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Jean-Jacques Rousseau, *Social Contract*
Book I, Book II, Book III: 1–2, 15, Book IV: 1–2

The aims of The Social Contract

Rousseau's announced aim is to explain how freedom is compatible with society.

Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more a slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question.

In our actual social world, we find ourselves in bondage. But is this the only social world possible?

The problem

The core problem is to enjoy the goods of society (such as self-preservation) without sacrificing our freedom.

To find a form of association that will defend and protect the persons and goods of each associate with full common force, and by means of which each, uniting with all, nevertheless obeys only himself and remains as free as before.

The solution

Roughly: For each individual to agree to the terms of the social contract, which are to subordinate his or her individual will to the "general will": that is, to commit to doing only what the general will permits.

What is the general will?

A collective decision, by the people as a whole, reached by a certain, specific procedure.

The procedure is majority (or supermajority (IV, ii, 10–11)) vote in which:

- (i) the proposed laws do not refer, implicitly or explicitly, to particular persons (II, iv, 5);
- (ii) the proposed laws apply to everyone (also II, iv, 5); and
- (iii) everyone votes (once again II, iv, 5)
- (iv) on the basis of sufficient information about the consequences of the proposed laws (II, 3, iii), but
- (v) without information about how others will vote (also II, 3, iii).

Condition (v) prevents strategic voting. So each person votes for the law that he believes would be best for her, understanding that, in light of (i), she can't bias the law in her favor, and in light of (ii), must live under the law.

Why does the general will always will the common good?

Rousseau argues that implementing the general will always promotes the *common good*.

What is the common good?

1. Based in shared interests: At least some of people's interests are shared. Self-preservation, for example, is in everyone's interest. The common good is the promotion of these interests.
2. Understood in distributive, not aggregative terms: The common good is not the sum of these interests. That would allow sacrificing one person's interests to benefit others. Promoting the common good is promoting everyone's shared interests to an equal extent.
3. What is the benchmark, from which we are measure how far anyone's shared interests have been promoted? A benchmark of equality, in which no one has anything (I, vi, 7).
4. Not controversial. There may be disagreement about *which means* will best promote the common good, but no disagreement about what the common good *consists in*.

Suppose you are outvoted. This means that the law that you believe, at the time of casting your vote, best serves the common good is not the law that is in fact chosen. Suppose further—we'll see why this is supposed to be so later—that you are free only if you live under a law that serves the common good. Then how can you be free, or believe yourself to be free, in obeying that law, which you voted against?

Yet the question is raised how a man can be both free and forced to conform to wills which are not his own. How are the opponents both free and subject to laws to which they have not consented? (IV, ii, 7).

I answer that the question is badly framed. The Citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate any of them. The constant will of all the members of the State is the general will; it is through it that they are citizens and free. When a law is proposed in the People's assembly, what they are being asked is not exactly whether they approve the proposal or reject it, but whether it does or does not conform to the general will, which is theirs; everyone states his opinion about this by casting his ballot, and the tally of the votes yields the declaration of the general will. Therefore when the opinion contrary to my own prevails, it proves nothing more than that I made a mistake and that what I took to be the general will was not. If my particular opinion had prevailed, I would have done something other than what I had willed, and it is then that I would not have been free (IV, ii, 8).

Rousseau's response is that the fact that the majority chose the law that I voted against shows that the law that I voted against does *not*, in fact, does promote the common good. The fact that I was outvoted shows that my vote was based on a mistaken belief about what would promote the common good. Of course, this is true if majority votes that meet the conditions we specified earlier—(i)–(v)—always select the law that promotes the common good. But why should this be?

Rousseau here appears to be relying on the reasoning underlies the “jury theorem” of the Marquis de Condorcet. Condorcet circulated in more or less the same intellectual world as Rousseau, both of them being, at least at times, friends of d'Alembert. Although Condorcet did

not publish his theorem until 1785, after the *Social Contract* appeared, it is reasonable to suppose that the idea had been in the air for some time before.

