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Mutual Advantage and Equality in Rousseau's General Will*

Robert J. van der Veen

I Introduction

1. In this article I will interpret Rousseau's celebrated doctrine of the general will against the background of his researches into the origin of human inequality. My aim is to elaborate on a well-known and pessimistic theme in Rousseau: given man's social condition, even the most ideal political society is likely to degenerate into a state of corruption and oppression.

The general will summarizes the conditions of legitimate cooperation and it directs men towards the achievement of moral liberty. I believe that this concept embodies two values: mutual advantage and social equality, and that there exists a fundamental tension between these values. From this, I contend, the conclusion will emerge that the general will, by its very operation, creates the circumstances in which it will eventually be suppressed.

In II, I consider the argument of the *Discours sur l'origine et les fondements de l'inégalité parmi les hommes* (henceforth the *Second Discourse*).¹ Here Rousseau sets out to prove that the mutual gains from the division of labour — the vehicle of progress and civilisation — are nullified by the disastrous effects of inequality on man's psyche. It is important to note that inequality and personal dependence are firmly linked together in this account. Both are seen to arise first in the realm of economic development and later, when Rousseau discusses the egalitarian contract, in that of political rule.

Next, I examine how Rousseau, waiving the problem of how to establish legitimate order on corrupt foundations, returns to the state of nature in *Du Contrat Social* (henceforth the *Social Contract*), formulates the terms of the egalitarian social contract, and shows us the true advantages of civil association: to be directed by the general will. I also briefly discuss the institutional prerequisites of the general will and the function of the Legislator.

The main part of III addresses itself to a problem that is not explicitly treated in the *Social Contract* and has occupied the minds of several mo-

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dern commentators, namely: what is the substantive content of the common good towards which the general will is infallibly oriented? To solve this problem, I review two approaches, a *liberal* one that interprets the common good in terms of mutual advantage, or Pareto-optimality, and an *egalitarian* approach that posits the overriding interest of the people to prevent inequality. By combining these, I arrive at two formal *principles of the general will*, from which a social preference ordering of legislative proposals can be derived. This ordering, though consistent, is not determinate, because the first principle of the general will exhibits a basic indeterminacy with respect to the question of admissible inequalities. I then proceed to show that given this indeterminacy, the liberal and egalitarian approaches may be seen as limiting cases of the two principles. Finally, I defend my main contention: the general will tends to undermine the conditions for its own operation.

II From the state of nature to the social contract

2. Inequality, the root of social evil, is the product of unchecked social development. To prove this basic proposition of the *Second Discourse*, Rousseau starts out to consider man as he must have come from the state of nature, devoid of all artificial faculties which he acquired only by a process of socialisation. In the state of nature, man lives on his own and fares well:

Je le vois se rassasiant sous un chêne, se désaltérant au premier ruisseau, trouvant son lit au pied du même arbre qui lui a fourni son repas; et voilà ses besoins satisfaits. (I, 143)

What distinguishes the isolated savage from the animals? To this question Rousseau gives two answers: man's freedom of choice and his perfectibility. While the animal is merely '... une machine ingénieuse, à qui la nature a donné les sens pour remonter elle-même...' (I, 149), man, being a free agent, determines his own operations and is able to change his relation to nature. These *differentiae specificaе*, however, are unimportant as long as humans live in splendid isolation. In the state of nature, men's needs are so easily satisfied that they are content to spend their days in peace. Life is too simple an affair to admit of change and development.

The capacity for self-improvement comes into its own with the advent of scarcity. According to Rousseau, the very success of man's original state draws him out of it; population growth destroys the equilibrium of self-sufficiency. As diminishing returns set in and men spread out to more inhospitable climates, they become compelled to reason and plan ahead in order to survive. In doing so, they discover new uses of nature, such as fire. But their greatest discovery is to grasp the relevance of fellow beings to their own

welfare (I, 170). Thus, scarcity brings forth economic cooperation and with it the distinction between personal interests and the common interest.²

With social existence comes the transformation of *amour de soi*, the primitive self-love which is no more than a desire for self-preservation, into *amour-propre*,

'. . . sentiment relatif, factice, et né dans la société, qui porte chaque individu à faire plus de cas de soi que de tout autre, qui inspire aux hommes tous des maux qu'ils font mutuellement, et qui est la véritable source de l'honneur' (I, 217)

As soon as families begin to band together in search of a common subsistence, says Rousseau, men begin to consider the others and wish to be considered in turn (I, 174). Thus arise the passions founded upon comparison: pride, envy and vanity. In Rousseau's account of socialisation, economic and psychological dependence develop side by side. Although cooperation provides better ways of satisfying elementary needs than an isolated existence in conditions of scarcity, it also creates the social desires for respect and public esteem. The satisfaction of such desires is problematic. As it depends on relations between beings with a free will, it can be gratuitously frustrated. And as it also depends on reasoned acts of comparison in which the natural inequalities of strength, wit and beauty are brought onto the foreground, the satisfaction of the social desires cannot be distributed equally.

With the development of *amour-propre*, then, men become dependent on each other for their love of self. Because this love, being 'relative', is insecurely founded on a social ordering of qualities equally sought after, but unequally held, it tends to become more demanding than the simple *amour de soi* of the original state could ever be. It is from these premises that Rousseau criticizes Hobbes for attributing a natural wickedness to man. In the state of nature, Rousseau maintains, man, while having no idea of moral goodness, is naturally good, because he lives in full conformity with nature. This notion of 'conformity' involves several considerations. First, men are self-supporting, so that they rarely need to harm each other to survive. Secondly, men are ignorant; thus, they are prevented from abusing their faculties in calculated acts of injury. Thirdly, even when men stand opposed in their search for 'food, a female and sleep', their conflicts are tempered by natural compassion, the innate repugnance of seeing a fellow-creature suffer. In the new-born state of society, however, natural goodness is replaced partly by a social wickedness deriving from frustrated *amour-propre* and partly by a primitive morality of reciprocity, in which each is the only judge and avenger of the injuries done him (I, 175).

It might seem that social life is a grim affair from the very beginning. Yet

this is not Rousseau's opinion. On the contrary, he judges the first society of hunters and gatherers to be the most happy epoch mankind ever experienced. It is the 'golden age' at which, from the present state of civilisation, one might wish development to have stopped. (I, 142). In this golden age, there still exists

'... un juste milieu entre l'indolence de l'état primitif et la pétulante activité de notre amour-propre ... (I, 175).

This judgement is based on economic grounds. Rousseau argues that people lived free and happy lives as long as they confined themselves to

'... des ouvrages qu'un seul pouvait faire, et qu'à des arts qui n'avaient pas besoin du concours de plusieurs mains ...' (I, 175)

Taken literally, this would exclude all forms of economic cooperation. But that is not what Rousseau wants to suggest. Not only does he recognize the division of labour between the sexes which gives rise to the family, but he also mentions an important economic reason why families are grouped together: the men periodically engage in common hunting expeditions.

Fetscher (1975, 43-44) has noted that Rousseau, at this point, is implicitly distinguishing two stages in the development of joint labour. The happiness of the golden age is explained by a simple form of economic cooperation that only requires intermittent common activities outside the family, and specialized activities within it. This kind of cooperation enables each family to remain independent for most of the time. Moreover, the type of mutual dependence associated with the unspecialized labour of common hunting is one in which the welfare of each member depends equally on the efforts of all members. The inventions of metallurgy and agriculture destroy the golden age. Once the technology of 'le fer et le blé' (I, 176) is introduced, the joint efforts of independent families are transformed into the coordinated labours of specialized private producers, linked together by exchange. In this second stage of development, men are forced into relations of 'personal dependence'. I will return to this theme in section 3.

At this point, the *Second Discourse* can be read as a critique of the extended division of labour. Rousseau makes his first move as follows:

'Mais, dès l'instant qu'un homme eut besoin du secours d'un autre, dès qu'on s'aperçut qu'il était utile à un seul d'avoir des provisions pour deux, l'égalité disparut, la propriété s'introduisit, le travail devint nécessaire; et les vastes forêts se changèrent en des campagnes riantes qu'il fallut arroser de la sueur des hommes, et dans lesquelles on vit bientôt l'esclavage et la misère germer et croître avec les moissons'. (I, 175-176).

The argument seems to rely on several premises:

(1) The extended division of labour is associated with a rise in productivity, which creates a surplus product — the possibility of having 'enough provisions for two'.

