered collectively it is a *State* or a *Sovereign* or, on the international front, a *Power*. Considered in terms of each individual who make it up, it is a *people*, a *citizen*, a *subject*. *Differences between these terms are simply differences in perspective: they all designate the same entity*. All of them are forms of the appearance of the *moi commun*, that is the self that allows each person *to designate him or herself* when using the pronoun “we.” (Each, says Rousseau, “thinks only of himself in voting for all.”³³ Note: we do *not* think of all when voting for ourself). Let us take the central concern of Rousseau’s political philosophy to be how it is possible to use the first person plural pronoun – “we” -- meaningfully. Why are “we” and inequality incompatible?

Rousseau’s first realization then is that political legitimacy and legitimation cannot derive from nor be understood as analogy to the family, nor from force, nor from opinion, nor desire. He had made a similar point in the article on “Political Economy” for the *Encyclopedia* and had also, in fact, in the first version of the *Social Contract* included these discussions in a general chapter with the title “False Ideas of the Social Bond.”³⁴ Instead, he argues, legitimacy must rest on the possession and exercise of one’s own free will. As a faculty, will is of relatively recent origin. By and large the classical Greeks did not use the notion of acting willfully in the sense that we mean of acting freely.³⁵ We find its first origins in the Augustinian notion of human “loves.”³⁶ In Augustine, as in Hobbes, whom Rousseau knew well and admired, the will designates the capacity of humans to shape the world. Hobbes argued that the will was not to be understood as a “rational appetite”³⁷ in the manner of the late middle ages. He had, however linked it to a process that proceeded uninterruptedly from the actor to the act. The notion of

³³ SC ii 4 OC iii 373.

³⁴ *Economie politique* (EP) OC iii 242f; SC First version i 5 OC iii 297.

³⁵ See the discussion of acting *hekon* in A.W.H. Adkins, *Merit and Responsibility* (Cornell U.P., 1967).

³⁶ Augustine, *City of God*, chapter 19. A short but useful history of the idea of will can be found in Patrick Riley, *Will and Political Legitimacy* (Harvard, 1982) chapter one. See also his “the General Will before Rousseau” *Political Theory* 6 (November 1978) 485-516.

³⁷ Hobbes, *Leviathan* (Blackwells) p. 38.

freedom as part of the idea of the will was not completely present and probably required Protestantism and the notion of grace freely chosen to evolve. Rousseau, in his discussion of will, accepts the first claim, but rejects the second for a much more complex view.

An often rehearsed debate in Rousseau scholarship concerns the degree to which the “general will” is to be thought of as a collective or an individual faculty.³⁸ Yet by insisting that the central thought is that of the common, we are not forced to choose between these two readings. Rather they appear as poles of a misplaced dichotomy. For indeed, Rousseau insists, a civil association is “*l’acte du monde le plus volontaire* -- the most purely freely volitional act in the world.”³⁹ A free will thus makes society possible for Rousseau, indeed humans have free will so that they may have society. Here Rousseau differs from other theorists often associated with him as part of the “social contract tradition.” For writers such as Locke and Pufendorf, society exists in order to ensure as much as possible of natural, pre-social, liberty. Rousseau’s concern is quite other. A free society is characterized by a free will common to all. And this will, he is quite clear, is the “general” will, by which “all members of the State ... are citizens and free”; and if this free will that is general were no longer to appear in majority decisions would mean that “which ever side won there would still be no freedom.”⁴⁰

The general will then has the common as its object and springs from the common will. It requires freedom for its expression and it is an expression of freedom. Rousseau here does continue in the line initiated by Augustine, for whom the will was also understood in terms of its object. Rousseau distinguishes between a will whose object is “particular” and one whose object is “general.” Most interpreters have tended to read this distinction in terms of the character of the willer, with the first being individualistic and the second collectivistic.⁴¹ But it is much more accurately understood as a distinction in terms of the *object* of the will,

³⁸ E.g. Steven Ellenberg, *Rousseau’s Political Philosophy. An Interpretative Essay* (Cornell UP) p. 103n; Lester Crocker, *Rousseau’s Social Contract: An Interpretative Essay* (Case Western Reserve, 1968) read it as collectivist (the first favorably, the second not). J.N. Shklar, *Men and Citizens* and Patrick Riley, *Will and Political Legitimacy* read it as individual, the first psychologically, the second morally.

³⁹ SC iv 2 OC iii 440.

⁴⁰ *ibid* 440-441.

⁴¹ The distinction can be found in Emile Durkheim, *Montesquieu and Rousseau* and in (e.g.) I. Berlin, “Two Concepts of Freedom,” *Four Essays on Liberty*.

especially since the will is always for Rousseau the energy of freedom and morality. What is the general will then a will to or of? Rousseau writes that the “general will, to be really such, must be general in its object as well as in its essence.”⁴²

Being “general in its essence” means for Rousseau that if we were to judge of that “which is foreign to us we would have no true principle of equity.” That which is foreign to us is that which is not common to us, that which we do not have all in the same manner. Being “general in its object” means that the only proper subject matter for the general will is the particular form of the commonality, of *our* commonality. As Bertrand de Jouvenel put it, the general will “is called general [not] because of the number of those in whom it appears, but in terms of its object.”⁴³ Rousseau, himself, insists that “as long as several men consider themselves to be a single body, they only have one will, which relates to the common conservation and to the general well-being.”⁴⁴

What is the general will such that it is general? A number of things are evident from what Rousseau says. It is not the same thing as everyone having the same opinion (which would be the “will of all”). It can be expressed and often is by a majority vote, but it is not determined by that vote. It is thus not the will of a “group.” “There is often,” writes Rousseau

a considerable difference between the will of all and the general will. This latter considers only the common interest; the former considers private interest and is only a sum of voluntary wills. But take away from these same wills the plus and minuses that cancel each other out and the general will remains as the sum of the differences.⁴⁵

Rousseau footnotes this passage with a citation from the *Considerations on Ancient and Modern Government of France* by the Marquis D’Argenson to the effect that any interest is formed by opposition to another. He needs to determine what the interest of the general will is in opposition to in order for it to complete its task of canceling out the infinitesimal derivatives

⁴² SC ii 4 OC iii 373.

⁴³ Bertrand de Jouvenel, *De la souveraineté* (Paris, 1955) p. 124.