The jury theorem goes like so. Suppose we ask a group of people whether P. Then:

- (1) If the group is sufficiently large (supported by condition (iii)),
- (2) if each person “votes” her sincere belief whether P (supported by conditions (i), (ii), and (v)),
- (3) if each person arrives at her belief independently of the beliefs of others (supported by condition (v)), and
- (4) if each person is more likely than not to have the correct belief (supported by condition (iv)),

then the majority answer is very likely to be correct. This probability increases toward the limit of one rapidly with the size of the group and/or with the probability that each individual will answer the question correctly.

The conditions that a referendum on a law must meet in order for the decision made by the majority to be an expression of the general will—namely, (i)–(v)—are conditions that ensure or make it likely that the referendum meets the conditions of the Condorcet Jury Theorem, with question whether P being the question whether the law at issue promotes the common good. It follows, then, that the law willed by the general will is likely to promote the common good. This is why the fact that one was outvoted shows that one was mistaken.

Why, for example, will (2) be satisfied? Strictures (i) and (ii) entail, Rousseau suggests, that the only way for an individual to try to promote his own good by a vote is by trying to promote the common good. Thus, if, as we can expect, each individual votes for what he believes serves his *own individual* good, then he also, in effect, votes for what he believes best serves the *common* good, which is just (2), where P=the law at issue promotes the common good.

Why is the general will always upright, and why do all consistently will each one’s happiness, if not because there is no one who does not appropriate the word *each* to himself, and think of himself as he votes for all? (II, iv, 5).

Some comments:

“Real-life referenda don’t meet these conditions. So why think that the majority has gotten it right in those cases?” Rousseau agrees that if a referendum doesn’t meet these conditions, then there is no reason to trust the majority. But he points out that if a referendum doesn’t meet these conditions, then the majority doesn’t express the general will. “This presupposes, it is true, that all the characteristics of the general will are still with the majority: once they no longer are, then regardless of which side one takes there no longer is any freedom” (IV, ii, 9).

“Can’t the general will still be wrong?” Yes, there is no guarantee. But Rousseau might still argue that one will never have good *grounds for thinking* that the general will is wrong. And if one never *thinks* that in following the general will one is not promoting the common good, then one will never *think* that in following the general will one is not free. No one (in her right mind) will ever disobey (what she takes to be) the general will on the grounds that she would not be free in obeying. Notice how this provides a solution to the problem of political obligation that Hobbes faced. The problem was this. Suppose you believe that some policy doesn’t conduce to

your self-preservation. Now suppose that the sovereign follows that policy. How can you, given that you care about your self-preservation above all else, go along? The parallel problem for Rousseau is this. Suppose you believe that some policy doesn't serve the common good. Now suppose that the general will wills that policy. How can you, given that you care about your freedom, which in turns means caring about the common good, follow that policy? Rousseau's solution is that once you see that the general will willed that policy, you will come to believe that it does serve the common good after all. Notice that Rousseau doesn't settle for a more familiar solution, such as: that you made a promise to accept political decisions, that you accept that others have just have much right to influence political decisions as you, etc.

“This argument seems to imply that the only purpose of democracy is ‘epistemic’: it’s a good method *for finding out what the common good is*. But might democracy be valuable in some other way? For example, is participation in the political process itself important? Suppose we devised a supercomputer that did this with 100% accuracy. Might we still want to stick with rule by the people rather than rule by supercomputer?”

How does this leave us as free as we were before?

If you've been paying attention, then your first reaction to Rousseau's solution ought to be disappointment. How on earth are we left as free as we were before, and obey only ourselves, if we've subordinated our wills to the general will?

Indeed, this solution can seem like a dark, Orwellian joke. Consider what Rousseau goes on to say:

Hence for the social compact not to be an empty formula, it tacitly includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free.

Many have concluded that Rousseau is a friend of totalitarianism. This can't be the right interpretation. But what alternative is there?

What is freedom?