(2) The surplus is initially appropriated by some private producers, who independently mix their labour with nature's free resources and who, after having exchanged a part of their product in order to satisfy their current needs, keep the rest in store.

(3) 'Les choses en cet état eussent pu demeurer égales, si les talents eussent été égaux ...' (I, 178). However, since talents are unequal, some produce more efficiently than others, so that '... en travaillant également, l'un gagnait beaucoup, tandis que l'autre avait peine à vivre'. (I, 178).

Now it indeed becomes advantageous to have enough provisions for two. Under conditions of unequal capacities to subsist as a private producer, the surplus becomes an instrument of potential domination. Thus, the inequality of talent hardens into inequality of property and power. This is how Rousseau explains the emergence of the two classes of the propertied rich and the propertyless poor.

In this stage of development, however, property is not sanctioned legally, since there are as yet no laws. Rousseau suggests that property is initially recognized as *de facto* possession. As such, it gives rise to the first rules of justice. On the one hand, Rousseau agrees with Locke that the right to property is based on the application of one's labour to unoccupied resources. Thus, the first rule of justice will demand men to respect each other's property rights. But unlike Locke, Rousseau does not believe that property rights are natural rights. There is also a second rule of justice. It demands the recognition of a right '... qui résulte de la loi naturelle (I, 178). Rousseau does not describe this right in detail, but from the context in which the quoted phrase occurs it seems clear that he is referring to the individual right to the material means of self-preservation.³

Although in itself the development of a sense of justice is something which does man honour, the division of mankind into rich and poor must lead to the abuse of this faculty. Rousseau argues that inequality in the possession of scarce land, combined with a practice of inheritance, creates a fundamental conflict between the two rules of justice. The rich defend their continued acquisitions of wealth on the first rule, while the poor, invoking the second rule, occasionally respond with robbery and violence against the rich, whom they regard as usurpators. Neither party is able to justify its conduct fully and both are incapable of living in security. The golden age has degenerated into a 'horrible state of war' (I, 180).

One might envisage, as in Nozick, an invisible hand-solution to this perpetual state of conflict, with the rich coalescing locally to form 'protective

agencies', from which in time a 'dominant protective association' would emerge (Nozick, 1974, ch. 2). Rousseau does not believe in that kind of solution. He assumes that the rich, on account of mutual jealousy, are incapable of joining forces against enemies united by the common hope of plunder. And the poor, though numerous, are neither strong enough nor sufficiently united to realize their hopes of plunder with regularity (I, 180). Nevertheless, Rousseau did believe that the state of war could be overcome by an appeal to rationality. The rich, unable to form coalitions among themselves, finally hit upon '... le projet le plus réfléchi qui soit jamais entré dans l'esprit humain...' (I, 181) — to form the grand coalition by pointing out the advantages of a social contract to the poor.

'Unissons-nous, leur dit-il, pour garantir de l'oppression les faibles, contenir les ambitieux, et assurer à chacun la possession de ce qui lui appartient: instituons des règlements de justice et de paix auxquels tous soient obligés de se conformer, qui ne fassent acception de personne, et qui réparent en quelque sorte les caprices de la fortune, en oumettant également le puissant et le faible à des devoirs mutuels. En un mot, au lieu de tourner nos forces contre nous-mêmes, rassemblons-les en un pouvoir suprême qui nous gouverne selon des sages lois, qui protège et défende tous les membres de l'association, repousse les ennemis communs, et nous maintienne dans une concorde éternelle'. (I, 181)

Rousseau imagined this argument to be fully convincing, for while the poor concentrated their attention on the immediate benefits of safety and a better chance to subsist, the rich perceived the additional gains to be had from the consolidation of their possessions. Thus, together with law and order, 'la loi de la propriété et de l'inegalité' was instituted (I, 181).

3. Before comparing this inegalitarian contract with its egalitarian counterpart in the *Social Contract*, I want to examine the relation between inequality and social cooperation set forth in the *Second Discourse*. This relation appears first on the pre-contractual 'economic' level. With regard to economics, Rousseau has been sometimes understood to be giving an early critique of capitalism. In his essay 'Rousseau as a critic of 'Civil Society'', Colletti mentions Fetscher's view⁴ that

'Rousseau rejected the physiocratic doctrine of *laissez-faire* because, given the 'reactionary' character of his economic views, which deny 'development', he never believed that free enterprise could produce a 'general enrichment', but rather held that the 'individual' always grew rich at the expense of his fellows; whereas the physiocrats were for the greatest use of capital because, as the first to assert that there was 'economic development', they saw its ability to produce 'general well-being'. (Colletti, 1972, 162).

Colletti himself offers a weaker version of this thesis. Taking the backward

character of Rousseau's economic views for granted (this indeed is beyond question) he concludes that Rousseau is merely *insensitive* to the phenomenon of development. This insensitivity, Colletti holds

'... sharpens his dramatic perception of the new 'social inequality' which is emerging and prevents him from seeing the progressive significance of the rise of industrial capitalism and the concomitant rise of bourgeois 'civil society'. (Colletti, 1972, 162).

While much can be said for these views, it seems to me that the *Second Discourse* is not so clearly a critique of capitalism as these authors suggest. Therefore, in a discussion of Rousseau's possible denial of, or insensitivity to, the phenomenon of 'development', this concept should not be taken in too narrow a sense. I believe that in so far as Rousseau has a notion of economic development at all, it refers to the on-going process of increasing interdependence in economic relations, with the associated growth of a surplus product. This would of course include capitalist development, but only as a special and late stage. Undoubtedly, Colletti is right to maintain that Rousseau did not grasp its 'progressive significance'.

Turning now to Fetscher's view, it must be admitted that Rousseau sometimes says that individuals enrich themselves only at the expense of their fellows.⁵ But, as I will try to argue, this does not follow so much from a denial of economic development, as from Rousseau's preoccupation with the effects of inequality on man's psyche. In the *Second Discourse*, economic cooperation is not regarded as a game in which one man's material gain invariably implies another man's loss — a view which would amount to a denial of 'development' in even the widest sense. Indeed, the very beginning of social existence is explained in terms of mutual benefits, since men only come together in order to overcome the diminishing returns of isolated production. And clearly, the transition of the golden age to that of 'iron and corn' is an instance of (mutually advantageous) economic development. Rousseau takes this aspect of the civilizing process very much for granted. Again, this is not to deny that he was insensitive to the phenomenon of *capitalist* development — certainly if one compares him with the physiocrats and with Adam Smith, as Colletti does. But one might ask whether this should be ascribed to Rousseau's backward economic views.

I would be inclined to turn Colletti's proposition around, and argue that it is Rousseau's 'dramatic perception' of inequality — both in its new capitalist, and in its older feudal forms — which accounts for the backwardness of his economics and for his disregard of the possibilities of a general increase in well-being due to capitalist development.

As Shklar (1978) has recently remarked, Rousseau's theoretical concerns

with inequality must be understood in the light of his experience as a footman, of his personal feeling of being a real victim of (non-capitalist) inequality. Given Rousseau's intention to generalize his own history into that of mankind, it is perhaps not surprising that the debasement of man's social condition is located in the *Second Discourse* at the point where inequality becomes firmly linked with relations of personal dependence. The notion of personal dependence, which has been admirably discussed by Rempel (1976), typically involves the fear of the weak and poor of being subjected to systematic ill-treatment by the strong and wealthy. As Rousseau says:

'... dans les relations d'homme à homme, le pis qui puisse arriver à l'un étant de se voir à la discrétion de l'autre ...' (I, 184)

Personal dependence refers to all kinds of political-economic dependence, such as slavery, bondage and capitalist wage-labour.⁶ It also refers to the continuous oppression of a minority by a majority. On the other hand, the concept of personal dependence excludes the dependence inherent in parental relations, for these are characterized, as Rousseau explains, by a mildness of authority

'... qui regarde plus à l'avantage de celui qui obéit, qu'à l'utilité de celui qui commande ...' (I, 185)

With this in mind, Rousseau's account of the development from the pastoral age to the agricultural age becomes more clear. As we have seen in section 2, inequality certainly exists in the golden age, for unequal men compare their unequal performances. And although it is deeply experienced, inequality is bearable, because in this undeveloped state a large measure of economic self-sufficiency and personal independence is still present. By contrast, in the age of 'iron and corn' the extended division of labour has tightened the web of economic relations. Now there is no escape from personal dependence for those whose ill-fortune and lack of endowments would place them in debt to others.