⁴⁴ SC iv 1 OC iii, p. 437.

⁴⁵ SC ii 3 OC iii 371.

of each particular will.⁴⁶ He concludes that the interest of the general will is in opposition to the interest of each particular will. That is, the opposition is one of kind and not one of substance. The working out of this opposition in kind is the basis of the requirement of the “political art,” that is of politics as a human activity.

It is centrally important then to understand that the general will is something that each individual has, as an individual. It is no more collective than I am. It is a will (one of the wills) of an individual, a will that one need not have (the members of the modern society at the end of the Second Discourse do not have it) but which anyone can have. In the *Political Economy*, he asserts that the common self is a “reciprocal sensibility and the internal correspondence of all the parts.”⁴⁷ The common self, and by extension the general will is the ability to participate in a certain kind of interaction. It is certainly not to be thought of as some kind of collective mind, unless one thinks that a sentence like “I am a citizen of Geneva” is an expression of a collective mind. Indeed, writes Rousseau, “each individual can, as a human being, have a particular will contrary or dissimilar to the general will he has as a citizen.”⁴⁸ In fact the distinction between particular and general is a relative one, and depends on the perspective from which a particular entity is being viewed.

Any political society is composed of other smaller societies, smaller and of different kinds, each with its own interests and maxims. But these societies which one notices because they have an external authorized shape are not the only ones that really exist in the state. In each particular society that an interest makes single make up other such societies, permanent or temporary, of which the strength is not less real for being less evident.... The will of these particular societies always has two relations: for the members of the association it is a general will; for the larger society it is a particular will which often is at first glance is often at right angles to the general and at second glance harmful to it.⁴⁹

The general will is then the expression of my common self, that is of the self that I find, as the same self, in myself and on others. From the previous citation it is even clear that I can

⁴⁶ A. Philonenko, *Théorie et praxis* (Vrin, 1968), 197-198, has argued convincingly that Rousseau is here using the language of integral calculus.

⁴⁷ EP OC iii 245.

⁴⁸ SC i 5 CHECKOUT.

⁴⁹ *Political Writings*, ed. Vaughan vol I, 242-3.

have several general wills in myself, depending on how many social forms I find myself in. (It is not clear that Rousseau thought this a happy state, however, see below). For from being the expression of a single, unitary overarching collective consciousness, the general will is in fact the expression of the multiplicity and mutability of my being. It is, as Amelie Oksenberg Rorty has argued, precisely the qualities that make human beings capable of social life that are the qualities that make humans divided or multiple.⁵⁰ Indeed, in an early version of the *Emile* Rousseau had written that “we are not precisely double, but composite.”⁵¹ It had also been the burden of the *Discourse on the Origins of Inequality* to argue not just (as had Hume⁵²) that there was no one true notion of the self, but rather that there were as many selves as there were interactions with others. The general will makes human multiplicity possible and necessary.

The general will is then not just the will that resists the deconstruction of the self into the immediacy of power relations in modern society.⁵³ It resists that deconstruction by counterpoising it to the will of the common self, that is to the will that makes me human in a time when God’s definition of the human is not available. (Rousseau will report on the religion of an other in the *Emile*, not on his own). It is not thus quite a moral will à la Kant, even in the historicized reading of Kant that someone like Patrick Riley offers us.⁵⁴ The general will is the thought of the human being, ontological rather than (merely) moral.

The general will, Rousseau indicates, cannot as general will have anything to say about that which is particular, i.e. about that which is not common in that it would affect me in the way that I am socially and politically different from you. Most concretely, the general will can say that there should be taxes, but it cannot say who should pay what amount. In this, Rousseau’s understanding is importantly prescient of the fundamental move taken by John Rawls in *A Theory of Justice*. There Rawls had proposed that political and social institutions be decided on from,

⁵⁰ Amelie Oksenberg Rorty, “Self-deception, Akrasia and Irrationality,” in Jon Elster, ed. *The Multiple Self* (Cambridge: Cambridge U.P., 1987), pp. 115-122.

⁵¹ *Emile* (manuscript Favre) OC iv, p. 57. See the remarks on this issue in Jean Starobinski, *The Living Eye* (Harvard UP 1989) p. 61.

⁵² David Hume, *Treatise on Human Nature* I, 6 (“Of Personal Identity”).

⁵³ As holds Judith Shklar, *Men and Citizens* p. xx.

⁵⁴ Patrick Riley, *The Political Philosophy of Kant* (Wiley).

as it were, behind a “veil of ignorance.” He meant that each individual was to make a decision on the shape and form of the institution without knowing how it would affect him, i.e. if he or she would be richer or poorer, with more or less power, access to education and so forth. Likewise, Rousseau writes that “If when an adequately informed people deliberates, the citizens were to have no communication among themselves, the general will would always result from the large number of small differences and the deliberation would be good.”⁵⁵ in the classic formulation of the problem of social cooperation known as the “Prisoner’s Dilemma,” we are confronted with two prisoners who are kept from communicating with each other. They are pressured to betray the other in return for a small reward; both do so and are convicted each of much graver crimes that they could otherwise have been, had they both remained silent. If, however, one combines a large number of players then the game repeats itself, in the sense that each difference can be measured against the other.⁵⁶ What Rousseau argues here is that the combination of a large number of players and the lack of communication between them effectively induces each of think of himself as an other. Were there to be communication the interaction of particular wills would produce a *balancing* of interests, rather than commonality. The general will designates what I see when I see myself in you, you in me, and me in myself. (I also thereby see you in you, at least in the way that you see yourself). No point has been harder to grasp than this one about the General Will. Most Often it has been seen as the will of an anthropomorphized social body, on the model of Durkheim’s “collective conscience.” Yet Rousseau is quite specific: my will (any will) is general if and only if it has as its object that which is common to all concerned, i.e. that which all concerned have in exactly the same way. In the sixth *Letter from the Mountain*, written to answer the justification offered by the Genevan General Prosecutor, Jean-Robert Trochin for the Genevan decrees ordering the burning of the *Emile* and the *Social Contract*, Rousseau tries to reduce his thought to epigrammatic form.

⁵⁵ SC ii 3 OC iii 371. In *A theory of Justice*, Rawls tends to treat Rousseau as an after thought and a precursor of Kant and Kohlberg. John Chapman has seen the relation of Rousseau for Rawls’ thought. See his APSR article.