It depends on what Rousseau means by (the French equivalent of!) “freedom.” The trouble is that he seems to mean many different things by “freedom.” Two main conceptions of freedom seem to be at issue here:

1. *Non-interference*: Not being interfered with in one's pursuit of personal purposes, e.g., no one puts obstructions in one's way, locks one up, takes things from one, etc.
2. *Non-subordination*: One is not subordinate to anyone else, e.g., one does not have to obey anyone else.

There are yet other important conceptions of freedom at work in Rousseau. For example,

3. *Self-mastery*: One isn't swayed by passing impulses, addictions, etc. Instead follows deliberate plans that one has set out for oneself. “[W]hat man acquires in the civil state, moral liberty, which alone makes him truly master of himself; for the mere impulse of

appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty” (I, viii, 3).

Rousseau suggests that living under political laws helps us to achieve self-mastery, by schooling us in a certain discipline. But let’s focus on 1 and 2, which seem to be his focus.

Non-interference:

As we saw, Rousseau believes that implementing the general will always promotes the common good, which involves ensuring that persons, goods, etc. are protected from invasion, theft, etc. Therefore, to live in a society in which everyone’s will is subordinated to the general will is to live in a society in which everyone is freer from interference than one would be in a state of nature. Thus, the social contract leaves one “as free as before,” simply by leaving one *at least as free from interference as one was before*.

Comments:

A society might leave *one* at least as free from interference as one was before, without promoting the common good. It might promote the freedom from interference of some people more than others (even if it leaves one, or indeed everyone, freer from interference than they were before).

What does being free from interference have to do with “obeying only one’s own will”? Submission to Hobbes’s sovereign, for example, is meant to leave you freer from interference. But it does so precisely because you substitute the *sovereign’s will* for your own. So the link, if there is one, between being free from interference and obeying only one’s own will is not obvious.

Non-subordination:

Hobbes thinks that we are not *naturally*—that is, in advance of a social contract—obligated to obey anyone else. But Rousseau seems to be saying that, *even after a social contract*, we are not bound to obey anyone else. Why?

A. One obeys only one’s own will, because to submit to the general will was one’s own will—what one chose—in first entering the social contract.

Problems:

- Suppose that yesterday you decided to do whatever the general will requires. Today, the general will requires you to do X, but, in the familiar, ordinary sense, you don’t *want* to do X. In what sense are you doing your own will? Why should “your will” be identified with one’s past will, rather than one’s present will?
- If this answer were the whole story, then the *content* of the contract would not matter. Complying with the terms of *any* contract would leave one as free as one was before. Why is this a problem?
 - First, we get the laughable result that if yesterday I willed myself into slavery, then today I am free in doing what my master tells me.
 - Second, Rousseau claims that *only* the social contract, with its unique content, solves the problem. “The clauses of this contract are so completely determined by the nature of the act [i.e., one that must leave us as free as

before] that the slightest modification would render them null and void” (I, vii, 5).

So something about the *content* of this contract must explain why it solves the problem.

B. One obeys only one’s own will, because—whether or not one made any decision to enter the social contract—the general will is identical with one’s own will. This is either because of the procedure by which the general will is constituted, or because of its tendency to promote the common good.

Problems:

One’s individual will *contributes* to the general will, and one’s own good *is served to some extent* by the common good. But one’s individual will isn’t *the same as* the general will, and doing what serves one’s own good isn’t *the same as* doing what serves the common good.

For example, there are cases in which if one does not contribute to the common good, then the common good will not be realized, and so one will not receive any benefit from it. But not all cases are like this. Sometimes it is possible for one to free-ride. The common good will be realized to some extent whether or not you contribute equally, and the reduction one’s benefits will be less than the cost of one’s contribution. This is precisely the problem that Rousseau identifies in the paragraph before the “forced to be free” line (I, vii, 7).

C. One obeys only one’s own will in the sense that one does not obey any other private individual or group. One is “free as before” in the sense of free from personal dependence.

Granted, one is beholden to the *general* will, but one is not beholden to the will of *any particular person*. There is no *individual* about whom one can say: “I am subordinate to *him*. I must obey *him*. He has *more of a say* about what I do, or what happens to me, than I have.”

