

## WILL, COMMUNITY AND ALIENATION IN ROUSSEAU'S SOCIAL CONTRACT

Asher Horowitz

Rousseau's *Social Contract* is customarily, often presumptively, taken to be the prescriptive centrepiece of his work. His readers seem at least to agree that the *Contract* is offered as a partial or total solution to a problem or complex of problems developed in various other writings, but in its most sustained and powerful form in the second *Discourse*.<sup>1</sup> The solution that the *Social Contract* offers to the sorry condition of modern society is, however, unfolded on three distinct levels simultaneously. Too often it is read at only one of these, or else all three are collapsed or reduced to one. The first is the ideal and pertains to the ultimate resolution of the historically developed conflict between individuality and community. At this level the *Social Contract* projects a model of social individuality of which the essence is the mutual recognition by each of the inherent, non-fungible value of all other persons. At this level the political community of equals as "ends in themselves" is perceived by its members to be the condition of the free development of each and all.

The second level is the practical. Here Rousseau is concerned to demonstrate two things: that the ideal is not simply a static, timeless form but is a real possibility emerging from a definite set of historically evolved social relations. The ideal must be rooted in the *interests* of individuals as these are formed in their patterned interactions. Possible members must have a compelling interest in *this* form of community and they must be persuaded that it can be made to work at the level of institutions.

The third level, the least explicit, is the reflective, and it appears not only in

## ASHER HOROWITZ

the juxtaposition of the two previous levels but in Rousseau's desperate regressions to archaic and authoritarian practices such as the civil religion, censorship and the Legislator. At this level Rousseau indicates the historical limits imposed upon the project in question. These levels are not parts or sections of the *Social Contract*. The work as a whole, at any point, contains all of them to a lesser or greater extent. And when the assumption is suspended that the second *Discourse* is superceded, answered wholly or in part in the *Social Contract*, a different understanding of its meaning becomes possible. It is not for Rousseau himself the best or ultimate or only possible solution to the most fundamental problems set forth in the second *Discourse*. It may be read not simply as a prescriptive ideal, but as a continuation, in a hypothetical mode, of the general critique of bourgeois society that he had there grounded in a conception of the historicity of human nature. The sovereignty of the general will, derived from principles inherent in liberalism, represents the best polity that a society patterned on market relations can conceive and attempt to realize. Yet since in that society it remains unattainable, life under the sovereignty of the general will amounts to the alienation of communal life in the state. The status of the solution is therefore at best ambivalent, since it announces the project of human mastery over a previously reified history under conditions in which that project must, in perpetually failing, reproduce reification.

The *Social Contract* develops the early liberal theory of the state to its point of logical termination in popular sovereignty as political democracy. For Rousseau, however, political democracy is implied not by timeless principles of right but in bourgeois social relations, in a society essentially structured through the market, and, were it to be attempted, this new polity *could not be realized*. Thus the *Social Contract* is both prescriptive and critical of its own prescriptive dimension as ideology. Once Rousseau's "solution" is understood to be fundamentally problematic for Rousseau himself, it should then become necessary to reopen the question of Rousseau's work as a whole, and particularly of his understanding of history. In this essay I will content myself with only suggesting what that conception of history might be and where it is to be found.

## II

The problem can be divided into three analytically distinct but inseparable questions and approached serially: what exactly is the problem for which Rousseau poses the contract as a solution; what is the solution itself; and finally, what is the status of the solution? In its most immediate form the pro-

## DECONSTRUCTING ROUSSEAU

blem posed is that of the possible conditions of a morally legitimate and practically effective popular sovereignty. His basic premise is the existence of independent, thus free and equal individuals owning no allegiance higher than their own will. Hegel was essentially correct in perceiving that with Rousseau the principle of absolute liberty found its quintessential spokesman.<sup>2</sup> And, in fact, the inalienability of sovereignty that is the institutional keystone of the *Social Contract* is logically prior to any specific form of contract and is grounded, for Rousseau, in the will itself. The absolute rule of the popular will does not, in and of itself, require a contract.

The first book of the *Social Contract* outlines negatively the foundation of political authority, summarily dismissing tradition and prescription, "nature" in the form of patriarchal authority, force, fact or superiority in wisdom, leaving only the ultimate residue of the individual will. (SC, I, II-III, pp. 4-6)<sup>3</sup> The origin of political authority in the modern world is therefore to be found in a convention. In referring the foundations of the civil power to an original convention Rousseau is doing no more than joining with the natural law orthodoxy of his age. The revolution that had separated natural law from theology had already been accomplished in the previous century by Grotius and Puffendorf.<sup>4</sup> All the natural law theorists agreed that sovereignty derives from the individual wills of the members of society; but all of them also agreed that sovereignty was at least in some degree alienable, subject to an of course largely tacit consent, and fixed in its forms by the pact of submission transferring sovereignty in some proportion to a "Prince". This general schema allowed for both the political absolutism of Hobbes as well as more limited Lockean government. The will for Rousseau, however, is much more strictly self-limiting. The alienation of sovereignty is a self-denial by the will of its very essence, a "renunciation", rather than an act of "alienation" and, "to renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties." (SC, I, IV, p. 8) The absolute distinction between "alienation", which implies an exchange of equivalents, and "renunciation", which does not, immediately entails the non-alienability of sovereignty. All this is accomplished without a contract; if anything, the specific form of contract to be proposed follows from the distinction. Any theory that founds the legitimacy of government on the sovereign will of the individual is inherently and *eo ipso* a theory of the non-alienability of sovereignty and therefore implicitly a theory of popular sovereignty. All earlier versions of the contract are nullified when it is admitted that "the will does not admit of representation". (SC, III, XV, p. 78)

It is the distinction between the source and exercise of sovereignty made by previous theorists of natural law that is now seen to be in conflict with its own principle — the autonomy and responsibility of the independent and rational agent. The problem is not the normative grounding of the legitimacy of the

will — that is taken for granted, indeed pressed relentlessly towards its dialectical involution. And political democracy is its natural result: “The people, being subject to the laws, ought to be their author: the conditions of society ought to be regulated solely by those who come together to form it.” (SC, II, VI, p. 31) With the supremacy of the individual will granted, the relation of government to society is settled forthwith. Sovereignty is inalienable, indivisible and absolute; government can be nothing else but a trust. (SC, II, VI, p. 31; also SC, III, I, pp. 46-50) Citizenship can no longer be realized in consent and obedience and the peaceful pursuit of private business, but must be an active “participatory” exercise of the will.<sup>5</sup> The theory of sovereignty that has so preoccupied liberal commentators on the *Social Contract* is not the heart of the problem. The problem partly hidden behind the question of the legitimacy of popular sovereignty is the possibility of the formation of a continuously effective and legitimate popular or collective will. (SC, I, V, p. 11)