⁵⁶ The working out of the concept of an iterated game is most closely associated with the work of Robert Axelrod.

Law, by its nature, may not have a particular and individual object.⁵⁷

When acting on the General Will I then encounter myself in others. It is in political society only that I can encounter my humanity, what I have in common with others, since in the state of nature I was never actually in the acknowledged presence of an other. And not knowing an other so also I had no self to know. The dialectic of particular and general interests noted above plays itself out here on the level of self knowledge also. It is thus the case that the General Will has the effect of freeing me from all dependency with others while nevertheless requiring of me acknowledgement of them.

This theme fascinated, even obsessed Rousseau. In his *Pygmalion* we find the sculptor lifting the sheet that veils his statue from him and then dream of a relation with Galatea like this:

... I adore myself in what I have made.

He goes to chip away some of the clothing on the grounds that the statue is “not naked enough.” “Not naked enough”: the mistake here is to try and remove that which keeps him from seeing his creation. After one more blow of the chisel he realizes this and stops.

Oh that Pygmalion might die to live in Galatea! ... Heavens, what am I saying! If I were she, I would not see her, I would not be he who loved her! No, that my Galatea live and that I not be her. Ah! that I always be another, to want always to be her, to see her, to love her, to be loved by her.⁵⁸

Why this insistence in Rousseau that at its best our encounter with others is an encounter with myself? From one reading it is sick -- too great a narcissism. Rousseau's fascination of autoeroticism,⁵⁹ the constant youthful fear that pervades the *Confessions* of *being seen* when he had not shown himself, the insistence that no one can see him except himself: all this does not seem the material for a sound politics, indeed for politics at all.

But one should move slowly here. Certainly narcissism is part of Rousseau's persona, and the psychologizing temptation is almost too great to resist. But let us look at this encountering of the other as the self more closely.

⁵⁷ LM 6 OC iii 808.

⁵⁸ Pygmalion OC ii 1228.

⁵⁹ See Jacques Derrida, “Ce dangereux supplément,” *De La grammatologie*.

Some clue is given by in the *Essay on the Origin of Languages*. There Rousseau suggests that the very act of encountering an other is itself already a threat. Passions, and not needs, are the source of interaction.⁶⁰ With the encounter of the other, fear and illusion are born as twins.

A savage man, upon meeting others, will at first have been frightened. His fright will have made him see these men as larger and stronger than himself; he will have called them *Giants*. After much experience he will have recognized that, since these supposed Giants are neither bigger nor stronger than he, their stature did not fit the idea he had originally attached to the word Giant. He will therefore invent another name common both to them and to himself, for example the name *man*, and he will restrict the name *Giant* to the false object that had struck him during his illusion. That is how the figurative word arises before the proper (or literal) word does, when passion holds our eyes spell-bound and the first idea which it presents to us is not that of the truth.⁶¹

Our first encounter with the other is one of fear. Fear keeps us from recognizing the other as a human like ourselves. Here language does not communicate: it expresses fear and keeps us from the other. We will only properly speak with the other when we have recognized it as like us.⁶² We will, Rousseau indicates, overcome our fear of others, when we are able to call them by their “proper (or literal) name.” To call something by its proper name is to see it as it is. When we are able to call others by the name of what they are, then we will no longer fear them. Hobbes had argued that the foundations of society are in fear, especially the fear of violent death. Indeed, he was so struck by the fact that many of those around him did not appear to fear death (they fought in the wars of religion, for instance) that he spent a good deal of time convincing people that they should really be afraid of death, the better for society to be built. Rousseau does not here want to use the fear of the other as the basis for commonality, but he does not deny its reality: What we are told instead is that fear is not a necessary foundation for human interaction.

⁶⁰ *Essay on the Origin of Languages* (EOL) (ed Victor Gourevitch, Viking Press) p. 245. Henceforth VG). The argument that it was needs had been made by Condillac. See the discussion in Robert Wokler, *Rousseau on Society, Politics, Music and Language*, Thesis presented to Nuffield College, 1987, pp 176 ff.

⁶¹ EOL 246-247. Stanley Cavell also sees the importance of this passage in *The Claim of Reason*.

⁶² EOL 1 VG 240.

The perception of the other in myself and myself in the other had been made possible in the state of nature by pity and amour de soi. Fear is not the passion that will make pity stronger. How is this experience of the other possible?

The hope in the *Social Contract* is that with “laws as they might be” and institutions which will make them concrete, the fear that one naturally has of others, a fear given a false solution with the illusions of modern society, will be replaced by the “correct” use of words for others.⁶³ Rousseau has in fact a much stronger appreciation of the importance and use of institutions than is often thought, certainly than is thought by commentators who find his psyche irresistible. A goal of his political thought is that of a “well-ordered society.”⁶⁴

The institutions have a particular quality. They are to make human beings as little like their “natural selves” as is possible. In the *Emile*, Rousseau writes that “Good social institutions are those that know the best how to denature man, to take away from him his absolute existence and give him a relative one, and transport the self into the common unity.”⁶⁵

What does “denature” mean here? In the second book of the *Social Contract*, Rousseau writes as follows. “It is agreed that each alienates through the social compact only that part of his power, of his goods, of his liberty whose use matters to the community; but it must also be agreed that only the sovereign is judge of what is here important.”⁶⁶ The exploration of what “denature” designates thus requires an investigation of sovereignty.

II. *Sovereignty*

The General Will is Rousseau’s formulation of the recognition of what it means to live as a human being, that is to be capable of living with other human beings as human beings (rather than as, say, a beast or a god). The second book of the *Social Contract* is an exploration of the way in which “laws” are established, i.e. of sovereignty. “Laws” needs here to first be put in

⁶³ In the Third Reverie, Rousseau indicates that most people live happy in illusions and wishes, not very seriously, that he had himself been able to. See RPS iii OC ii 1011.

⁶⁴ Maurizio Viroli, *Jean-Jacques Rousseau and the Well Ordered-Society* (Princeton) has seized upon this phrase for the focus of his excellent book.

⁶⁵ *Emile* 1 OC iv 249; Cf Vaughan II, p. 366: “We are forced to admit that the popular image of Rousseau ... as the determined foes of all historical institutions ...” is pure illusion.

⁶⁶ SC ii 4 OC III.

scare quotes in order to draw attention to the fact that Rousseau has an explicitly somewhat technical use of the term.