The very fact that economic development has yielded a greater and more varied store of goods only worsens the situation, since it creates a multiplicity of new wants which of course decrease the possibility of remaining independent. And given natural inequality, economic development increases the inequality in the distribution of these goods.

It may be asked why personal dependence is so closely related to the fear of ill-treatment. Here, one should look to Rousseau's theory of *amour-propre*. In a state of personal independence, this 'relative' feeling of self-love is already fierce enough, but it relates primarily to 'moral' inequalities that are based on natural differences between men. By contrast, when rela-

tions of personal dependence became common, and inequality extends to rank and wealth, the *amour-propre* of rich and poor alike hardens into pure egoism. It becomes greedy and almost impossible to satisfy. Now men come to regard each other only as means to their selfish ends and try to evade their reciprocal obligations as often as possible. Rousseau says:

'Enfin, l'ambition dévorante, l'ardeur d'élever sa fortune relative, moins par un véritable besoin que pour se mettre au-dessus des autres, inspire à tous les hommes un noir penchant à se nuire mutuellement, une jalousie secrète d'autant plus dangereuse, que, pour faire son coup plus en sûreté, elle prend souvent la masque de la bienveillance: en un mot, concurrence et rivalité d'une part, de l'autre opposition d'intérêts, toujours le désir caché de faire son profit aux dépens d'autrui.' (I, 179).

These conclusions presuppose something that only appears at the very end of the *Second Discourse*: that inequalities of wealth and status, in contrast to those of merit, skill and performance, are felt as natural injustices, at least when they become considerable and start to cumulate. Together with the recurrent frustrations and the insecurity of cooperation in a state of anarchic 'development', that feeling of injustice presumably accounts for the hardening of *amour-propre* into a perpetually unfulfilled desire to be all-powerful. This can also be inferred from the fact that inequality of rank and wealth does not exist within the family, which is the only place where *amour-propre* is still checked by natural compassion and the desire to see one's dependants grow independent.

Returning once more to Fetscher, who attributes to Rousseau a 'denial of development' and an understanding of economic cooperation as a zero-sum game, I submit that the following propositions come closer to his real position:

(1) where there is unchecked economic development, inequality of rank and riches prevail, together with relations of personal dependence. As the process of development goes on, inequalities increase and the relations of dependence become more marked.

(2) Individuals have a 'noir penchant' to enrich themselves at the expense of their fellows. But this does not mean that they always succeed in inflicting injury on others, when enriching themselves. They may, and indeed do, involuntarily collaborate to mutual advantage. Thus, 'general enrichment' is possible, and it occurs from time to time in a process of development.

(3) 'General enrichment', however, is not to be uncritically applauded. Given the cumulative nature of inequality, the gains of the rich will always tend to outrun those of the poor, so that the latter's relative position is consistently worsened. In that sense one may indeed say that 'the rich gain at the expense of the poor'.⁷

4. It should be kept in mind that these three propositions belong to Rousseau's discussion of a *hypothetical* development process which takes place before the establishment of political order. This is another reason why the mutual advantages from economic cooperation are played down by Rousseau. After all, his chief aim is to show how, with the emergence of specialisation and exchange, men become increasingly depraved until they find themselves in a constant state of war. Such an outcome does not suggest a triumph of economic efficiency. But it does set the stage for the major innovation that comes next in line to the division of labour: the conclusion of a social contract. From here on, Rousseau's analysis of the relation between inequality and social cooperation moves to the political level and economic development recedes into the background. Proceeding from the inegalitarian contract, he considers the various changes that transform government into the final stage of despotism:

'C'est ici le dernier terme de l'inégalité, et le point extrême qui ferme le cercle et touche au point d'où nous sommes partis; c'est ici que tous les particuliers redeviennent égaux, parce qu'ils ne sont rien, et que les sujets n'ayant plus d'autre loi que la volonté du maître, ni le maître d'autre règle que ses passions, les notions du bien et les principes de la justice s'évanouissent derechef ...' (I, 194).

Confining our attention to the contract, it appears that the three propositions mentioned above apply with equal force on the political level. Rousseau describes the arguments addressed by the rich to the poor and dispossessed as *raison spé cieuses*, suggesting that their reasoning is nothing but fraudulent rhetoric (I, 181). Nevertheless, he does not assert that in accepting the contract, the poor will suffer in absolute terms. On the contrary, they are said to have wit enough to perceive the advantages of political institutions. By relinquishing their powers to rob and kill the wealthy usurpator, the poor do receive a considerable measure of safety and security in return. But, easily seduced as they are, they do not see the dangers of a political order which is built on foundations of economic inequality. In other words, the poor do not realize that the general increase in well-being is being bought at the price of a formidable increase in social inequality.

Thus, for the same reasons why Rousseau regards economic development in a negative light, he regards the origin of society and law to be a false start. Typically, he describes the law in terms of relative disadvantage (. . . des lois, qui donnèrent de nouvelles entraves au faible et de nouvelles forces au riche . . . (I, 181)) rather than in terms of general advantage. In his further account, the cumulation of inequality and especially the tendency of riches to purchase every other distinction, is again stressed. And with it, the psychological mechanisms of *amour-propre* that strengthen inequality:

'Je prouverais enfin que si l'on voit une poignée de puissants et de riches au faite des grandeurs et de la fortune, tandis que la foule rampe dans l'obscurité et dans la misère, c'est que les premiers n'estiment les choses dont ils jouissent qu'autant que les autres en sont privés, et que, sans changer d'état, ils cesseraient d'être heureux, si le peuple cessait d'être misérable'. (I, 192).

No amount of patching up the State can arrest the process of degeneration. To put things in order, Rousseau says, the first task of politics would have been to get the site cleared and all the old materials removed, as was done by Lycurgus in Sparta (I, 91). This metaphor probably points to a revolutionary egalisation of property and power. Also, as Fetcher (1975, 52-55) has suggested, it might refer to an extensive program of re-education, in which the corruption would be washed out of men's minds. Of course, even if Rousseau may have held such radical measures to be necessary, he does not consider them. Possibly this is due to the fact that these measures could only be imposed by force, on which no legitimate social contract may be based (C, I, 3, 27). In his monograph on Rousseau, Charvet (1974) remarks that it is to evade this difficult problem that Rousseau assumes the true *Contract Social* to be concluded at the moment when the state of nature comes to an end. At that point, when men are forced together by scarcity, they are still in possession of natural liberty, and hence uncorrupted, so that no thought needs be given to the question: what if they were corrupted by inequality?

Although it seems that Rousseau takes man in his innocent state as the material from which to fashion the healthy body politic, his inquiry is explicitly directed towards the discovery of general principles of political right for 'men as they are' (C, I, 23). This indicates that, unlike in the *Second Discourse* (and very much like Rawls's 'original position'), the state of nature is an imaginary notion serving a constructive ethical purpose. Men as they are, that is to say, the readers of the *Social Contract*, who are already deformed by contemporary society, are being asked to consider in what kind of society they could unanimously consent to live, if for some reason they would be situated in a position of 'natural' freedom and equality. This question is of course rhetorical, as Rousseau intends to present a conception of the unanimous agreement and of the laws 'as they might be'.

To be sure, my interpretation already presupposes what Rousseau is intent on proving next:

'qu'il faut toujours remonter à une première convention' (C, I, 5, 31).

From where does this requirement derive? The answer is that since force creates no right and since no man has a natural authority over his fellow, we must conclude that conventions — acts of unanimous consent — form the basis of all legitimate authority (C, I, 4, 28). The question now arises: what

would be good reasons for alienating one's person by submitting to political rule? This question turns on a comparison of gain and loss. Considering the view of Grotius, that a people could alienate its liberty and make itself subject to a king, Rousseau holds that such an act of consent would be irrational. Not only would the upkeep of the king require every person to give up a part of his product, but the only thing that a king could guarantee in return for the powers given him would be the kind of civil tranquillity that is to be found in dungeons. Such a deal would be sheer madness, and '... la folie ne fait pas droit.' (C, I, 4, 28).

If personal gain and loss are taken as the main ground for unanimous acceptance of political authority, there must be a position from which each man's sure loss and possible gains can be estimated. From the very beginning of Book I, the state of nature is postulated as the proper initial position. For while it is beyond question that men are born free, Rousseau's main problem is how to make legitimate the inevitable chains of man's social existence. (C, I, 1, 23).