That this act of social constitution is *logically* prior does not, however, entail the practical or historical necessity of its accomplishment. The emancipated individual will that will be the foundation of the possible legitimacy of popular sovereignty has nothing in common with other wills but need, fear and abstract equality. Because of this the foundation of popular sovereignty is simultaneously a mortal danger to itself. The theory of natural law had morally foundered when, as with Hobbes, Grotius and Puffendorf, although it fully recognized the supremacy of the will it opted for a monarchical absolutism.<sup>9</sup> Thus the *Social Contract* is, among other things, an attempt to compel the emerging liberal theory of bourgeois society to face the political implications of its principles of existence.

In insisting that society henceforward abjure the rule of a master in order to live with itself, Rousseau is clearly implying that the act of association refers to a particular type of historical situation. His purpose is to inquire if “in the civil order, there can any sure and legitimate rule of administration, men being taken as they are, and the laws as they might be.” (SC, Intro., p. 3) In order to properly specify the problem it is necessary to examine the historical condition — that specific state of nature — that is the major premise of the contract. Rousseau devotes a lengthy chapter of the *Geneva Manuscript*, the first version of the *Social Contract*, to elucidating the question of whence “the necessity for political institutions arises.” (GMS, p. 157) The social soil of the contract, the particular historic socio-economic order which is presupposed as the basis of a contract and delimits the boundaries of possible solutions is there termed “la société générale du genre humain.”

Society becomes “general” when in it men do not confront one another as members of an organic social order with culturally prescribed duties and claims but perceive themselves to be in an abstract relation of instrumental

## DECONSTRUCTING ROUSSEAU

reciprocity in which each makes of all the rest an instrument for the satisfaction of his needs without claiming dominion over them:

and when his desires finally encompass the whole of nature, the cooperation of the entire human race is barely enough to satisfy them... Our needs bring us together in proportion as our passions divide us, and the more we become enemies of our fellow men, the less we can do without them. Such are the first bonds of the general society... (GMs, pp. 157-158)

It is assumed that the general society is itself the product of a lengthy historical development and is realized when, in principle, nature (both external and "human nature") is no longer the all-encompassing and order-giving moral context of social action, a cosmos known through human reason in its lawfulness, but the neutral and controllable abstract condition of subjective human instrumentality and satisfaction. The social bond is predicated upon a continual and dynamic expansion of private need, so that as the bond becomes stronger, need does not disappear in satisfaction, but the opposition of interests increases.<sup>6</sup> (see also DOI, pp. 201-203) The general society is, in short, the market becoming freed of traditional constraints and beginning to expand without external limit.<sup>7</sup>

The *Social Contract* has of course been read, notably by C.B. Macpherson,<sup>8</sup> as a petit-bourgeois response to the expanding power of the capitalist market. And, to be sure, the polity established through the contract would maintain itself in existence longest in a small, economically backwards, parochial and culturally unified society of independent commodity producers. Its fundamental principles, however, are of such generality that they are applicable in some form or other to the entire range of bourgeois social formations.<sup>9</sup>

When Rousseau does occasionally make a plea for an economy based on the moderate property of the working proprietor, this is not a basic condition of the contract, a *sine qua non* without which the formation of a general will becomes impossible. Such an arrangement is consistent with the contract but not required. Insofar as productive resources are concerned, the citizens may "share it out among themselves, either equally or according to a scale fixed by the sovereign." (SC, I, IX, p. 18) That the institution of economic equality is left up to the activity of the Legislator further suggests that as a realistic possibility, it remains a matter of contingent circumstances. (SC, II, XI, p. 42) Although a "one class society of working proprietors"<sup>10</sup> would be consonant with civil liberty, it is not a strict requirement of a "legitimate rule of administration" following of necessity from the nature of the Sovereign such as indivisibility or inalienability. Thus when Rousseau makes a plea in the *Dis-*

course on *Political Economy* for “securing the citizens from becoming poor” (DPE, p. 250) or in the *Social Contract* that “no citizen shall ever be wealthy enough to buy another, and none poor enough to be forced to sell himself” (SC, II, XI, p. 42), it is not a prohibition of wage labour he has in mind but a guarding of the “people” against “corruption”. The principal fear is that with the natural operation of the system of needs there is a constant tendency towards the production not simply of a class of wage labourers, but of a mob on the one hand and a set of grandees on the other, between whom the sovereign will be put up for sale. (SC, II, XI, p. 42, n. 1) Rousseau fully expects men to be guided by class interests, otherwise why exclude “democracy” as a possibility? But he also knows that certain structures of class interest need not completely overwhelm and abolish the sphere of political liberty.

Certainly Rousseau maintains that a near equality of wealth is necessary to the preservation of liberty. The main aim of every system of legislation are “liberty and equality... equality because liberty cannot exist without it.” (SC, II, XI, p. 42) Civic or political equality requires some moderation of economic inequality, but economic equality is strictly subordinated to the greater and essential aim of political liberty. Nor is this surprising, since the equality of moderate property ownership, although a desirable aim of “legislation”, is not given within the terms of the contract itself. The strict terms of the contract even allow for communistic property relations: “It may also happen that men begin to unite one with another before they possess anything, and that... they enjoy it in common...” (SC, I, IX, p. 18)

Even in the most favourable practical case, the predominance of a “middle estate” of petit-bourgeois producers, Rousseau does not expect liberty to be maintained without a constant vigilance on the part of the Sovereign over the “the force of the circumstances (which) tends continually to destroy equality ...”. (SC, II, XI, p. 42) These are the operations of the market as they were presented in the second *Discourse*. There Rousseau recognizes that even a situation of independent commodity production has a way of generating unequal classes. In other words, simple exchange, in which there is no authoritative distribution of reward, and/or no commutative system of just exchange, cannot remain long in existence. (DOI, pp. 201-202) Once access to the major productive resources are barred as a result of the whole of the land being owned, “one man could aggrandize himself only at the expense of another.” (DOI, p. 203) Society tends to bifurcate into two distinct classes of men, the “rich”, the owners of the productive resources, and the “super-numeraries”, those without access or who are driven off the land and “were obliged to receive their subsistence or steal it from the rich.” (DOI, p. 203) Although at the practical level Rousseau recognizes the petit-bourgeois case

## DECONSTRUCTING ROUSSEAU

to be the better approximation to the ideal, it is not exclusively relevant to the social relations of independent commodity producers.