In the first version of the *Social Contract*, Rousseau had placed his discussion of law in the first book. As the book matured he came to see that it require a separate and preliminary discussion of the sovereign as that which makes law possible. Already in the early version however he had recognized the centrality and novelty of his concept. Having proclaimed in the *Emile* that “this subject is completely new: the definition of the law is still to be made”⁶⁷ he here boldly declares that what is called law is “properly only the conditions of civil association.” The mood of this chapter is rhapsodic: it is “only to law that humans owe justice and liberty.... [Law] is the celestial voice which dictates to each citizen the precepts of public reason... Without law an existing state (*l'état formé*) is only a body without soul for it is not enough that each be subject to the general will; one has to know it to follow it.”⁶⁸

“Law” is thus that which makes it possible to live by generally by ones will. Rousseau describes a law like this:

when an entire people establishes the entire people (*statue surtout le peuple*) it considers only itself. And if a relationship is thus formed, it is from one point of view a relationship of the entire object with the entire object from another point of view, without any division of the whole. Thus the matter which is established (*sur laquelle on statue*) is general in the same way that is the will which establishes. It is this act that I call a law.⁶⁹

A law *thus* requires a people to be able to see itself as a people, to stand outside itself and, as itself, constitute itself. The object of a law is therefore always general, in the sense that the general will is general. It considers “the citizens in a body” and sees all actions in a general or common manner, that is as the same for you as they are for me. To act in such a manner is for Rousseau what is meant by sovereignty.

Sovereignty is how Rousseau legitimates the use of the first person plural. Rousseau moves as follows: The general will has as its aim the common interest of the political society. That which is common and in common is the essence of political society and is the basis for its

⁶⁷ *Emile* 5 OC iv.

⁶⁸ SC First Version i 7 OC iii 310.

⁶⁹ SC ii 6 OC iii 379.

ordering.⁷⁰ Sovereignty is the general will in action; thus it cannot be alienated; as a collective being it can only be represented by itself since although power can be transmitted to another, the will cannot. I want to take these three claims in sequence.

What does it mean to be the general will in action? Let us think for a moment of the general will as similar to Wittgenstein's notion of grammar, or as what Stanley Cavell calls "categorical descriptives."⁷¹ Such terms function both normatively and descriptively⁷² and tell you (part of) what it is to engage in a particular activity. A grammar is that by which a language is possible but which has no existence except in and as part of a given language. Grammar, in Wittgenstein's sense, tells us what is possible and appropriate to say in a particular time and place to a particular person. It is, in some sense, conventional. It is also, in some sense, not subject to my particular whim. But it is also not just always right, but rather the very determinant of what "right" means when applied to speech. It makes speech possible.

Following the terms of this analogy we might then think of the sovereign as being for Rousseau the perfect user of the language of community, of the common tongue. The sovereign is that which does not make a mistake, since it is, as it were, grammar in action. The sovereign exists then only in the present as it can in no way "bind itself for the future."⁷³ And for it to have existence in the present it must do so by means of the doubleness that each individual can introduce into him or herself. Each contracts "as it were," says Rousseau, with him or herself. The most important thing to realize about this relationship of self seeing the self is that it is not guaranteed by anything, nor can it be. The essence of community holds its right from the fact that it can claim no right, can claim no thing that it not itself. Thus "the sovereign, by the mere fact of being, is always what it ought to be."⁷⁴ If what Rousseau calls the "sanctity" of the contract should be violated by any act that would be contrary to its being, then the contract would not be, and would hence carry no obligation. Indeed, the notion of obligation is almost

⁷⁰ See the very important work by Jean-Luc Nancy, *La communauté desoeuvrée* and "La comparution" (forthcoming in *Political Theory*).

⁷¹ Stanley Cavell, *Must We Mean What We Say?* p. 39.

⁷² Or, more precisely, they overcome that distinction.

⁷³ SC ii 1 OC iii 369.

⁷⁴ SC i 7 OC iii 362-363.

inappropriate here as sovereignty collapses the time dimension of political society into the present.⁷⁵ Sovereignty, I might say, takes over the ambitions of the *Second Discourse*: it makes all our history always present to us, and thus frees us from history.

The sovereign, thus, for Rousseau is the citizens, that is the individuals of a commonalty *when they are acting as members of that community*, as citizens. “Indeed,” he says, “each individual can as a human being have a particular will that is contrary or dissimilar to the general will which s/he has as citizen.”⁷⁶ The social contract -- what Rousseau often telling calls the “fundamental compact” - substitutes a legal and conventional equality for physical inequality⁷⁷ and it is precisely this conventional equality that is constitutive of and established by citizenship. There is no viable notion of citizenship without commonality, thus without equality. The conventional equality exists as, and only as, that which has been acknowledged as the common between me and you.

But why cannot such sovereignty not be alienated, nor even represented? Alienated would mean given over to someone else; represented would mean on loan, as it were. How can something be really mine, if I cannot give it away, or at least let it be borrowed?

The first thing to recall is that sovereignty does not exist over time, or even in time. Each moment of sovereignty is “absolute, independent of the preceding, and never does the sovereign act because he willed, but only because he wills.”⁷⁸ This thought, given formulation in several places in Rousseau’s drafts as he worked on the *Social Contract*, appears in final form as “yesterday’s law carries no obligations today.”⁷⁹ In a gesture to the pragmatics of politics Rousseau goes on to indicate that “consent is presumed from silence.” However, what should not be missed here is that sovereignty and thus the being of political society is held to exist solely in the present tense. Not only can the future not be tied down, but it should not be named. Thus

⁷⁵ Hence Rousseau has no need for what Rawls calls “the principle of fidelity” (i.e. of the continuity over time of a rational choice to the chooser) (*A Theory of Justice*, p. 346) which would underlie and ensure the morality of the institution of, e.g. promising.

⁷⁶ *ibid*, 363.

⁷⁷ SC i 9 OC III 367.

⁷⁸ *Fragments politiques* OC iii 485.

⁷⁹ SC iii xi OC iii 424.

there is not, nor can there be, to speak precisely, “any kind of obligatory fundamental law for the body of the people, not even the social contract.”