In the state of nature, then, man is free and equal. Free to judge the proper means of preserving himself (C, I, 2, 24), and equal, in the sense that every man has the original right to everything he tries to get and succeeds in getting (C, I, 8, 36). Rousseau's solution is summarized in a single sentence:

'... l'aliénation totale de chaque associé avec tous ses droits à toute la communauté' (C, I, 6, 33)

It must now be shown why this will be to the advantage of each associate. This proves to be rather difficult. Two arguments seem to be interwoven in the account of the sixth chapter of Book I. First, the alienation must be total, or 'sans réserve'. This requirement definitively puts an end to the state of nature. As no one retains any part of his natural liberty, nor any of his original rights, these cannot conflict with the rights and liberties of the civil state. Referring back to the *Second Discourse*, one can see that this would preclude the clash between conventionally based property rights and the 'natural' claim to the means of self-preservation which characterized the state of anarchy and war. Thus, this first argument concerns the stability of the contract.

Secondly, Rousseau argues that no person will have an interest to make the terms of the contract burdensome to others, because '... chacun se donnant tout entier, la condition est égale pour tous'. (C, I, 6, 33). Why does this follow? One might perhaps say that as everyone loses equally, no one is in a privileged position, so that no special interests would initially exist. Then, presumably, nobody would be motivated to frame the rules of

cooperation to his own advantage. I do not find this argument plausible, for the same reason why the celebrated dictum of the *Social Contract*: 'chacun, se donnant à tous, ne se donne à personne' (C, I, 6, 33) fails to convince. To see why, it is helpful to consider the very last passage of Book I:

'Je terminerai ce chapitre et ce livre par une remarque qui doit servir de base à tout le système social: c'est qu'au lieu de détruire l'égalité naturelle le pacte fondamental substitue, au contraire, une égalité morale et légitime à ce que la nature avait pu mettre d'inégalité physique entre les hommes; et que, pouvant être inégaux en force ou en génie, ils deviennent tous égaux par convention et de droit'. (C, I, 9, 39).

Reading back again, one can infer that Rousseau is saying that if each man equally alienates his person and his rights, the equality that existed in the state of nature is carried over to the social state in the form of equal political and civil rights, which, in addition, protect the weak against oppression by the strong. However, given that men are unequal in strength or intelligence — a fact which is of more consequence in the social state than it is in the state of nature — one may ask what guarantee there is that the individual, in submitting to the authority of laws created by virtue of equal political rights, will not be systematically oppressed. If a dominant group gains control of the legislative process, there is no reason why it should not frame the rules to its own advantage and consequently, some men in 'giving themselves to all' would be putting themselves at the mercy of this dominant group. In balancing the potential gains of association against the losses, this possibility can not be ignored, unless of course it was known that all laws would be subject to unanimous approval. But this is ruled out by Rousseau, who for practical reasons accepts majority rule (C, IV, 2, 106).

Reasoning along similar lines as these, Charvet (1974, 124-25) has noted that the problem should be approached by considering what Rousseau regards as the essential terms of the contract:

'Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale; et nous recevons en corps chaque membre comme partie indivisible du tout' (C, I, 6, 33)

The crucial point, which is somewhat obscured by Rousseau's prior formulation of each man's total alienation to the whole community, is that *the act of association itself* creates this political whole, of which each member is an indivisible part. And by virtue of that very same act, there emerges a general will, from the characteristics of which the gains of association may be finally shown. As Charvet says:

'The general will, if it does not actually involve unanimous decisions and give

every man a veto, as it does not and clearly could not sensibly do, must nevertheless, to deliver the required goods, produce essentially the same effects' (1974, 125).

If this is correct it follows that Rousseau's idea of basing the social contract on a kind of hypothetical cost-benefit analysis of association is largely rhetorical. The analysis suggests that the act of association can be justified rationally, whereas in reality it would seem to require an act of faith.⁸ As I have argued, it is impossible to be sure *before* the act that the gains from having equal rights will outweigh the loss of natural liberty. One might object that the potential associates could have some means of knowing what it signifies to be under the supreme direction of the general will. But such knowledge is *a priori* not available to a man fresh from the state of nature, since it requires the possession of moral faculties, which he lacks. This brings me back to the basic proposition stated earlier: that the state of nature is an imaginary notion, which serves a constructive ethical purpose. The state of nature serves as a reference point for conducting a quasi-rational analysis of good reasons for unanimous consent to political rule. But when it comes to the point, it appears that Rousseau is directing a moral appeal to his readers, so to speak over the heads of the hypothetical men of nature. Whereas the latter can by definition not perceive the full advantages of association, the former can, provided that they use their moral faculties.

5. What, then, are the advantages of association? If one compares the passage from the state of nature to the state of political society of the *Social Contract* with that of the *Second Discourse*, the former involves a quantum jump in the development of human nature. Rousseau indeed speaks of '... un changement très remarquable...', in which justice is substituted for instinct, and man's actions acquire the morality they had formerly lacked (C, I, 8, 36). In his social condition, man, instead of living for himself and doing as he pleases, becomes capable of moral liberty

'... qui seule rend l'homme vraiment maître de lui; car l'impulsion du seul appétit est esclavage, et l'obéissance à la loi qu'on s'est prescrite est liberté.' (C, I, 8, 37).

Rousseau explains how moral liberty is made possible by the act of association. In contracting, each individual becomes bound in a double relation. As a member of the Sovereign he is bound to all other individuals. In this capacity he is a citizen, possessing an equal power of making laws. As a member of the State, the individual is bound to the Sovereign. As such, he is a subject, who is expected to obey the laws prescribed by all citizens. (C, I, 7, 35). Moral liberty is attained when these two capacities of the individual are in

harmony. When in the course of public deliberation the individual consults his reason before listening to his inclinations, he performs his legislative function with the intention that each man should wish to accept the ensuing laws voluntarily. This is what is meant by the citizen being 'directed by the general will'. If the individual loyally accepts the choice of the majority, even if it goes contrary to his own considered judgement, he is obeying the general will. Of course, such an effort of reasoned self-discipline is difficult to make. But it is highly rewarded, as is pointed out in the following comparison of the natural and the civil state:

'Quoiqu'il se prive dans cet état de plusieurs avantages qu'il tient de la nature, il en regagne de si grands, ses facultés s'exercent et se développent, ses idées s'étendent, ses sentiments s'ennoblissent, son âme tout entière s'élève à tel point que, si de abus de cette nouvelle condition ne le dégradait souvent au-dessous de celle dont il est sorti, il devrait bénir sans cesse l'instant heureux qui l'en arracha pour jamais, et qui, d'un animal stupide et borné, fit un être intelligent et un homme.' (C, I, 8, 36)

In this respect, moral liberty can be seen as the highest form of self-love that man is capable of. Rousseau elsewhere calls it *amour de l'ordre*.⁹

It is easily seen that the supreme advantage of association is by no means guaranteed. For even under the terms of the true and legitimate social contract, society is a place where *amour-propre* flourishes. Just as social morality exists only in opposition to private egoism, *amour de l'ordre* is possible only if man is also subject to the desires of *amour-propre*. In political terms, the distinction between the general will and the particular will reflects the same duality. However, this distinction may not be understood simply in terms of the 'social good' and the 'individual bad'. To follow one's particular will in the pursuit of egoistic private interests is not considered to be *a priori* evil or illegitimate. The conditions under which it becomes so must be kept clearly in mind.

First of all, Rousseau holds that every man is perfectly entitled to dispose at will of the goods and liberty that the Sovereign's general conventions leave him (C, II, 4, 46). The pursuit of private interest is legitimate, so long as it does not conflict with the realisation of the general interest; that is, so long as the particular will is limited by the general will. *Amour-propre* is the tendency to follow an egoistic private interest regardlessly. Although this tendency is an evil one, the actions motivated by it need not be evil.

Secondly, as we have seen in our review of the *Second Discourse*, under conditions of marked inequality, *amour-propre* tends to transform the individual's self-seeking preferences into a vile propensity to injure his fellow men and to enrich himself at their expense. Here, private interest or rather the preference which shapes it, is considered bad in itself, because now the

private and the general interest become mutually exclusive. In this limiting case — which need not even arise in a corrupted society, as I have argued — Rousseau tends to regard the pursuit of private interest as a socially induced evil. But this judgement refers to a state where there is hardly a general will left, to which the many particular wills could be subordinated.