There is in fact no simple exit from the internal dynamic of the general society. Just as a constant regulation of the terms of trade and perpetual redistribution of private property fall short of offering a solution so do some of the favourite notions of natural law theory. Within the general society the "natural sociability" of natural law theorists like Puffendorf, according to which an immediate intuitive consciousness by human beings of the identity of their natures issues in a general kindness towards others, is a fiction invented by philosophers. (GMs, p. 158) Nor is Rousseau's own "pitié" effective any longer. (GMs, p. 158) Even the "natural law", to the extent that it can be said to exist, is no source of rescue: "concepts of the natural law... begin to develop only when the prior development of the passions renders all its precepts impotent." (GMs, p. 159); modified translation)

The general society, the state of nature that is logically prior to the contract, or civil society in much the same sense given to the term by Hegel and Marx, is not only a condition of injustice, it is inherently unstable. In it

nothing is permanent except the misery that results from all these vicissitudes... The kind of general society that reciprocal needs can engender, does not, therefore, offer any effective assistance to man once he has become miserable, or at least it gives new force to him who already has too much... whereas the weak man — lost, stifled, crushed... finally perishes as a victim of the deceptive union from which he expected happiness... far from proposing a goal of shared felicity from which each individual would derive his own, one man's happiness is the other's misfortune... (GMs, p. 158; modified translation)

The general society vindicates Hobbes's state of war; only Rousseau knows that it is not "natural": "Hobbes's mistake, therefore, is not that he established the state of war among men who are independent and have become sociable, but that he supposed this state natural to the species and gave it as the cause of the vices of which it is the effect." (GMs, p. 162)

How is a sovereign popular will to be formed in the "general society", without the will being renounced through the alienation of sovereignty? If the alienation of sovereignty constitutes a renunciation of the will that violates its very essence, how, given this state of nature, is a body politic to be formed? The necessity arises for an overwhelming power standing above society capable of imposing unity and pacifying social conflicts. This, however, is exactly what Rousseau rejects, implying as it does a prior renunciation of the will. (SC, I, V, pp. 10-11; I, VI, p. 12)

## ASHER HOROWITZ

Despite the historical predicament into which mankind has brought itself in bourgeois society, this "deceptive union", Rousseau nonetheless claims that it is still possible to find a basis within existing historical conditions for a political society that will be legitimate and more than a mere pacified aggregate of self-seeking wills. It is worthwhile noting how self-consciously Rousseau restricts himself, at least in the *Geneva Manuscript*, to the material at hand in proposing a "solution". In the fictional figure of the "violent interlocutor" of the *Geneva Manuscript* the internal test of Rousseau's claim is to be found. The violent interlocutor is one of the "stronger" members of civil society, able to profit from its arrangements but refusing to submit his right to the rules of natural justice, of which he claims to be fully cognizant, without at least secure guarantees. Yet he claims even more; that the strong have no interest in justice: "to get the stronger on my side by sharing with them the spoils from the weak... would be better than justice for my own advantage and for my security." (GMs, p. 160) The contract must issue from such types and satisfy them. The solution, may not be a *deus ex machina*, but must be present as a potential within the problem itself:

... although the laws of justice and equality mean nothing to those who live in the freedom of the state of nature and subjects to the needs of the social state... let us attempt to draw from the ill itself the remedy that should cure it. Let us use new associations to correct, if possible, the defect of the general association. Let our violent interlocutor judge its success. If my zeal does not blind me in this undertaking, let us not doubt that... this enemy of the human race will at last abjure his hate along with his errors; that reason which led him astray will bring him back to humanity; that he will learn to prefer his interest properly understood to his apparent interest; that he will become good, virtuous, sympathetic, and finally... rather than the ferocious brigand he wished to become, the most solid support of a well-ordered society. (GMs, pp. 162-163)

### III

How are reason, artifice and conscious convention, the "ill itself", which are in a sense responsible for bringing forth the sovereign individual will, to serve as a remedy to the state of war in which that individual inevitably finds himself entangled? How is a people to be formed, a continuous collective will arrived at, capable of practical unity, and all this while the individual will shall "obey himself alone, and remain as free as before"? (SC, I, VI, p. 13)



## DECONSTRUCTING ROUSSEAU

Rousseau is able to propose a solution only because he perceives *both* sides of the relation of instrumental reciprocity subsisting among agents in the marketplace. Market relations require the reciprocal recognition of formal, putative equals. Thus the relations of civil society contain, as formal conditions of their possibility, a basis for a form of duty in the recognition by each of the freedom and equality of every other person. At the same time, it is well to note, those same relations objectively dictate to each his interest in the economic struggle of the market, where the other is necessarily the objectified instrument of my satisfaction. Even the violent interlocutor, the man who is "enlightened and independent" (GMs, p. 160) knows duty in the form of the rules of natural justice. His problem is a different one: "It is not a matter of teaching me what justice is, but of showing me what interest I have in being just." (GMs, p 161)

The solution may thus be found in a contract that can establish only one form of a sovereign collective will. The general will transposes into the public sphere the same logic embodied in the morality of instrumental reciprocity: "Each man, in giving himself to all, gives himself to nobody; and... there is no associate over which he does not acquire the same right as he yields others over himself...". (SC, I, VI, p. 12; see also SC, II, IV, pp. 24-25) The popular will in bourgeois society must therefore take the form of a general will (a will in which considerations of utility are present but distinctly secondary): the act of forming impersonal, universal and formal rules within the protected sphere of the assembly but originating in the private rational conscience, and applying to all equally, irrespective of wealth, rank, status, virtue or any other personal attribute, or any social accident, all of which are now seen to be irrelevant to the status of a citizen as an autonomous and responsible moral agent. The "contract" itself, as a fictive legal device, is structured in such a way as to make such a general will both possible and the only legitimate sovereign political entity. And, above all, it is meant to satisfy the conditions following from the distinction between alienation and renunciation. In the contract it seems that only one simple act is necessary in order to restore the will to itself, to return it from its previous alienation (in our terms) to a master.