“No kind of fundamental law”! Rousseau really means it when he says that political society is made possible and continues in its existence because of the free human will. Insofar as the idea of obligation is a binding of the will to a future, Rousseau rejects the idea of that political society rests on obligation. If I am obliged, I am available as a representation, I have represented myself to the future. The strictures that Rousseau places on the representation of sovereignty derive from the particular nontemporal quality of sovereignty. If something exists only in the present, then its only existence derives from the activity that it requires of those that engage it. Sovereignty is thus like a work of art in the sense that it exists only in the present. To represent it would be to give it a form that was fixed. Remember here the bacchanalia of politics the Rousseau observe as a child in St. Gervais. The dancers of politics can be told from the dance.

To pursue this matter further, let us turn to Rousseau’s other major consideration of representation. Rousseau thought the representation of sovereignty to be impossible. He feared representation in the theater for related reasons.

In a lengthy “Letter,” Rousseau responded to the entry that the cosmopolitan D’Alembert had written on “Geneva” for the *Encyclopaedia*. In an article generally filled with praise for the city, D’Alembert had included -- Rousseau thought at the coaching of Voltaire who wished to get his plays performed -- a section complaining of the lack of theater in Geneva and had urged the Genevans to do so in order to “join the wisdom of Laacedemonia to the grace of Athens.”

Rousseau’s response has two foci. The first is on the audience. Rousseau argues that in the theater we (as audience) may have “pure” emotions at the spectacle in front of us, from which we are kept by the fourth wall of the stage, but that this is only because the emotions do not really affect us. In an important sense, they are not really ours. Thus one can afford to be upset or take pleasure in the spectacle for in theater “nothing is required” from the spectator. By “nothing is required,” Rousseau means that our emotions (at the theater) have no life-consequences; it is, as it were, irresponsible to be an audience member, as if one were on holiday from one’s everyday, common identity.⁸⁰

⁸⁰ For an extensive discussion of all these issues, see my *The Idea of Political Theory* (University of Notre Dame Press, 1990), chapter Two.

It is the concern with the commonness of the identity that forms the basis of the second part of Rousseau's critique. Suppose we allow that an individual be affected by what s/he beholds on stage? How can we avoid this affecting him/her only in his or her individual separateness as opposed to what s/he has in common with others? Rousseau writes that although the emotions that occur in on-stage characters are repeated in member of the audience, the goal of these emotions is not. Thus the audience will not and cannot retain a common goal, nor indeed any commonality. The theater is the experience of all, I might say, but not the common experience. If this be true, the theater will indeed call the community and politics into question.

Here, in the discourse on theater, Rousseau repeats many of the same themes seen above. Representation makes the experience of the common impossible. Representation (on stage) requires interpretation of its audience, whereas a just political society was to be built from that which was so transparent in time and space that it could not be other than what it was. No matter what its subject theater cannot be common. And it cannot be the everyday -- it is the perfected, immortal, transcendent particular self, precisely that self that wants to overlook the common, more like a god than a human being. I might note here in passing that in this matter as in previous ones, Nietzsche is again Rousseau's great antagonist. It is the burden of the *Birth of Tragedy* to try and show that theater can induce precisely the ecstatic (ek-stasis: besides oneself) present that Rousseau thought the defining quality of sovereignty, but necessarily absent in theater.⁸¹

In the preface he wrote in 1752 for his comedy *Narcisse*, just after the success of the *Discourse on the Arts and Sciences*, Rousseau suggests in fact that theater is linked to philosophy and the arts and sciences in general in taking us away from the everyday and common in the desire to distinguish ourselves and stand out.⁸² From such an approach society can only be built on a networking of interdependencies and intersecting personal interests. In such a situation, Rousseau continues, "we must henceforth keep ourselves from being seen as we are."

It is true that in this situation, once we are in it, philosophy and theater *can* give us a simulacrum of virtue, in order to "keep us from the horror of ourselves were we to see ourselves

⁸¹ Nietzsche makes the same point about overlooking in *The Birth of Tragedy*, chapter 8; see my discussion in *Friedrich Nietzsche and the Politics of Transfiguration*, Chapter 6.

⁸² *Narcisse* preface OC i 965-966.

discovered.”⁸³ In these circumstances, representation can maintain perhaps the appearance of public virtue without that virtue being found in our hearts. Commonalty would be, to paraphrase Thoreau, a phrase on the lips of most people, but in the hearts of very few. For those who have no humanity, philosophy and theater can give them the clothing of the human, but it cannot make available the experience of oneself or another as human.

The choice then is between being a human being and not being. Being a human being is the result of a constitution and our only other choice is the existence of non-being. The reason for this is that the common -- the *moi-common* -- is what humans are as humans. Its existence is, we might say, our essence. I should note here that this is not a claim that Rousseau is or falls on the side of the “communitarians,” to use a term from a currently fashionable debate. The common as I am using it for Rousseau has nothing to do with the thick self that modern “communitarian” theorists counterpoise to the “thin self” of liberalism. The common self is neither thick nor thin, it is simply ordinary and has the qualities that humans have as humans.

The problem with representation then, both in theater and in politics, is not just that it induces passivity into an audience but that some human qualities cannot be represented and be what they are. Just as you cannot promise *for* me, nor meaningfully say for me that I am sorry, and just as Cordelia cannot “heave her heart into her throat” truly to speak the words her father would require of her, some acts must be my acts and cannot be given over. You can report my promises: but you cannot *make* them for me. I must presently perform those actions. Rousseau’s political hostility to the idea of the representation of sovereignty is based on his understanding of what the nature of commonality is.

Thus, in the third element of sovereignty, “power can be transmitted,” but will cannot. Will, be it common or particular, must be my will. This, however, says only that institutions cannot be based on will, for will is something that exists only in the present and, as we saw, cannot bind itself for the future. In this third element of sovereignty, Rousseau also points to that which is not sovereignty. There has to be more. This is government and the institutions of government, and it is to the consideration of this that he now turns.

⁸³ *Narcisse* preface OC i 972n.

III. Government

Sovereignty is a matter of what Rousseau calls “laws,” and these laws establish the “*forme*,” one might say the frame, of political institutions, what Rousseau calls the “government.” This frame is at its best when it is “engraved” on the heart of each citizen.⁸⁴ How is the framework achieved, since unless a people has fortunately inherited virtuous traditions, it must come from somewhere. It is in this context that Rousseau considers the figure of the “legislator.”