As social equality is to a large extent preserved in the society of the *Social Contract*, private interests are not entirely incompatible with the general interest. This brings us to another reason why the particular will to pursue an egoistic private interest can not be considered evil in itself. At the beginning of Book I, Rousseau announces:

'Je tâcherai d'allier toujours, dans cette recherche, ce que le droit permet avec ce que l'intérêt prescrit, afin que la justice et l'utilité ne se trouvent point divisées'. (C, I, 23)

Obviously this programme is hardly feasible if the 'utility' of persons is entirely defined in terms of egoistic preferences. However, Rousseau's overstatement does convey the message that concepts such as 'justice', the 'general interest', the 'public advantage' and the 'common good', which are later associated with the general will must always be understood to be founded upon the legitimate private interests of individuals. In addition, these concepts involve certain criteria of moral evaluation, by which many legitimate private interests may be aggregated into one legitimate common interest.

If one seeks to determine the substantive content of the general will, these criteria of moral evaluation should be spelled out exactly. This I will try to do in III. In the next section I will concentrate on a question touched upon in passing: how can the political institutions arising from the act of association preserve the social equality that is needed for the operation of the general will?

6. Social equality is for Rousseau a many-sided concept, which is connected inseparably with the idea of personal independence. I will now consider three aspects of social equality: political, legal and economic.¹⁰ All three have to do as much with individuals' rights as with their duties.

Political equality first of all pertains to the citizen's equal right to make the law. But as citizens are parts of the Sovereign, they also have a clear duty to exercise this right in a certain way. Each member of the general assembly should actively participate in the search for the general will. Moreover, each member must judge *independently* what law is the general will's surest expression, given that different interpretations are possible. Independent judgement, according to Rousseau, is necessary in order to prevent 'partial associations' from arising, in which personally biased opinions of the

common good would coalesce into group wills (C, II, 3, 43). Once this happens, the formation of a truly general will becomes very difficult. The citizens have already subordinated their personal wills to one of several groups, each of which promises to serve its members' common private interests under the banner of the general interest. Then, the citizens are no longer able to commit themselves to an impartial search for the general will.¹¹ The result is that the majority rule will have to determine, without further deliberation, which of several conflicting group wills will be allowed to prevail. This opens the possibility for a minority group to become permanently oppressed by a majority group, or coalition. As we have seen in section 3, Rousseau considers this as an instance of 'personal dependence', which should be avoided. Rousseau conceded that it would be difficult to prevent partial associations from arising by a mere appeal to duty. As a second best solution, he suggested that institutional measures might be taken to prevent the emergence of permanent majorities:

'Que s'il y a des sociétés partielles, il en faut multiplier le nombre et en prévenir l'inégalité, comme firent Solon, Numa, Servius'. (C, II, 3, 43)

If the people conduct their deliberations in public, without prior consultation within groups taking place, each citizen will be forced to speak only for himself and there will be as many votes as there are men. Assuming that the people are in principle directed towards the general will, Rousseau imagines that the individuals' differing conceptions of the general interest can, as it were, be de-particularized. This at least is suggested by the statement that

'Il y a souvent bien de la différence entre la volonté de tous et la volonté générale: celle-ci ne regarde qu'à l'intérêt commun; l'autre regarde à l'intérêt privé, et n'est qu'une somme de volontés particulières. Mais ôtez de ces mêmes volontés les plus et les moins qui s'entre-détruisent, reste pour somme des différences la volonté générale' (C, II, 3, 42).

The individual's will is composed of a particular and a general component. The particular component refers to the extent to which private interests are opposed, and cannot be reconciled. The general component, on the other hand, refers to the interests that the individuals will appear to have in common, after the issues that affect them all have been duly discussed. The terminology of 'pluses and minuses' suggests that one can arrive at the general will through a mechanical procedure of majority decision. However, Rousseau stresses that much depends on the quality of the deliberations of the people; on the spirit of impartiality or rectitude in which these are conducted and on the adequacy of the information available. If this is taken into account, it seems that the cancelling of 'pluses and minuses' is something

that only can be seen to have occurred *after* the process of deliberation has been brought to a satisfactory conclusion.

I now turn to legal equality. This institutional requirement determines the limits of the general and the particular will and expresses the meaning of what it is to be a subject of the State. In Book II we read

'... que la volonté générale, pour être vraiment telle, doit l'être dans son objet ainsi que dans son essence; qu'elle doit partir de tous pour s'appliquer à tous; et qu'elle perd sa rectitude naturelle lorsqu'elle tend à quelque objet individuel et déterminé, parce qu'alors, jugeant de ce qui nous est étranger, nous n'avons aucun vrai principe d'équité qui nous guide'. (C, II, 4, 44)

In the same chapter, it is remarked that a law, or general convention of the Sovereign, is always 'équitable, parce qu'elle est commune à tous'. (C, II, 4, 45). From this, it is clear that the domain of the general will is restricted to impersonal rules. Indeed, Rousseau later adds that by the generality of the object of law, he means:

'... que la Loi considère les sujets en corps et les actions comme abstraites; jamais un homme comme individu, ni une action particulière'. (C, II, 6, 49).

But impersonal rules, while in a sense applying to all, need not necessarily be 'common to all'. These rules specify general properties of individuals and individual circumstances, on the basis of which they logically require similar treatment of similar cases. Thus the rule of impersonal law implies legal (or 'formal') equality and creates the right of each individual to equal treatment before the law. Rousseau, however, also suggests that the general applicability of the law implies that the laws correspond to some principle which would ensure an *equitable* common treatment of all individuals. This of course need not be so. It is perfectly possible that the rule of law goes together with a system of laws that discriminate between individuals on general, but highly inequitable grounds, no matter what kind of equity principle one has in mind. The question of 'equity', therefore, is quite a different one from that of legal equality, and it belongs to the larger issue of finding the criteria of justice and the common interest that lie behind the general will.

Nevertheless, the fact that Rousseau confuses these two questions is relevant to his ideas about the State's subject. The legal equality inherent in the rule of law does not only create the right of equal treatment, but also the duty of the subject to obey the laws unconditionally. Given the fact that the person's particular will often leads him to enjoy the rights of citizenship without being ready to fulfill the duties of a subject, the social contract

'... renferme tacitement cet engagement, qui seul peut donner de la force aux autres, que quiconque refusera d'obéir à la volonté générale y sera contraint par tout le Corps: ce qui ne signifie autre chose sinon qu'on le forcera

d'être libre. Car telle est la condition qui, donnant chaque citoyen à la patrie, le garantit de toute dépendance personnelle...'. (C, I, 7, 36)

Reading this famous passage in the context of what has been said before, it may be concluded that the unconditional duty to obey the general will rests on two distinct arguments. First, to protect the stability of the social contract in the face of *amour-propre's* tendency to evade the mutual obligations of lawful cooperation, the law must be enforced. Enforcement protects all individuals against the injustice and oppression that would exist in a social state where every man resumes his 'original right' to take what he can get and do what he can get away with. In this sense, men may be forced by the State to keep within the bounds of their civil liberty and thereby to preserve their personal independence.¹²

Secondly, however, the laws should be enforced because they are supposed to be equitable, just and in the common interest. Here the State is granted the power to force men to be free in quite a different sense. In breaking the law, the individual is forfeiting his chance to attain moral liberty by subordinating his particular will to the general will. This argument has no force at all if the citizens are known to disagree about the standards of equity, justice and the common interest. So if the notion of 'forced to be free' is not to be a hypocritical slogan, it should be clear from the outset that the citizens share a common conception of social morality, which they know to be fully realized in the acts of the Sovereign. In this ideal case, the enforcement of the laws may be regarded as a kind of crutch to prevent men from backsliding, and acting contrary to their own avowed moral intentions.

On the third aspect of equality, economic equality, Rousseau has not very much to say in the *Social Contract*. But as a glance at the *Second Discourse* confirms, it is one of the most important requirements for the continual operation of the general will. Therefore, I will quote in full:

'A l'égard de l'égalité, il ne faut pas entendre par ce mot que les degrés de puissance et de richesse soient absolument les mêmes; mais que, quant à la puissance, elle soit au-dessous de toute violence, et n'exerce jamais qu'en vertu du rang et des lois; et, quant à la richesse, que nul citoyen ne soit assez opulent pour en pouvoir acheter un autre, et nul assez pauvre pour être contraint de se vendre: ce qui suppose, du côté des grands, modération de biens et de crédit, et, du côté des petits, modération d'avarice et de convoitise'.