Rousseau accepts Hobbes's description of the state of nature as a state of war, but refuses to ontologize it. Under present conditions of production and exchange it is a state of war. At the same time he detects greater potential in the structure of bourgeois social relations for that morality of formal universality which was to find its most complete expression in Kant.<sup>11</sup> Yet the principle of this morality follows from the very conditions of existence of the bourgeois individual. It is not "the State" which rescues the individual from the meaningless immorality of the lawless pursuit of acquisition and satisfaction in order to deliver him into a condition where the possibility of regulating his own conduct through the generation of universalizable rules guarantees his

"dignity".<sup>12</sup> The state finds its ground not in an atemporal reason and freedom, but in the specific rationality of the "free" relations of abstract exchange.

Yet, it is the specific moral potential of exchange relations that allows Rousseau to avoid the "renunciation" of sovereignty exemplified in *Leviathan*. Like Hobbes's contract, Rousseau's is an agreement among the several individuals, each contracting with all the rest; but it is not undertaken on behalf of a third party. (SC, I, VI, p. 13) What renders the contract morally acceptable is the fact that not only is there no renunciation of the will, there is rather in "total alienation" an integral recovery, in that moment, of liberty (and thus responsibility), property, power and security: "Instead of a renunciation they have made an advantageous exchange...". (SC, II, IV, pp. 26-27) Thus a *collective* sovereign will, the general will, may both satisfy the demands of the individual sovereign will *and* form the means by which a settled political condition becomes possible. It is the only possible reconstitution of community, as opposed to a pacified aggregate. And community may be formed now only as an association on the basis of equality in the form of law: "when the whole people decrees for the whole people," (SC, II, VI, p. 30; see also SC, II, IV, pp. 25-26) The community created on the basis of the contract is a legislating body. The only legitimate political will in bourgeois society is the general will. The popular will cannot be the customary law identified with a traditional community, since under the conditions of civil society it has been, or is in the process of being, dissolved. Nor can it be the command of any merely actual superior, for that denies the innermost meaning of the will itself. It is not simply that the community or collective produces legislation. It is rather community that is constituted and reaffirmed, *and* individuality that is grounded, sheltered, nurtured and realized in the *act* of legislation itself. The solution to the problem of the supremacy of the will in bourgeois society lies in the assumption by all of its members of the lawmaking power, conceived as the power to make rules strictly limited by their universality. Bourgeois society is thus shown to be, despite its past and the despotic tendencies of its theorists, inherently democratic. The general will is, if you like, the truth, in the Hegelian sense, of civil society.

The problem and the solution are thus inseparable and form a structured whole. The solution *in principle* is grounded in the conditions of civil society, but the very same conditions, those absolutely free and equal wills, set definite limits within which the solution might be realized in practice. In this way the problem is taken up into the solution itself. Much of the remainder of the *Social Contract* is thus integral to the work as a whole and attempts to establish *a priori*, in the future conditional, the outcome of the concretization of the solution under different classes of conditions. And in doing so it points to the contradictions, evasions and flights from reality contained in the solution.

## DECONSTRUCTING ROUSSEAU

### IV

"The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly lacked." (SC, I, VIII, p. 15) What is truly remarkable is that the barely veiled irony in this statement should with such constancy be conveniently overlooked. The "remarkable change" that occurs in the member of civil society, Rousseau reminds us immediately before this statement, characterizes *only one side* of his existence, his membership in the political community. As a member of the "Sovereign" he shares in the legislative power whose lawful acts he is under as a member of the "State". As a citizen he is both sovereign and subject simultaneously. But alongside this "manner of existence", the prior one embodied in the state of nature is most definitely not abolished: "...each individual as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen." (SC, I, VII, p. 15) The man of civil society intrudes between sovereign and subject, splitting them in two threatening to make a mockery of citizenship, to dissolve this trinity by separating its parts in unholy antagonism.

The *sovereign-subject* must therefore in his earthly and mundane existence as a *man* be forced to obey his own law, must be "forced to be free". (SC, I, VII, p. 15) The existence and possibility of the formation of a general will are at stake. *Existence* as a citizen comes, therefore, to be predicated upon the presence of a relatively autonomous administrative power standing outside and over the realm of particular wills. Just as the liberty of the state of nature, under the threat of personal extinction, is exchanged for an equivalent in civil liberty, the inherent powerlessness of the general will assures that the mortal danger of the state of nature must be transferred to political society.<sup>13</sup> Civil liberty is thus not only pure devotion to duty that raises the ego out of subjection to the realm of the passions, but is informed by the most "base" of the passions themselves, and the one which previously grounded all relations of master and "subordinates" — the fear of a violent death.

Rousseau also, therefore, places beyond the normal range of possibility any relation between civil society and the state that is not antagonistic and reactive. Any continuing proper relation of State and Sovereign comes to be dependent on the Prince. The Prince enforces as well as administers the laws, and it is this threat of legitimate force, the "key to the workings of the political machine," which "alone legitimizes civil undertakings." (SC, I, VII, p. 15)<sup>14</sup>

The general will and the sphere of particular wills are exact correlatives; each is mediated dialectically by the other, as was the case with the relation of the problem of the *Social Contract* and its solution. The general will can exist *only* by virtue of the particular wills of the members of a "general society", and exists in order that within the sphere of particular wills, personal dependence and direct exploitation do not become the general condition.