The legislator, writes Rousseau, has nothing in common with the “human world” (*l'empire human*). Some commentators see in the legislator a kind of superior being who, like Moses from the mountain, gives laws to humans and is obeyed because of his superiority. But such is not the case. The authority of the legislator, Rousseau indicates, is “nothing.”⁸⁵ The legislator neither compels nor persuades humans of the validity of laws; instead, he must “persuade without convincing.”⁸⁶ It is precisely the negative quality of the legislator that allows a reversal of the causal sequence between institutions and the human spirit. Instead of the spirit of commonality emerging *from* institutions, the spirit of commonality is infused into the hearts of humans and becomes part of their sensibility. For something to become part of who I am, I must not experience it as shaping me (e.g. be convinced by it) but as part of the way I shape my world (I must be persuaded of it, that is, find it in me). Thus the legislator is not only not part of political society (he has “lived all human passions but felt none of them”⁸⁷) but he is not experienced by those in human society. This is not because he is devious or disguised, but because anything he might do is experienced as one of my acts. Each citizen, one might say, finds the acts of the legislator as part of himself. If this is a lie, it is a noble one.

What the legislator makes possible is the development of political institutions. The distinction of sovereignty and government is one of the earliest moves Rousseau makes in thinking about political society. Already in the “Political Economy” article he writes for the *Encyclopedia* in 1755, seven years before the *Social Contract*, we find: “I beg of my readers

⁸⁴ SC ii 12 OC iii 394.

⁸⁵ SC ii 7 OC iii 383.

⁸⁶ *Idem*.

⁸⁷ SC ii 7 OC iii 381.

carefully to distinguish political economy, which is my subject here and which I call government, from the supreme authority which I call sovereignty.”⁸⁸ What Rousseau conveys with this distinction is that the general will, being general and sovereign, applies only to that which concern all equally, i.e. in the same way as citizens. When Rousseau uses the term “law” he applies to and only to such matters. Indeed, Rousseau occasionally wonders if “laws” even need to be publicly promulgated; he finally decides that they should be on the grounds that this will confirm each person in his or her mind.

But there is another realm, and that is the realm to which power applies, the realm of government. Rousseau is perfectly clear that all sorts of issues in any society not only will not come under the purview of the general will or the sovereign, but *cannot* because they are not general or common. “[A]s soon as it is a matter of fact or a particular right concerning a point that has not been regulated by a prior, general convention, the affair is in dispute.... [I]t would be ridiculous to want to turn to an express decision of the general will....”⁸⁹ This is the realm not of law, but of administration. Administration is what government does.

In the chapter that starts Book III, Rousseau begins with a warning that he does not know how to be clear for those who do not read him carefully. Government is then defined as “an intermediate body established between the subjects and the sovereign for their mutual communication, and charged with the execution of the laws and the maintenance of liberty, civil as well as political.” He goes on to indicate that “government” refers to the “legitimate exercise of executive power” and that the individual or body who exercises this power is called “prince.”⁹⁰ The purpose of the *Social Contract* (“to seek a rule of legitimate and sure administration, taking men as they are and laws as they might be”) refers to establishing the constitutional context of government by establishing a correct understanding of the sovereign (that to which the term “law” applies). The first two books of the *Social Contract* have established what would have to be the case for a legitimate government to be possible. Humans have manifested a political sensibility as an expression of what they are. Rousseau is now going to elaborate that possibility.

⁸⁸ EP OC iii 244.

⁸⁹ SC ii 4 OC iii 373.

⁹⁰ SC iii 1 OC 396.

First, there can be no contract between the government and the citizenry. Indeed, Jean Robert Tronchin, the General Prosecutor at Geneva in charge of bringing the case against the *Social Contract* and the *Emile*, had attacked Rousseau on precisely this point, arguing that this meant that there was no restraint on the populace as to what they could require of government.⁹¹ And clearly, Tronchin was right. If the citizens are to be understood as sovereign, then contracting with any individual other than yourself, that is contracting with a "prince" is to give that individual rights over you. But "it is absurd and contradictory that the Sovereign give itself a superior; then obliging oneself to obey a master would be to put oneself back into a state of liberty."⁹²

From this it follows that Rousseau does not reject representative *government*. As we saw, he does reject representative *sovereignty* as a *contradictio in adjecto* that is all the more dangerous as people believe they could do it. No critique of Rousseau is more standard than that he rejected representation. Even perceptive modern day Rousseauists take up this critique and attempt to develop it in theories of "strong democracy."⁹³ Yet from what has been said here, it should be clear that Rousseau is only required by his theory to reject representative sovereignty, not representative government.

A better grasp of this can be had with an exploration of the relation of sovereignty and government, something that forms the focus of Book III of the *Social Contract*. To "express [himself] with fewer words," Rousseau elects to "borrow the vocabulary of geometry" even though he is "not unaware that geometric precision does not exist in moral questions."⁹⁴ His concern is the "proportion" of state, i.e. with the kind of relationship that should exist between the sovereign (understood as above as the being of community) and the government.

Thus: 1/

<i>sovereign</i>	=	<i>government</i>
government		state (people as subjects)

⁹¹ *Correspondance. générale*, vol 7, p. 373

⁹² SC iii 16 OC iii 432

⁹³ eg Benjamin Barber, *Strong Democracy*.

⁹⁴ SC iii 1 OC iii 398

The sovereign is by definition equal to a one (as common it must be unitary). The state is equal to the number of citizens. Thus Rousseau indicates that the sovereign should be to the government as the government is to the state (that is the people considered as subjects). “Pushed to the absurd,” as he remarks, this means that

$$2/ \text{Government}^2 = \text{sovereign} \times \text{state}$$

Thus -- Rousseau has his tongue more or less explicitly in his cheek here -- since the sovereign equals one (is unity) the government should be equal to the square root of the number of subjects.

$$3/ \text{government} = \sqrt{\text{sovereign} \times \text{state}} = \sqrt{\text{subjects}}$$

Despite the playfulness, which I cannot help but read as written with Hobbes’ love of geometry in mind, this discussion -- which Rousseau warns the reader to read carefully -- is intricate and important to Rousseau’s understanding of the nature of the political. It is worth spending some time on. As we saw, the making of laws -- what Rousseau calls the legislative power -- belongs to the people. Law is Rousseau’s designation for pronouncements that partake of the general will, that is a law must be general in its object and common to all in its nature. Some body, however has to bring the laws into being. The sovereign makes the laws concrete but since, as Rousseau says, the instantiation of a law can only take place in a particular and singular set of circumstances if it is to have existence at all (i.e. law: there will be inequalities of income; instantiation: 20% of the populace will make 50% of the income) a body is need to “put the general will to work.”⁹⁵ This body is what Rousseau calls the government. The government exists therefore “between” the people and the sovereign, in the sense that it makes specific the possibilities that are the sovereign will. The sovereign can only enact laws (in Rousseau’s sense); the people is the repository of the commonality that makes possible and is embodied by the laws. The government thus should stand in what Rousseau calls a “continuous proportion” to the other two members and is their proportional mean. A “continuous proportion” is a XVIIIth century technical term for a proportion in which the denominator of the first relationship is identical to the numerator of the second. Thus $1/ A/B = B/C$.⁹⁶ An example

⁹⁵ SC iii 1 OC iii.

