

Humanities 4: Lectures 10-11

Rousseau's *Social Contract*

The Second Discourse and the Social Contract

- Negative vs. Positive Projects
 - How inequality arises vs. how to prevent or eliminate it
 - Descriptive vs. normative principles
 - Positive project builds on negative one.

Structure of the *Social Contract*

- Book I: The nature of political authority
 - Authority is based on convention (social contract), not nature or force (Chs. 1-4)
 - What the social contract must be (Chs. 5-9)
- Book II: Properties of the sovereign
 - Inalienable, indivisible, its limits (Chs. 1-4)
 - On law, the legislator, and the people (Chs. 6-8)
- Book III: On Government
 - On the general structure of government (Chs. 1-3)
 - On specific forms of government (Chs. 3-6)
 - On the decline of government (Chs. 10-11)
 - Further features of government (Chs. 15-18)

Structure of *Social Contract* (II)

- Book IV Miscellaneous Topics
 - Voting and election (Chs. 2-3)
 - On civil religion (Ch. 8)

Book I: Justification of Authority

- How can authority be justified? (Ch. 1)
 - “taking men as they are and laws as they might be” (p.156)
 - “bring together what right permits with what interest prescribes” (156).
 - “Man is born free, and everywhere he is in chains” (156).
- Man has no *natural* authority over man (Ch. 2)
- *Force* does not give rise to right (Ch. 3)
- => conventions are the sole basis of all legitimate authority among men.

Why is authority not based on nature? (Ch. 2)

- Familial relations are natural for man.
- Authority within families is based on natural dependence.
- However, once maturity, or independence, is reached, authority disappears.

=> Authority among adults is not based on natural (i.e., familial) relations.

Why is authority (right) not based on force (might)? (Ch. 3)

- Two Reasons

1. Force and right are different in kind.

- a) “Force is a physical power; I fail to see what morality can result from its effects” (159).

2. Right of the strongest is meaningless.

- a) “If one must obey because of force, one is no longer obliged... this word ‘right’ adds nothing to force. It is utterly meaningless here” (159).

Against Slavery (Ch. 4)

- If authority is based on conventions, could there be slavery (for an entire people, under a king)?
- What is to be gained? Civil tranquility, but
 - There are evils worse than unrest (war, oppression).
 - Plenty of tranquility in a dungeon.
- Consenting to slavery is impossible, since
 - it is incompatible with the nature of man.
 - it is contradictory (since slave has no rights).

Against Slavery based on War

- Proper conception of war
 - Between states not people
 - Not in a state of nature
 - no constant property
 - Not between private parties in civil society
 - the authority of laws holds, so no private parties
 - Limited rights to victorious party
 - Right only to what is public
 - Must respect persons and their private goods
 - => no right to kill, and thus no right to enslave

The “True Foundation of Society”

- What is the difference between master-slave and ruler-people relations? (Ch. 5)
 - Subduing vs. ruling
 - Aggregation vs. association
 - Private interests vs. public good
 - Individuals vs. body politic
- What is the act whereby a people becomes a people (a body politic)?
 - Public deliberation
 - Unanimous consent (not simply majority)
 - majority rule is a “convention and presupposes unanimity on at least one occasion” (163).

The Fundamental Problem

“Find a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which each one, while uniting with all, nevertheless obeys only himself and remains as free as before” (164).

The Solution: Social Contract

- What is the nature of the social contract?
 - “the total alienation of each associate, with all of his rights, to the entire community” (164)
 - Since all relinquish all rights, it is equal for all.
 - Since equal, no one will want to make it burdensome.
 - Since alienation is made without reservation, the union formed is perfect.
 - Since rights are given to all, they are given to no one.
 - Since I have the same right to X as X has over me, I get as much as I give, plus greater force for my preservation.
 - “Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole” (164).

Description of State

- “This act of association produces a moral and collective body composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will. This public person ... takes the name *republic* or *body politic*, which is called *state* ... when it is passive, *sovereign* when it is active” (164-5).

Clarification of the Social Contract

- Private vs. common interests? (166)
- General will vs. the will of all
- Forced to be free? (166)
- Property rights (168-9)
 - Right of first occupant vs. proprietary ownership
- Equality
 - “Instead of destroying natural equality, the fundamental compact substitutes a moral and legitimate equality to whatever physical inequality nature may have been able to impose” (169).

Balance Sheet (p. 151)

- Losses

- Natural liberty (limited by individual's force)
- Possession (force or right of first occupancy)

- Gains

- Civil liberty (limited by the general will)
- Proprietary ownership (based on a positive title)
- Moral liberty (obedience to a law one has prescribed for oneself, vs. slavery to desires)

Book II: Properties of the Sovereign

- Inalienable and indivisible
 - For the sovereign is simply the action of the general will.
- Limits
 - Each person alienates only what is relevant to the community. Only the sovereign can determine what is relevant (p. 174).
 - What limits there are to the sovereign will depend on what the common good is that we can agree to.

Law, Legislator, and People

- What is a law?
 - Universality of will and of object
 - Dangers regarding laws
 - Populace must “be made safe from the seduction of private wills” and judge what the common good truly is. It needs a guide.
- Difficult tasks for the legislator
- Laws must fit the people to whom they apply.

On the Structure of Government (Book III, Chs. 1-3)

- Govt. is a *body* intermediate between subjects and the sovereign for
 - Mutual communication
 - Execution of laws and preservation of liberty
- Balance of dangers in general
 - If the agent of the govt. is a single person, the danger is that he will act on his private will rather than according to the general will.
 - If the agent of the govt. is large in number, the execution of business will be slowed and opportunities missed.

Specific forms of govt. (Chs. 3-6)

- On Democracy (majority rule)
 - Impracticable, requires (too many) specific conditions (small homogeneous state)
- On Aristocracy (plurality less than maj.)
 - Elective aristocracy is best, but danger if nation is large.
- On Monarchy (one person rules)
 - Private will has greater sway and dominates more easily, and gaps and variability in leadership.

The Abuse & Death of Govt. (Chs. 10-11)

- Two causes of govt's degeneration
 - Reduction in size
 - Dissolution of govt (e.g., through prince or magistrates usurping power)
- R's pessimism about the duration of states follows from his analysis
 - Organic metaphors (body politic, life, etc).

Concluding Points about Govt. (Chs. 15-18)

- A people with representatives cannot be free. (Ch. 15)
- The govt. cannot be instituted by a social contract, but by the sovereign. (Chs. 16-17)
- The people can (therefore) establish and remove the trustees of the govt. when they please. (Ch. 18)
 - Periodic assemblies are a suitable means to keep a prince from usurping power.

Book IV: Miscellanea

- Votes and Elections (Chs. 2-3)
 - Only one law requires unanimity.
 - The relevant considerations are people's opinions on the common good, not what may be in their own best interest.
- On Civil Religion (Ch. 8)
 - Relation between politics and religion historically
 - Three religions: religion of 1) man, 2) citizen, 3) priest.
 - State should promote a purely civil profession of faith.

Summary

- R's main question: What is the nature of political authority?
 - It rests on a social contract whereby all renounce their rights to everyone else for their mutual preservation.
 - This act creates a general will/body politic that aims for the common good, while still preserving the individual autonomy of all.
 - It also produces a remarkable transformation in man, such that man is essentially a social being.

Rousseau and the Enlightenment

- Criticisms

- Denial of progress
- Pessimistic analysis of contemporary society
- Greater stress on historical dimension
- Organic (rather than mechanistic) metaphors

- Advocacy

- Stress on autonomy
- Acceptance of reason
- Critical of religion (in some forms)
- Critical of (current) institutions