Rousseau immediately adds:

'Cette égalité, disent-ils, est un chimère de spéculation qui ne peut exister dans la pratique. Mais si l'abus est inévitable, s'ensuit-il qu'il ne faille pas au moins le régler? C'est précisément parce que la force des choses tend toujours à détruire l'égalité, que la force de la législation doit toujours tendre à la maintenir'. (C, II, 11, 61).

One of the major questions to be treated in the following sections will be whether the force of legislation can be expected to be sufficiently strong to overcome the force of circumstances that tends to destroy equality.

III The indeterminacy of the general will

7. Up to now, I have assumed that in conditions of political, legal and (approximate) economic equality, the assembled citizens are willing to seek and able to find the general will. That is, even though the citizens are subject to the desires of *amour-propre* and even though a tendency towards inequality exists, they are capable of making good laws. Considering what has gone before, this assumption may seem redundant. But this is not entirely the case, for although Rousseau held that the people are never corrupted, he also held that it was only too easily deceived. In the chapter on law this theme is elaborated:

'La volonté générale est toujours droite, mais le jugement qui la guide n'est pas toujours éclairé. Il faut lui faire voir les objets tels qu'ils sont, quelquefois tels qu'ils doivent lui paraître, lui montrer le bon chemin qu'elle cherche, la garantir des séductions des volontés particulières, rapprocher à ses yeux les lieux et les temps, balancer l'attrait des avantages présents et sensibles par le danger des maux éloignés et cachés. Les particuliers voient le bien qu'ils rejettent; le public veut le bien qu'il ne voit pas. Tous ont également besoin de guides'. (C, II, 6, 50-51)

Rousseau concludes that to provide this guidance, a Legislator is necessary. In her book on Rousseau, Shklar suggests that the continued presence of the Legislator is needed: 'what happens without him is only too well known' (Shklar, 1969, 185). It is not my intention to go deeply into the doctrine of the Legislator. However, a few remarks should be made, in order to make clear what the people might be expected to achieve on its own, using its own faculties of reason and morality.

In speaking of the laws, there is a distinction between constitutional laws that define the framework for the operation of the general will and laws that are made by the people within this framework and are to be regarded as expressions of the general will. The former laws are, properly speaking, only the conditions of the civil association (C, II, 6, 50). As I understand Rousseau, this is where the Legislator is needed first and foremost. Since

'... chaque individu, ne goûtant d'autre plan de gouvernement que celui qui se rapporte à son intérêt particulier, aperçoit difficilement les avantages qu'il doit retirer des privations continuelles qu'imposent les bonnes lois [,] (C, II, 7, 53)

an impartial and wise man, coming from outside the community, must draw up a scheme of constitutional laws. Rousseau calls these laws 'political' or 'fundamental'. Taking note of the circumstances of the people and of their national characteristics the Legislator frames the fundamental laws in the best way to ensure political, legal and economic equality. In addition, he creates institutions that educate the people to observe the legal and moral duties of association. In the words of Rousseau, the Legislator '... est le mécanicien qui invente la machine...' (C, II, 7, 51) and convinces the people to operate it.

After having done his good works, I take it, the Legislator's task is ended and the people, unadvised, attends to the business of making laws for its common good. Does this mean that it cannot alter the fundamental laws? It does not:

'... en tout état de cause, un peuple est toujours le maître de changer ses lois, même les meilleures; car s'il lui plaît de se faire mal à lui-même, qui est-ce qui a droit de l'en empêcher?' (C, II, 12, 63)

I will briefly return to this issue in section 10. Meanwhile, I consider the set of possible laws, or enforced social arrangements, that can be formulated within the limits of an unchanged constitution. The question is: which of these laws are in accordance with the general will and which laws would be in conflict with it? In order to answer this question it has to be assumed that the people can compare different laws in terms of their aggregative and distributive consequences. That is to say, they should be able to find out what the amounts of various goods produced under different social arrangements would be and how these goods would be distributed among the citizens.

Now we know that the general will is always oriented towards a certain idea of the *common good*. If it were possible to specify that idea in terms of aggregative and distributive principles — and these are being alluded to whenever Rousseau speaks of 'the public interest', 'equity' and 'justice' — then we could judge the relative merits of different social arrangements in terms of those principles. In that way we would finally be in a position to know just what the general will wills and what not.

What, then, is Rousseau's conception of the common good?

The *Social Contract* does not provide unambiguous statements that could be quoted in order to settle this matter. One will have to try and make an informed guess. In my view, two different approaches may be combined to arrive at an approximate answer.

The first approach proceeds from the notion of mutual advantage. It holds that the general will wills arrangements that promote the private interests of all citizens, taking these interests 'as they are'. This approach, which

has been taken in a well-known article by Runciman and Sen (1965), may be termed a 'liberal' one, in that it seeks to determine the general will from private interests which are mostly selfish but are assumed to be completely legitimate. As I will argue in the next section, the liberal approach goes quite a long way, but not the whole way. Mutual advantage needs to be limited and complemented by a second approach that looks to the equalizing force of the general will, in the face of circumstances that tend to destroy social equality. This approach does not consider men's immediate private interests as the only material for constructing the common good. On the one hand, it seeks to 'weigh the attractions of present and sensible advantages against the danger of distant and hidden evils'. As such, it interprets the general will mainly as a 'will against inequality'. This aspect has been forcefully stressed by Shklar (1969, ch. 5). On the other hand, the equalizing approach tries to complement the principle of mutual advantage by bringing considerations of distributive justice to bear upon the choice of social arrangements. It will be seen, however, that these considerations are by no means all-important; Rousseau cannot sensibly be interpreted as a theorist of distributive justice.

8. As mentioned, an interpretation of the general will in terms of mutual advantage has been given by Runciman and Sen. Their point of departure is the game of Prisoners' Dilemma in which a conflict between the rational pursuit of self-interest and the attainment of the 'good of all' is presented. In the present context, this dilemma may be illustrated by the following example. Imagine a rather over-populated community that obtains its weekly diet of fish from a common pond. The supply is in serious danger of becoming depleted if everyone continues to follow his particular will to have as much fish as possible for himself each week. To ensure a steady supply, it is agreed that individuals will voluntarily restrict themselves to a small weekly quatum. A certain person, let us call him 'ego', now starts thinking about what he could gain by observing the quatum, or by breaking the agreement and taking as much fish as he pleases.

To simplify matters, I assume that no single individual's action can determine the over-all result (depletion or continued supply) and that ego evaluates his choices with an eye to what will happen if the 'others' either all keep the agreement, or break it.¹³ In this case, it is clear that ego will profit most by going for the maximum amount of fish, whatever the others do. For if the others behaved themselves, the supply would go on for ever, even if ego were to consume huge quantities of fish every day; and if they did not, there would be no fish left after a short while anyway, in which case ego would be a fool to restrain himself for nothing. Now, since the 'others' are in fact composed of many ego's, all of whom reason in the same way, the

agreement will be universally broken. Collectively, this is clearly an inferior outcome; all individuals would have done better for themselves by obeying their general will to exercise mutual restraint.

To be sure, if the members of the community would unwaveringly follow their general will, then all would be well. But as Rousseau says in terms that fit this example perfectly, the general will is constantly endangered by the individual's natural autonomy:

'... son existence absolue, et naturellement indépendante, peut lui faire envisager ce qu'il doit à la cause commune comme une contribution gratuite, dont la perte sera moins nuisible aux autres que le paiement n'est onéreux pour lui...' (C, I, 7, 35).

Because of this, the general will is additionally being endangered by those who would in principle be prepared to pay their share, but believe that others will not, so that they might as well not be bothered to pay their own. For these reasons, as we have seen before, the general will can only operate if the agreement is enforced, by penalizing all transgressors to such an extent that it becomes in everyone's private interest to keep it.

The model of the Prisoners' Dilemma does certainly, as Runciman and Sen claim, give a 'valid sense' to the notion of the common good and its relation to the general will. It shows how the excesses of private self-seeking can be overcome only by enforced social arrangements, and how such arrangements realize a common good, which consists of the maximum satisfaction of each that is consistent with the same for all. Thus,

'... the general will does not will anything which requires that any person should be (in terms of his own preference ordering) the long-term loser, although it may, of course, require him to forego the pursuit of an individual advantage which, without enforced collusion, would leave him in the end worse off. We may say, if you like, that the general will always fulfills the conditions of Pareto-optimality' (Runciman and Sen, 1965, 557).