⁹⁶ This is discussed in detail in M. Françon, “Le langage mathématique de J.J. Rousseau,” *Cahiers pour l’analyse*, 6 (1966). pp. 84ff.

of a continuous proportion would be $1/100 = 100/10000$. The (people as) sovereign is always unitary, the people (as subject) are as many as they are. For the proportion to hold, the government has to (in this case) equal 100.

It does not really mean anything to say, by itself, that the government should equal 100. But what Rousseau is interested in is the relative strength of the government to the size of the state. The following implications are worth noting. First, if the size of the state should go up (more subjects) then to maintain the balance it is clear that the size of the government should become stronger. That is, the larger a state is, the stronger must the government be for it to be just.⁹⁷

To the degree then that the government is disproportionately strong in relation to the state, and, indeed, to the degree that it is strong at all, there will be a tendency for the government to usurp sovereignty to itself. This was in fact what had happened in Geneva, where the *Petit Conseil* of the bourgeois families had over the course of the XVIIIth century abrogated sovereign power to itself. (The truth of Rousseau's claim that the *Social Contract* is drawn from the model of Genevan institutions is thus also ironically true). To remedy this danger, Rousseau proceeds to deduce a version of the division of powers from his understanding of the relation of the sovereign to the government. Should the government be too strong for the size of a state, it should be divided⁹⁸. The division of the government will reduce its strength against the sovereign, while maintaining it against the state. Most importantly here, Rousseau indicates that the form and shape of the government is in no way determined independently of the particular conditions that happen to pertain. "There can be as many different governments in nature as there are states different in size."⁹⁹

Rousseau is thus entirely flexible on the kind of government -- monarchy, aristocracy, democracy, mixed or tempered -- that is available and wishes only to adopt the form that best maintains the proportion of state. The key words in this entire discussion are the danger of "distance" and need for "*liaison*." A *liaison* is a link, but it is also the ingredient that binds a

⁹⁷ "Thus to be good the government must be relatively more powerful." SC iii 1 OC iii.

⁹⁸ SC iii 7 OC iii 414.

⁹⁹ SC iii 1 OC iii.

dish together. It is what overcomes distance and distance is the space in which a particular will can exceed its proper goals and usurp the common. The overcoming of distance takes place through the constant and continuing exercise of will, in that the will provides a continuous presence for all parties.

How does this work? Optimally, as long as those united together consider themselves to be “one body,” they will have one will which will relate to the commonality. The sovereign will then have only to make a few laws.¹⁰⁰ (Indeed, “the most vicious of peoples ... is that with the most laws”¹⁰¹). The possibility that the sovereign might be silent in a general is not a problem. Since the sovereign is the commonality of the “we,” it exists as long as the “we” exists. In such circumstances, “tacit consent is presumed from [popular] silence,” Rousseau notes.

The existence of the sovereign then is not dependent on the sovereign constantly being in action. Will is for Rousseau a state of being, not an action. Thus “the sovereign is taken constantly to confirm all laws that it does not abrogate. All that he has declared once to will, he wills it always, unless he revokes it.” I am what I am as long as I am. Resting the state on will ensures the continuous presence of commonality. As will cannot be represented, “it is the same, or it is other.”¹⁰²

Representation is then much more complex in Rousseau than is normally thought. In 1957, John Rawls wrote an article entitled “Two Concepts of Rules” in which he distinguished on the one hand constitutive rules, those rules that made it possible for something to be done, and, on the other hand, rules that told you what to do when.¹⁰³ The distinction is Rousseauian, for Rousseau’s hostility to representation is only in terms of what he calls fundamental -- what Rawls calls “constitutive” laws. Rousseau admits the possibility and even necessity of representation in relation to the *government*, i.e. in the sphere of those rules which tell you what to do when.

¹⁰⁰ SC iv 1 OC iii 437; cf GP x.

¹⁰¹ *Fragments politiques* iv 7 OC iii 493.

¹⁰² SC iii 15 OC 111 429.

¹⁰³ John Rawls, “Two Concepts of Rules,” *Philosophical Review*, 1957.

Indeed this is not the area of citizenship in that it concerns that which affects us differently, not in our community.

It is thus the nature of the sovereign act, as opposed to that of the administrative or governmental act, that makes it impossible that the first be represented and possible that the second can and even should be. The sovereign act has the particular quality of being perfectly and completely free, “the freest act in the world.”¹⁰⁴ And to be perfectly free, and thus assure that the political society that results from the activity of sovereignty retain the quality of freedom, it cannot be confined by form. It must remain will, existing only in the present. The argument against representative sovereignty is consequent to Rousseau’s understanding that the political life must be *one’s own* life and that no life that is shaped by structures that have duration of time and extension in space can possibly be *one’s own*.

Such a person is what Rousseau calls a *citizen*, whose self is political, that is a self in which is manifest the “essence of the body politic [which] is .. the agreement of obedience and liberty, and ... these words of subject and sovereign are identical correlations the idea of which is brought together in the single word, Citizen.”¹⁰⁵ It is, of course, perfectly possible and perhaps the most natural thing in the world to think that one is free without actually being. “The English people thinks itself to be free; it is greatly mistaken. It is only so during the election of members of Parliament; as soon as they are elected, it is enslaved, it is nothing.”¹⁰⁶ This mistake, we should note, does not consist in taking on the *wrong* quality. It consists in *loosing* a quality, that is, in becoming “nothing” which is what one is when one is not a citizen. A page later, Rousseau will write that if a people gives itself (sovereign) representatives, “it is no more.”