The doubling of human existence that takes place is the only legitimate form in which civil society may constitute itself as a political community. But it has as a necessary condition the existence of an intermediary which must keep the two spheres apart and isolated from each other. This, and not technical reasons of size, communications and complexity is the fundamental reason why "democracy" becomes impossible. It would threaten the purity of the Sovereign were "the body of the people to turn its attention away from a general standpoint and devote it to particular objects." (SC, III, IV, p. 55)

That civil society persists substantially unchanged as the inverse of the artificial body of the political state *and* poses a constant threat to it is also evident in the status of the private property under the contract. Although the alienation that constitutes the Sovereign is total, including wealth in the hands of the contractors, the political community does not assume control over the economic process, but "changes usurpation into a true right". (SC, I, IX, p. 18) Although property is no longer a sacrosanct natural right and "is always subordinate to the right the community has over all," (SC, I, IX, p. 18) the political community under the contract, it is only reasonable to expect, merely formally subordinates the rule of private property to its own rule. It substitutes an equality which is merely "moral and legitimate". (SC, I, IX, p. 19) "Moral equality" is substituted for "natural" inequality, but "artificial" inequality, generated by the process of market production, and the result for Rousseau of the unlimited acquisition of private property, remains untouched. (SC, I, IX, p. 18-19)<sup>21</sup>

Given the "very remarkable change" and the "peculiar fact" the intervention of a Legislator is necessary in order to make a "blind multitude" "see the good they reject". (SC, II, VI, p. 31) What is at first forgotten in the abstraction from all historical conditions — an abstraction which must be made in order that the general society constitute itself as a political community of equal and morally autonomus persons — civil society as an aggregate of rational wills which as a whole is irrational, returns in this need for a Legislator. The Legislator as the personification of a more inclusive and therefore higher rationality has the task of bringing into existence an articulated whole, a cultural unity, out of a blind multitude. He must lay down the foundations for the legitimacy of the general will in the usages, customs and conventions of society. And he must do all this relying not on the right of command, but only on the "miracle" of his "great soul". (SC, II, VII, p. 35)

The Legislator is, however, "an intelligence... wholly unrelated to our nature, while knowing it through and through." Thus, "while great princes are rare, how much more so are great Legislators." This prodigy is the *deus ex machina* abjured in the original formulation of the problem in the *Geneva Ms*: "It would take gods to give men laws." (SC, II, VII, p. 32) Rousseau is adamant that the task can simply not be assumed by his charges, constituting

## DECONSTRUCTING ROUSSEAU

as it does "an enterprise too difficult for human powers, and for its execution, an authority that is no authority." (SC, II, VII, p. 34) The idea of a rational and directive general will turns into, and is displayed as, a myth in the need for a Legislator, and also in the divine myth upon which the Legislator founds his authority. For to the extent that a Legislator may be said to exist and be "capable, so to speak, of changing human nature" from a "physical and independent existence" to a "partial and moral existence," (SC, II, VII, p. 32) the autonomy proclaimed in the principle of the will is vitiated by a return of the heteronomy characteristic of Rousseau's notion of ancient virtue. His absence signals the perpetual frustration of the sphere of mutual recognition, but his presence denies the autonomy of the will. The need for a Legislator (and a civil religion) are almost blatant admissions of the illusory status of that "remarkable change" produced through the contract. The citizens cannot themselves successfully mediate their abstract and ideal civic life with their given social conditions.

The hidden substance of social life, the sphere of particular wills, contains the seeds for the demise of the moral and collective body established through the contract. The general will is defeated *in and by its own preconditions*. Civil society, not transformed but sustained and maintained through the contract, prepares the destruction of the Sovereign in several ways. First, under the strict terms of the contract itself, equality will most likely remain purely formal, insofar as the market tends to continually reproduce and exacerbate economic inequality. (SC, II, XI, p. 42) Although the community has the power to regulate, redistribute and even socialize property, there is no guarantee that this will be accomplished when it is vital to the cause of equality or the health of the state. (SC, II, IV, p. 24) It would be foolish not to expect the opposite. (DPE, pp. 262-263, 268-269) The formal equality enjoyed by men as citizens may hide the untransformed substantive inequality of a society divided into economic classes. (see above, pp. 4-5 and SC, I, IX, p. 19, n. 1)

In the second place, although the formation of a general will requires, not the legal suppression of partial associations,<sup>16</sup> but the insulation of the lawmaking act from their pressure, particular wills cannot and must not be suppressed. The next best alternative would be "to have as many as possible and to prevent them from being unequal." (SC, II, III, p. 23) This move in the direction of pluralism would, however, only serve to prevent the state from falling into the grip of an extremely narrow group and would replace the general will with a more or less tenuous will of all, depending upon how acute and intense conflicts of interest were among particular groups.

Finally, as a result of the combination of the above two factors, which follow directly from the retention of a separate sphere of particular wills, Rousseau fully expects that, especially in large states economically dependent

## ASHER HOROWITZ

upon industry and commerce, the state administration will "unavoidably" grow in substantive legislative power until it overshadows and usurps the general will, the legitimate Sovereign: "...sooner or later the prince must inevitably usurp the sovereign and suppress the social treaty." (SC, III, X, p. 70) Just as political democracy is the truth of civil society, the "despotism" of the administrative state is the truth of a merely "political" democracy based upon and sustaining the relations of civil society.

What should be noted above all is the retention of the sphere of particular wills as the wills of the actors in a market society, or to be more accurate, the fact that a general will is based upon the existence of such a plurality of particular, rational wills.<sup>17</sup> The political community that arises through the contract has, of necessity, no perfectly autonomous existence of its own. The conditions that inspire it, that make it practically possible and morally necessary, never disappear within it no matter how much they are constantly negated by it. If Rousseau's citizen learns the lesson of civil liberty, he never forgets the lessons of the state of nature. The contract itself does not abolish the antagonisms of civil society, but only creates another sphere of relations that ought to be superior in fact, but whose superiority is in fact always in doubt. Although in some sense the particularity of the individual will is taken up into, included within and surpassed in the general will, this general will, the Legislator notwithstanding, is never taken down fully into the particular but merely regulates it.

Community and equality are thus expressed *only* in the state. The necessary guarding of the sphere of pure reciprocity from the sphere of instrumentality can never be fully accomplished. The purported and necessary transformation in the "manner of existence" of the previously isolated individuals, does not, cannot, in fact take place. The "moral and collective body" which leads a merely "abstract and collective existence", (GMs, p. 167, 177; SC, I, VII, p. 15; II, III, p. 22; IV, I, pp. 85-86) thus exists both in place of and alongside the previous aggregate, not supplanting the state of nature, but expressing and maintaining it, negatively exemplifying it.