But, as the authors note immediately, this notion of the common good is inapplicable if it so happens that there is no enforceable law under which, compared to no law at all, it would be possible to improve some man's position without harming at least one other man's legitimate interests. One should therefore ask: what does the general will enjoin in such cases? This question can be answered only by reference to some principle of distributive justice that would weigh the conflicting interests under each alternative social arrangement, and seek to arrive at a 'fair division'. Such a principle would certainly have to be part of the social contract itself. This means that the associates would all have to consider the acceptance of the principle to be in their long-term future interests. In recent times, the problem of deriving prin-

ciples of justice from a hypothetical contract has been investigated by Rawls, but this problem, while perhaps being implicitly posed, is not explicitly stated in Rousseau's *Social Contract*, let alone answered.

For this reason, Runciman and Sen's understanding of the general will rather follows Rousseau's emphasis on common interests than his implication of common principles of justice. In consequence, whereas it may be acceptable to say that a person can be 'forced to be free' if he breaks an agreement that is to mutual advantage, the authors do not wish to 'extend the general will so far as to allow persons to be 'forced to be free' by the criterion of any principle to which they could be supposed, if rational, to have been prepared to assent from the state of nature' (Runciman and Sen, 1965, 560).

Thus, the general will is restricted to the realisation of the common good in the sense of mutual advantage, or (strong) Pareto-optimality. Before commenting on this position, I want to follow Runciman and Sen a little further and discuss what they have to say on the relation between the common good and the notion of social justice. Their presentation generalizes the idea of laws as 'enforced collusions', an example of which was given in the story of the common fish pond. First, the set G of laws that conform to an 'unambiguous general will' is considered. I understand this set to consist of laws which are all to the mutual advantage of the citizens, when compared with the existing state of social cooperation, the *status quo*. Secondly, the set S of laws that might satisfy some principle of social justice is considered. The authors (1965, 561) now contend that:

- (a) every law in G also belongs to S;
- (b) S contains some laws that are not in G;
- (c) because it is not clear which of several, possibly conflicting, principles of justice might be chosen in a state of nature, the subset of laws in S that do not belong to G may be difficult to determine.

While I am in agreement with statements (b) and (c), I should wish to criticize statement (a) from the standpoint of the *equalizing* approach to the general will. Statement (a) is justified as follows by its authors: any social arrangement which will make the persons concerned better off than they would be if they pursued their private interests without it, would be accepted in a hypothetical state of natural equality. This means that mutual advantage would be unconditionally accepted as a principle for choosing laws after the Legislator had drawn up the fundamental institutions. I believe that this is going one step too far. It may be observed that Runciman and Sen first restrict the principles of social justice to situations of 'fair division',¹⁴ where no mutual advantages are obtainable by means of binding social arrangements. The authors argue that since Rousseau does not specify what these principles are, it would be fruitless to try and determine whether laws

outside of the set G are, or are not willed by the general will. I agree. However, I do not agree with Runciman and Sen's next move, i.e. that once we are in the set G, each law is invariably as just as any other. Since the elements of G are bound to differ with respect to the distribution of personal gains among different persons, it seems a likely guess that Rousseau would have had a preference for distributing these gains as equally as possible.

We have seen section 3 and 4 that Rousseau was not ready to applaud any mutually advantageous social changes in which the rich stood to gain far more than the poor. This judgement is based on his idea that there is a dangerous tendency towards inequality that threatens to destroy the social bond and thereby to make every individual incomparably worse off than he would be under less luxurious and more equal arrangements. And, without being able to demonstrate this, I believe that to a lesser extent, Rousseau's evaluation also reflects a very simple notion of egalitarian justice, which prefers equal to unequal sharing, because men are created free and equal. To be sure, if Rousseau has such a preference, he does not extend it so far as to demand the equalizing of privileges based on social merit or superior performance; for here he firmly adheres to the precept of desert (I, 220). But I do think that the preference for equality plays an (admittedly subordinate) role in questions of distributing economic well-being.

9. It now remains to try and combine the approaches of mutual advantage and equality into a single conception of the common good, towards which the general will is supposed to be directed. Following Sen and Runciman, I confine the domain of the common good to the set G of arrangements that can be expected to make all persons better off in comparison to the status quo. In contrast to their analysis, however, I propose to add two further conditions that take considerations of equality into account. From these conditions, there arises a conception of the common good which embodies the notion of 'the interest of all' — both in the short and the long run — and the notion of 'social justice', and which may allow the construction of a *social preference ordering* of all mutually advantageous social arrangements.

To keep things manageable, and to avoid the difficult problems that may arise if one attempts to combine several criteria of social evaluation, I will consider the interests of only two classes of persons: the 'rich' and the 'poor'. Obviously, this is a drastic simplification, but it seems to be appropriate in discussing Rousseau, who never mentions more than two classes.¹⁵ When asking how different laws affect the interests of the rich and the poor, I will always compare two 'impersonal representatives' of these classes. This last notion may be understood to mean that persons' interests within classes are similar and that no persons switch classes in passing from one social arrangement

gement to another. Thus, the rich remain rich in comparison to the poor, though the gap may close or widen.

Another simplification is the following: the positions of the rich and poor will said to be measured in terms of some interpersonally comparable index, by which different kinds of goods — for instance, the fish of the common pond- example — are aggregated. Together, the notions of 'representatives' and of this index of 'goods' imply that individual differences in tastes and preferences are completely neglected. Instead, it is assumed that, other things being equal, every person would like to have more 'goods' than less. If 'other things' are not equal, this may not hold. I will return to this issue in section 10.

To complete my review of heroic assumptions, there is of course the question of how much information the citizens may be said to have about the consequences of adopting alternative laws. Here again, I intend to simplify: for each arrangement under consideration, it will be possible to estimate the amounts of goods per period that will be allocated to the representatives, given that the arrangement is chosen. These estimates are assumed to be undisputed public knowledge. Thus, the desirability of different laws can be assessed by comparing estimated allocations of goods.

It hardly needs saying that this procedure of assuming away uncertainty raises serious problems. For one thing, no allowance is made for different degrees of enforceability of social arrangements. Also, and this is equally unrealistic, the problem of autonomous shifts of allocations is being waived. It is by no means the case that the allocative effects of social arrangements, even if these can be correctly estimated in the short run, will continue to be the same over a longer period of time. After all, the allocations of goods that come about under different rules of cooperation are the result of definite social and economic interactions between persons and groups. Even when the rules remain the same, these interactions may well change in the course of time, so that the allocations of goods can not be assumed constant. Finally, the rather naïve idea of 'undisputed knowledge' about allocative effects should be noted. It overlooks the very real possibility that in the course of public deliberation, information may be withheld, distorted and manipulated to suit various private or sectional interests.

One might wonder if an analysis that is conducted under such unrealistic assumptions can be of any value at all. I think it can, because there are conditions in which several of the assumptions may be fulfilled, or at least approximated. These conditions have to do with the presence or absence of social consensus; I will come back to them in section 10. Furthermore, it is by no means intended to analyse actual problems of decision-making (let alone problems of implementing decisions). In this section I am merely at-

tempting to clarify some important properties of social arrangements which would be favoured by the general will of a community. These properties are now shown by the following two *principles of the general will*:

(1) From among all allocations that are strongly Pareto-superior to the allocation of the status quo and lie within a boundary of admissible inequality, the general will selects the set of strongly Pareto-undominated allocations.

(2) From among the elements of this set, the general will prefers more equal allocations to less equal ones.

In ordinary language, this says that the general will wills the law that is most advantageous to all, does not create excessive inequality and gives to the poor the greatest possible absolute advantage.

The first principle accomplishes two things. To begin with, it lays down the necessary conditions for a law to be willed by the general will: mutual advantage and admissible inequality. The former condition says that all laws must be in the set G ; the corresponding allocations are then strongly Pareto-superior to that of the status quo. The latter condition may be understood as follows: no allocation (X_1, X_2) may fall below a certain proportion of inequality $\bar{e} = X_2/X_1$, where X_2 is the position of the poor representative on the index of goods and X_1 the position of the rich representative. Since by definition the rich have a higher position on the index than the poor, all admissible allocations i have proportions $e_i = X_{2i}/X_{1i}$ with $1 > e_i > \bar{e}$.