Administration or government then is not a matter of will. It is rather the consequence of the “fundamental laws” which determine its form.¹⁰⁷ Inside this form there can be representation, as long as that representation does not destroy the being that has been created in the sovereign.

¹⁰⁴ SC iv 2 OC iii.

¹⁰⁵ SC iii 13 OC iii 427.

¹⁰⁶ SC iii 15 OC iii 430; See GP 7.

¹⁰⁷ SC ii 12.

The threat of representation is then not just that I will be betrayed by the representatives and that my interests will not be served, but rather that the representatives will serve my interests and that I will let them. In this case a body (the Government) whose existence is “borrowed and subordinate” will take over, as it were, the living body of the citizen and that “I” will no longer *be*.¹⁰⁸ The self which is the citizen will literally go out of existence. It is for this reason that Rousseau wants to create an “excessive dependance” on *fundamental* laws, i.e., on those laws that give one being as a citizen.

IV. *The threat of corruption*

The introduction of government was necessary to give the common self a concrete existence. Yet the government too had to have a “real life” if it was to “answer to the end to for which it is instituted.” But this raises the difficulty of how one will “order in the whole this subordinate whole, such that it does not alter the general constitution in affirms its own, ... such that, in a word, it be always ready to sacrifice the government [i.e. itself] to the people and not the people to the Government.”¹⁰⁹ We saw above that the government is in constant danger of being “out of proportion” with the state and the sovereign. These concerns form the focus of Book Four, a book that explores the threats of and resistances to the possibility of corruption, of living together not as humans.

Political virtue cannot be recognized simply by its expression. Unanimity is the sign of one of two possible conditions. Either it testifies to a healthy state, in which the general will appears naturally, by itself one might almost say, or it is a sign of complete servitude, where “citizens ... have neither liberty nor will.”¹¹⁰ In this case, the speech of deliberation is replaced by adoration or curses.

Rousseau’s discussion here notably changes tone. Whereas in the first three books the argument about been more or less formal, about the “principles of political right,” here the

¹⁰⁸ Though my analysis differs from his in important ways, it is a delight to me that I come back here to themes I first encountered in Pierre Burgelin, *La philosophie de l’existence chez Jean Jacques Rousseau* (Paris. PUF, 1952).

¹⁰⁹ SC iii 1 OC iii.

¹¹⁰ SC iv 2 OC iii.

discussion is historical and by examples. Displaying a good deal of historical erudition, Rousseau looks to more or less successful more or less republics, of which Geneva, Venice and Rome are his three prime examples, to determine what institutional devices those states employed in order to keep the *liaison* in good working order.

A notable quality to his discussion is his tacit insistence that no institution should be exempt from change. He notes, for instance, that Cicero had argued¹¹¹ that the introduction of the secret ballot was a sign of and contributor to corruption. And whereas one might have expected Rousseau, with all his emphasis on the public quality of political life, to approve, instead he says that “although I feel here the authority that the judgment of Cicero must have, I cannot be of his opinion. On the contrary, I think that the loss of the State was accelerated by not having made enough of such changes.”¹¹²

The most striking quality, however, to his discussion is his insistence of the ultimate dependence even of social mores on a political system structured on the basis of the general will and commonality. An institution such as the Roman practice of popular censure will serve in the end only to maintain good social mores, never to re-establish them.

The opinions of a people are born from its constitution; although the Law does not regulate mores, legislation does give birth to them. When laws weaken, mores degenerate.¹¹³

A great deal rests on the claim that Rousseau makes for the common. Most, perhaps all, humans can only experience the common in a rightly principled political order. There is not only no opposition between that which is common or general and institutions, the former requires the later, although it is not found in them. Humans have, in the end, nothing to protect them from dehumanization except the life in this order. This is not, I repeat again, a preference for Rousseau for living in “community.” It is an argument that living a life that enables the common, that is the human, while not itself a structured or rule governed life is not possible without such structures of rules. That which is most truly excellent, excellent in the sense of a defining virtue, about human beings is available to all human beings, should they but enable

¹¹¹ In *De legibus* iii 15.

¹¹² SC iv 4 OC iii.

¹¹³ SC iv 7 OC iii.

themselves to find it. The Second Discourse gives the reader some reasons why human beings might refuse the availability of the human: for Rousseau what they refuse is themselves.

And, it is worth noting, how little importance mortality plays for human beings when they live centrally in the present, as Rousseau thinks they can. In my discussion of the first encounter with the “Giant” other I noted Rousseau’s differences with Hobbes. Mortality for Hobbes was the central fact of human existence. Fear of it gave leverage to political legitimacy. Not so for Rousseau: death, in so far as it makes an appearance in the *Social Contract*, is to be welcomed as part of the life in common. The criminal condemned to die for his crimes is to look upon his lot as chosen by himself in the act of citizenship. Not for Rousseau is Hobbes’ placement of the fear of violent death at the center of human experience. In fact, one can say that one major point of Rousseau’s political teaching is to remove death from a privileged place. It is clear, for instance, that if “true” religion (“the religion of humans, that is Christianity, not the Christianity of today, but that of the Gospels, holy sublime, truthful...”¹¹⁴) should be established in a well-ordered state, it would duplicate the dynamics of that society and extend them even beyond death. But it would not change the dynamics of political society: extending the common beyond the grave does not seem to be very important or problematic to Rousseau. Religion can be useful to have, but his discussion of it is tucked away amidst other institutions that may be of help against the curdling of the social tie.

Why this emphasis on the general, on community? Why not simply abandon it as unnecessary at best, dangerous at worse? The question requires us to think about whether Rousseau’s argument for the actuality of the vision of the Social Contract is designed to make humans somehow better -- i.e. is a moral imperative -- or whether he thinks it an expression of what it means to be human for those who have had the history we have, the history he has unveiled in the *Discourse on the Origins of Inequality*. If political life is the life of common involvements, of what humans have in common, of what is common, the vision of the *Social Contract* is designed to express Rousseau conviction that we are in common with each other. The Social Contract shows us, I think, not what humans are capable of: it is not an ethical imperative. Rather it shows what it would mean to make the human available to beings such as we are, whose history has been that of the non-human.

¹¹⁴ SC iv 8 OC iii.