## V

It is thus, with hindsight, both ironic and perfectly apt that Rousseau should have described his "solution" to the problem of civil society as an alienation rather than a renunciation. For it in fact propounds the notion that the perfected political state, the absolute sovereignty of the general will implicit in both the theory and practice of bourgeois society, would, were it to be

## DECONSTRUCTING ROUSSEAU

established, constitute the alienated expression of a communal life whose criteria of legitimacy could themselves not be realized.

Rousseau's sense of alienation cannot be adequately analyzed in quasi-Durkheimian terms as "marginality".<sup>18</sup> Nor is it simply the complaint of a petit-bourgeois against being pushed aside by the march of material progress.<sup>19</sup> Rousseau's understanding of alienation, whatever its psychological origins, is based upon the notion that the social relations that themselves constitute individuals, that always render the will in a determinate historical form, are the actual basis of those forces that escape human control. In the *Social Contract* the relations of instrumental reciprocity generate an ideal of social individuality, of man as a species-being, which ideal must be given some measure of real force in order to regulate the *bellum omnia contra omnes* which persists in the everyday world of private lives. Thus the membership of this polity *must* live a double life in reality. The general will is no more nor less "real" than the particular wills. The particular bourgeois must continually submit to this community which frustrates his private striving in the system of needs, but which expresses both his social being and his need for security. From the point of view of the community the sphere of instrumental reciprocity is *also* both an obstacle to and a condition of its being. The general will cannot be the communal life of serfs, helots or aristocrats.

In his transition from radical democracy to communism Marx retrieved this level of meaning in the *Social Contract* when he commended Rousseau for offering a good description "of the abstraction of the political man".<sup>20</sup> Yet Marx did not see that he *also* recognized that the abstraction and opposition of political forces to man's "own forces" is the determinate product of bourgeois social relations. That at the reflective level Rousseau recognizes the contract to be no more than the alienation of communal life in the state implies that he grasps the starting point, the historical "problem" as already constituting a condition of alienation. The only other reader of Rousseau who, to my knowledge, understands the historical grounds of the contract to be a condition of "universal alienation" is Althusser.<sup>21</sup> And Rousseau does in fact specify that the social contract is both possible and necessary at a certain "point" in the historical development of society. (SC, I, VI, p. 11) As Althusser points out, in this condition the forces of each individual are not the undeveloped powers of the pre-human "savage", but the capacities and powers of the civilized man as they have been historically developed in social relations with others. Opposed to the forces at the disposal of the social individual are the equally social and historically generated obstacles to his continued self-preservation in the "primitive condition" of the state of nature. The obstacles to self-preservation are not "natural", external dangers, but purely human dangers issuing from the social power which now stands outside of individual and collective human control. Both the "forces" of the individual and

## ASHER HOROWITZ

the "obstacles" to his preservation are functions of the relations subsisting among the same historical and social individuals. And the relations which generate this contradiction between the individuals and their own social powers arise in the course of their labour to produce the necessities of life as defined by the system of needs. The relevant point in history is a condition of alienation, because both the forces and the obstacles whose opposition constitutes a danger "to the human race" are both functions and products of the historically developed relations of the market.

Althusser, however, believes that Rousseau forecloses on the possibility of socio-historical change, of change in "men as they are" and is therefore limited to an ideal solution to the problem of alienation. And he is thus forced to implicitly attribute the assumption to Rousseau that social relations as such, by nature, are bourgeois. But this is Rousseau's own critique of Hobbes, Locke and the rest. In the *Social Contract* Rousseau does not foreclose on the possibility of change. He is merely pessimistic about it. He abstracts from the possibility quite consciously and says so twice in the first few lines of the book.

The solution envisaged, the only possible one that does not contradict the supremacy of the will, is the total alienation that is the fundamental clause of the contract: "they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance." (SC, I, VI, p. 11) This "sum of forces" is the force of the "moral and collective body" produced by the contract. The answer to the state of alienation is the state as the alienated expression of communal life. The contract is thus a compounding of alienation and not its solution.

Rousseau's critique of Christianity as a fictitious "other world" opposed to the lived material world of the *patria* has been seen to be the beginning of a theory of alienation and ideology.<sup>22</sup> But the critique of alienation and ideology permeates the *Social Contract* as a whole. When grasped in this fashion, any notion of contradiction or discontinuity between the second *Discourse* and the *Social Contract* disappears.<sup>23</sup> The former is not a defense of individualism while the latter is paradoxically staunchly collectivist.<sup>24</sup> They are both parts of a critique of bourgeois individualism grounded in a radical insight into the social historicity of human "nature". Thus the problem of the *Social Contract* is the outcome of the process analyzed in the second *Discourse* where Rousseau had based his critique of bourgeois society and of the liberal conception of the state on a philosophical anthropology that placed the historicity of human nature at its centre. The historicity of nature was precisely what liberal (and conservative) theorists of bourgeois society could not accept. Only so long as nature was static and transcended the historical process itself (either as "laws" of nature or as the *telos* of a history of progress) could it perform due service as the ultimate justification of bourgeois social relations. But in beginning to unravel the theory of bourgeois society



## DECONSTRUCTING ROUSSEAU

Rousseau was simultaneously posing a problem which was larger and more difficult. His solution to the question concerning the origins of inequality thus posed the much more complex, subtle and intractable problem of historicity which he began to conceive as a process of increasing (and increasingly interdependent) alienation and repression.<sup>25</sup>

The *Social Contract* describes the best polity that might be formed within the state of alienation characteristic of market society. It is the potential development of a realm of value arising from the actuality of historically developed social relations, and also the perpetual defeat of this realm arising from the very same source. But the whole of the *Social Contract* also points back to the critique of its own major premise, the relations of civil society as the sphere where the contradictions germinate.