This is so in three senses:

1. One serves no one else’s good more than one serves one’s own, because one serves the common good, in which each benefits equally.
2. The laws that result create a society in which citizens, in their private interactions, are not dependent on other citizens.
 - An equal distribution of economic means and social distinctions wherever possible (III, iv, 5). For example, people are never so poor that they become, in effect, the slaves of the rich. (Keep in mind when we come to Marx’s account of the relation between the proletariat and the capitalist.)
 - Any inequalities (e.g., such as in office) correspond to differences in natural talents put in service to the benefit of all (III, v, 4, 10).
3. Fundamental political authority is equally distributed. Everyone’s voice counts equally in determining what the laws are. The laws cannot be said to be the commands of any other particular citizen, or any more their commands than one’s own.

Note that this explains why the terms of the social contract are unique. Any other contract would involve *inequality*. In that case, someone could say: “I do have to obey someone else. There is someone else who has more of a say about what I must do than I have.”

This also explains the bit about being forced to be free: one is being forced to comply with the only conditions that ensure freedom from personal dependence. And indeed this is just what Rousseau writes: “This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence” (I, vii, 8).

Comments:

1. When officials—magistrates, judges, etc.—make specific decisions, in applying the laws to particular people, aren't we *then* subject to the commands of some individual or party? Rousseau's response seems to be: Not in any objectionable way, so long as these specific decisions are constrained by the law, as a higher authority, which we all share equally in making.
2. On the present interpretation, an actual, datable act of *joining* the social contract does not seem to matter. Whether or not you ever *agreed to* join, you are free—because not subordinate to others—in so far as you live under the general will. And yet (I, v) seems to assert that there *does* need to be such an act.
3. Rousseau often goes beyond the *negative* point—that we are *not* ruled by any other private person—to make the positive point that we *are* ruled only by our own will. See, for example, (II, vi). This may push us back to interpretations A or B above, despite their problems.

How can we bring about such a society?

Recall Rousseau's aim:

I want to inquire whether in the civil order there can be some legitimate and sure rule of administration, taking men as they are, and the laws as they can be.

When he says “taking men as they are,” he must mean “taking human nature as it is,” not as “taking men as they *presently* are.” Men as they presently are are corrupted by inflamed *amour propre*, as we saw from the Second Discourse. Even if they understand Rousseau's arguments, and even if they appreciate, on some intellectual level, their force, they won't be reliably motivated to implement them. There can be no legitimate and sure rule of administration, taking men as they are *now*. Rousseau's question is whether human nature might permit them to be otherwise, if they lived in other social conditions.

But this presents us with a catch-22. Men as they presently are cannot bring about a society that would be reliably free of inflamed *amour propre*, since they themselves are not free of inflamed *amour propre*. Only men who live in such a society will be free of inflamed *amour propre*, and only men free of inflamed *amour propre* can bring about such a society.

The problem, in essence, is how we can get from here to there. Rousseau is, I think, actually pretty pessimistic about our getting from here to there. His reliance on the “legislator” as a kind of *deus ex machina* (II, vii), and his warnings about the readiness of a people for good

government (II, viii) testify to this. The main goal seems to be to show that there is a *there* to get to. And this may be hard enough.

Review Questions:

1. Consider the passage of California Proposition 8, which eliminated the right of same-sex couples to marry. Would Rousseau be forced to accept that this was an expression of the general will?

2. Explain Rousseau's claim that:

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of small differences would always give the general will, and the decision would always be good.

The immediately following text may also be helpful in explaining this.

3. Consider Rousseau's description of the social contract:

[E]ach, by giving himself to all, gives himself to no one, and since there is no associate over whom one does not acquire the same right as one grants him over oneself, one gains the equivalent of all one loses, and more force to preserve what one has (I, vi, 8).

Does this quotation support the view that the main point of the social contract is to secure freedom as non-interference? Or freedom as non-subordination? Or both?