The omission of the "general society" and the "violent interlocutor" could certainly be a result of the ambivalent status of the solution itself. On the one hand the solution only embodies a compounding of the condition of alienation. But on the other hand, perhaps Rousseau in 1762, for whom it would have been impossible even to dream of a potentially revolutionary class that felt the universal state of alienation as its own particular and unsupportable condition, could nevertheless have said, along with Marx, that "political emancipation is certainly a big step forward. It may not be the last form of general human emancipation, but it is the last form of human emancipation within the prevailing scheme of things."<sup>26</sup> Leo Strauss has suggested that in the *Social Contract* Rousseau proclaimed that men had arrived at that "privileged historical moment" where they could assume control over a history previously subjected to blind and mechanical lawfulness.<sup>27</sup> But it was precisely because Rousseau was more of and a better historical materialist than Strauss imagined that in the *Social Contract* he both raises the demand and demonstrates that it was, under contemporary conditions, conditions whose end he could not see, something that men could only pretend to. Since without maintaining the pretense the claim might die he drops the internal test of the violent interlocutor and seems on the surface to propose forging ahead in clear conscience.

For the *Social Contract* still remains the founding document of political emancipation. In it the liberal theory of the state is definitely transcended in the theory of popular sovereignty as participatory self-rule expressed in the rule of law as a general will. By working liberal premises through to a conception of the perfected political state both the limited class government of Locke and the enlightened despotism favoured by contemporary French liberalism meet a challenge to which they have never, even in their updated forms, fully responded. Yet in its careful delimitation of the grounds, conditions and limits of the sovereignty of a general will, it already supplies the elements of a critique of political emancipation as the final form of human emancipation. In the

*Social Contract* men can be seen to truly run to their legitimate chains. Although the will is (temporarily) returned from the will of a master, it is not returned to itself. The question is then: did Rousseau see beyond the prevailing scheme of things or did he in the end bow before the failing which he constantly berated in his greatest predecessors — that they ontologized the actual and mistook the social individual for the member of market society? But the answer to this question is not to be found in the *Social Contract*. Rousseau, in his day, could not relinquish the *Social Contract* since it represented the best of what might be attainable within the prevailing scheme of things. Also, he could not relinquish it because it at least pointed beyond that prevailing scheme. But neither of these things mean that he could in any way abide that scheme.

Department of Political Science  
York University

Notes

1. M. Berman, *The Politics of Authenticity*, (New York: Athenaeum), 1970; P. Burgelin, *La philosophie de l'Existence de Jean-Jacques Rousseau*, (Paris: Presses Universitaires de France), 1952; E. Cassirer, *The Question of Jean-Jacques Rousseau*, (Bloomington: Indiana University Press), 1955; A. Cobban, *Rousseau and the Modern State*, (London: Allen and Unwin), 1964; L. Colletti, *From Rousseau to Lenin*, (New York: Monthly Review Press), 1972; L.G. Crocker, *Rousseau's Social Contract*, (Cleveland: Press of Case Western Reserve University), 1968; R. Derathe, *Le Rationalisme de Jean-Jacques Rousseau*, (Paris: Presses Universitaires de France), 1948; D. Gauthier, "The Politics of Redemption," *Trent Rousseau Papers*, J. MacAdam, et. al., eds., (Ottawa: University of Ottawa Press), 1980, pp. 71-98; R. Grimsley, *The Philosophy of Rousseau*, (London: Oxford University Press), 1973; T.E. Marshall, "Rousseau and Enlightenment," *Political Theory*, (Vol. 6, No.4, 1978), pp. 421-455; A.M. Melzer, "Rousseau and the Problem of Bourgeois Society," *American Political Science Review*, (Vol. 74, No.4, 1980), pp. 1019-1033; J. Shklar, *Men and Citizens*, (Cambridge: Cambridge University Press), 1969; J. Starobinski, *Jean-Jacques Rousseau: La Transparence et l'Obstacle*, (Paris: Presses Universitaires de France), 1957. My own view is that all of his work should be seen as the relatively self-conscious expression of "la contradiction connaisseante". The latter expression belongs to B. Muntéano, "Les 'contradictions' de Jean-Jacques Rousseau," in *Jean-Jacques Rousseau et son Oeuvre*, (Paris: Klencksieck), 1964, p. 111.
2. G.W.F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller, (Oxford: Clarendon Press), 1977, pp. 355-363. For an excellent discussion of Hegel's understanding as the first sustained reading of an authoritarian *Social contract* see J. Hyppolite, *Studies on Marx and Hegel*, (New York: Harper Torchbooks), 1969, pp. 54-62.
3. All translations from the *Social Contract*, *Discourse on the Origins of Inequality* and the *Discourse on Political Economy* are from G.D.H. Cole's edition of *The Social Contract and Discourses*, (London: Dent), 1968, and will be referred to as SC, DOI and DPE respectively. Book and chapter numbers, in roman numerals, are included in references to the *Social Contract*. All translations of the *Geneva Manuscript*, referred to as GMs, are from R.D. Masters, ed., *On the Social Contract*, (New York: St. Martins Press), 1978.
4. R. Derathé, *Jean-Jacques Rousseau et la Science Politique de son Temps*, (Paris: Presses Universitaires de France), 1950, esp. p. 39.
5. For all its abstraction of the participatory moment of the *Social Contract* from its context, G. Pateman's *Participation and Democratic Theory*, (Cambridge: Cambridge University Press), 1970, is I believe quite correct in seeing participation as an active requirement. Others, e.g. Gauthier, *Op. Cit.*, pp. 86,88,92-93, although they recognize the existence of the demand for autonomy and participation detect Rousseau's "real" intention in the arts of psychological manipulation of the Legislator. For a much less sinister understanding of the Legislator see R. Matthews and D. Ingersoll, "The Therapist and the Lawgiver," *Canadian Journal of Political and Social Theory*, (Vol. 4, No.3), 1980, pp. 83-99.

## DECONSTRUCTING ROUSSEAU

6. On "instrumental reciprocity" see C. Gould, *Marx's Social Ontology*, (Cambridge: MIT Press), 1978, esp. p. 147.
7. A similar view is offered by Colletti; also by N. Keohane, "The Masterpiece of Policy in our Century': Rousseau on the Morality of the Enlightenment," *Political Theory*, (Vol. 6, No.4), 1978, pp. 457-483; There is a strong repetition of this theme in Rousseau's "Preface to Narcissus," B. Barber and T. Foreman, trans., *Political Theory*, (Vol. 6, No.4), 1978, pp. 543-554.
8. C.B. Macpherson, *The Life and Times of Liberal Democracy*, (Oxford: Oxford University Press), 1977, esp. pp. 15-17; see also his *Democracy in Alberta*, (Toronto: University of Toronto Press), 1962, pp. 126, 221-237; see also Y. Peled, "Rousseau's inhibited Radicalism," *American Political Science Review*, (Vol. 74, No. 4), 1980, pp. 1034-1045
9. See Derathé, *Science Politique, Op. Cit.*, esp. pp. 9-23
10. Macpherson, *Life and Times*, p. 17
11. The standard Kantian reading of Rousseau is Cassirer. Critiques of Cassirer are to be found in Derathé, *Rationalisme*, esp. the appendix, and G.A. Kelly, "Rousseau, Kant and History," *Journal of the History of Ideas*, (Vol. 28, No.4), 1968, pp. 347-364. A recent restatement of the affinity between the two thinkers is A. Levine, "On the General Will," in *Trent Rousseau Papers*, pp. 173-179.
12. Cassirer, esp. pp. 63, 70, 126-127
13. Were not even the "stronger" member of civil society threatened by the absence of a pacifying power the contract would not be possible. This is why the *Social Contract* does not live up to the test of the "violent interlocator". As it is, *all* must feel a deadly insecurity; all must recognize not only a certain inconvenience a la Locke, but that the "human race would perish unless it changed its manner of existence." (SC, I, VI, p. 11)
14. See also *Emile*, trans. B. Foxley, (New York: Dutton), 1976, p. 427. In Marx's terms: "the practical struggle of these particular interests which constantly really run counter to the communal and illusory communal interests, make practical intervention and control necessary through the illusory "general" interest in the form of the state." From *The German Ideology in The Marx-Engels Reader*, R.C. Tucker, ed., (New York: Norton), 1972, p. 125.
15. See also SC, II, XI, p. 42; SC, II, XI, p. 42, n.1 But there is nothing in the terms of the contract itself that demands the abolition of the real system of private property. cf. Marx's analysis of "the political annulment of private property", in *On the Jewish Question, Early Writings*, trans. R. Livingstone, (New York: Vintage Books), 1975, p. 219
16. See H. Cell, "Breaking Rousseau's Chains," in *Trent Rousseau Papers*, pp. 164-165
17. On this point that the particular will is the essence of the general will as well as an obstacle to it, L. Althusser, *Politics and History*, (London: New Left Books), 1977, p. 151, is essentially correct, so long as it is understood that the particular will refers to the will formed for and within the relations of instrumental reciprocity.
18. B. Baczkó, "Rousseau and social Marginality," *Daedalus*, Summer 1978, pp. 27-40
19. J. Shklar, "Jean-Jacques Rousseau and Equality," *Daedalus*, Summer 1978, pp. 13-26
20. Marx, *Jewish Question*, p. 234; see also, p. 220
21. Althusser, pp. 118-124
22. Colletti, pp. 176-179
23. Cassirer, e.g., pp. 52-54, sees a profound transformation of viewpoint between the two works.
24. See, e.g., C.E. Vaughan, "Introduction," *The Political Writings of Jean-Jacques Rousseau*, (Cambridge: The University Press), 1915, pp. 4-5, 9-18, 39ff., 111, 115
25. Rousseau's theory of history is not as contested an issue as it should be. Majority opinion seems to find him to be an a-historical thinker, or at least an historical fatalist. See, e.g., Vaughan, p. 45; R.D. Masters, "Nothing Fails like Success: Development and History in Rousseau's Political Teaching," *Trent Rousseau Papers*, pp. 99-118; G.A. Kelly, pp. 357-360; B. de Jouvenel, "Rousseau the Pessimistic Evolutionist", *Yale French Studies*, (Vol. 28), 1961-2, pp. 83-96; J. Ehrard, *L'Idée de la Nature en France dans la première moitié du xviii siècle*, 2 Vols., (Paris: S.E.V.P.E.N.), 1963, Vol. II, esp. pp. 536-538. For the dissenters, e.g. Cassirer and Colletti, the focus is on the formulation of a utopian ideal to orient historical practice. The most penetrating understanding of Rousseau's grasp of historicity to date, Lionel Gossman, "Time and History in Rousseau," *Studies on Voltaire and the Eighteenth Century*, (Vol. 30), 1964,

## ASHER HOROWITZ

- pp. 311-349 does not extend this into Rousseau's political and social thought. For such an attempt see A. Horowitz, "Rousseau, Nature and History" (Toronto: University of Toronto Press) 1986.
26. Marx, *Jewish Question*, p. 221
27. L. Strauss, *Natural Right and History*, (Chicago: University of Chicago Press), 1953, esp. pp. 271-273.

### A Critical University for Twenty-Six Years DAS ARGUMENT and its ARGUMENT-SONDERBÄNDE

Rethinking Marx  
Argument-Sonderband  
AS 109 (engl.)  
202 p. 17,60 DM  
for students 14,60 DM  
(US\$ 5,50)

Contributions by  
Albers, Bidet, Cerutti,  
Cotten, Haug, Hirsch,  
Labica, Laclau,  
Mercier-Josa, Mouffe,  
Pasquinelli, Sassoon,  
Sekulic, Wulff et al.



Rethinking Ideology  
Argument-Sonderband  
AS 84 (engl.)  
160 p. 17,60 DM  
for students 14,60 DM  
(US\$ 5,50)

Contributions by  
Cotten, Haug, Holz-  
kamp, Kitamura,  
Laclau, Nemitz,  
Mouffe, Pêcheux,  
Scherpe, Sharp,  
Therborn et al.



What is the situation of Marxism all over the world? What is its theoretical capacity and political effectivity when it is confronted with the new problems of our times? What could be the form of communication and coherence among Marxists beyond dogmatisms and »naturally« shared beliefs? — »Rethinking Marx« presents an overview of the Marxist landscape today including all currents and all continents.

What is discussed in Ideology theory a decade after Althusser's »Ideology and Ideological State Apparatuses«? »Rethinking Ideology« brings together theoretical positions which seldom confront another directly in discussion.

»Rethinking Marx« and »Rethinking Ideology« document contributions to international seminars held in West Berlin in 1982 and 1983.

General distribution agency: Argument-Vertrieb, Tegeler Straße 6, D-1000 Berlin (West) 65

**ARGUMENT-VERLAG BERLIN**