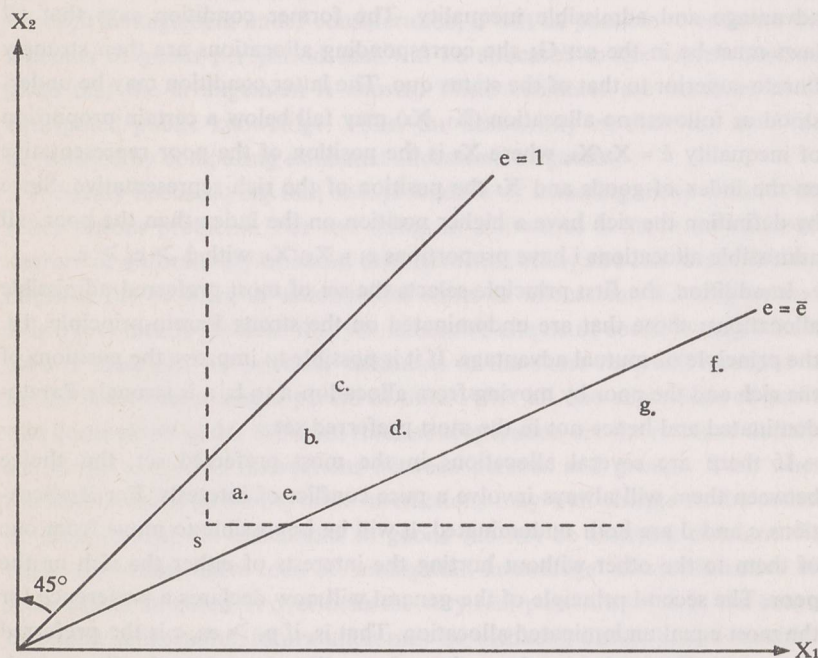
In addition, the first principle selects the set of most preferred admissible allocations: those that are undominated on the strong Pareto-principle, i.e. the principle of mutual advantage. If it is possible to improve the positions of the rich and the poor by moving from allocation a to b , a is strongly Pareto-dominated and hence not in the most preferred set.

If there are several allocations in the most preferred set, the choice between them will always involve a pure conflict of interests. For if allocations c and d are both undominated, it will be impossible to move from one of them to the other without hurting the interests of either the rich or the poor. The second principle of the general will now declares a preference for the most equal undominated allocation. That is, if $e_c > e_d$, c is the preferred allocation. Thus, whereas the notion of equality enters into the first principle as an essential boundary condition, it appears as a tie-breaker in the second principle. In other words, the social preference for equality is only allowed to operate when the general will cannot decide between admissible allocations on the principle of mutual advantage. With this, the subordinate place occupied by considerations of egalitarian social justice in the whole scheme is reflected.

Note that it is impossible to find two undominated allocations with the

same degree (e) of inequality. This means that if indeed the general will operates in accordance with the two principles, it is possible to construct a complete and consistent social preference ordering of allocations. First, all undominated admissible allocations are ordered according to their proportions of inequality, the most equal one being the *optimal* allocation. Secondly, the same procedure is repeated for all undominated admissible allocations that remain after the first group has been dealt with, and so on, until there are no admissible allocations left. Next in line comes the allocation of the status quo, which is ordered above all inadmissible allocations (those with proportions smaller than e). The latter set may then again be ordered in the same way as the set of admissible allocations. In diagram 1 and the accompanying box, an example of the social preference ordering is given.

Diagram 1: Alternative social arrangements



I contend that these two principles are the most reasonable interpretation of the substantive aspect of the general will. I also believe that this interpretation may shed light on some ambiguities in Rousseau. For I have arrived at the two principles of the general will by combining two different approaches, the 'liberal' and the 'egalitarian', which are by no means easily reconciled. This is reflected in the basic indeterminacy of the first principle, with its 'boundary of admissible inequalities'. One might well ask: where should that

Box 1: The social preference ordering of the allocations in diagram 1

X_1, X_2	: positions of the representative rich and poor, respectively, on the index of goods.
a, b, c, d, e	: admissible allocations
f, g	: inadmissible allocations
s	: allocation of the status quo, which serves as a reference point for social evaluation.

All points to the north-east of the point s are strongly Pareto-superior to the status quo and belong to the set G . This set is bounded by the dotted lines. The line $e = 1$ represents absolute equality and the line $e = \bar{e}$ represents the boundary of admissible inequality.

The social preference ordering is: c, d, b, a, e, s, f, g ; where c is the optimal allocation.

boundary be drawn? As I will try to show in the next section, the different answers that can be given to this question will imply different positions on the nature of Rousseau's social thought.

10. If the assumptions of section 9 hold true, the general will and the will of the majority will tend to coincide under certain conditions. Given perfect information and given that each citizen's private interest consists in having more goods rather than less, the most equal undominated allocation, which maximizes the absolute gains of the poor, will always be chosen, provided (as seems likely) that the poor are in the majority. If, furthermore, the majority allocation belongs to the admissible set, it will also be the general will's first choice.¹⁷ In diagram 1 this is not the case, as one can see by comparing the allocations f and c . This means that the general will demands that all citizens must be prepared to forego the maximum of mutual gains, if the social state in which that maximum is realized can be expected to set up an 'immoderate' differential between the 'great' and the 'small' (Compare quotations of the end of section 6).

It may be asked why the most advantageous arrangements should be inadmissible. Of course this need not always be the case, but there are two different reasons why it will very often happen to be so. The first reason is purely prescriptive: if the people have a strong preference for equality, the boundary of admissible inequalities will be drawn close to the line of absolute equality and many mutually advantageous allocations will lie outside it. The second reason is of an empirical nature. As we have seen, Rousseau holds that the 'force of circumstances' tends to destroy equality. In our review of the *Second Discourse* it was shown how the possibility of securing large gains from cooperation, both in the economic and in the political realm, is very often associated with an increase in inequality. The array of points

in diagram 1 reflects this empirical proposition.

Rousseau, in other words, definitely holds that there is a dynamic of unequal development at work in society, which should be counteracted as far as possible by the political institutions and by educative measures. But how are we to interpret 'as far as possible'? The final quotations of section 6 show that Rousseau does not strictly deny that the conditions of economic equality needed to keep the dynamic of unequal development in check 'cannot actually exist', even in a society which is governed by the fundamental laws of a wise and benevolent Legislator. The reason for this rather pessimistic view is accurately reflected in the tension that is present between mutual advantage and equality in the first principle of the general will. It is clear that the general will cannot sensibly be assumed to go against the legitimate private interests of all citizens; this is why it must be sensitive to considerations of Pareto-optimality. As the example of the Prisoners' Dilemma convincingly shows, the general will is designed to prevent the social waste that comes from the unregulated pursuit of private interest. But in a sense, the model of the Prisoners' Dilemma — which does not actually imply, but certainly suggests, equal gains from 'enforced collusion' — is somewhat misleading. For if, as Rousseau says, the continual attainment of mutual gains is bound to have excessively inegalitarian consequences, the general will should also restrain the socially legitimate pursuit of 'de-particularized' private interests. This is why its principles must contain a boundary of admissible inequality.

We now arrive at a paradoxical conclusion: the general will is forced to set a definite limit to inegalitarian allocations, but these allocations are bound to arise by the very fact that the general will tends continually to the public advantage. Can the general will be regarded as 'infallible' as Rousseau claims? One might say that it can, precisely because its principles strive to reconcile the conflict between the people's short-term and its long-term interests. But this answer does not really satisfy, since it immediately raises the further issue of how these conflicting interests should be reconciled. Again: where should the boundary be drawn? Should it remain constant over time, or should it change? If the latter, for what reasons? The general will, or rather the notion of the common good that lies behind it, contains nothing that enables us to answer these questions.

In the face of this indeterminacy, the liberal interpretation of the general will presented by Runciman and Sen may be viewed as a *limiting case* of the two principles, in which the boundary line of the first principle has been shifted outwards to approximate the horizontal position (i.e. where the proportion $\bar{e}$ of admissible inequality approaches zero). With regard to the second principle, Runciman and Sen would probably concur with my pro-

posal, for in cases where there are several undominated allocations, they are ready to accept that the general will 'might require an appeal to the majority principle' (Runciman and Sen, 1965, 558). As I have argued, this will ensure that the most equal of the undominated allocations is chosen, as long as the poor are in the majority. The liberal interpretation gives the principle of mutual advantage a free hand and tends to minimize the dangers of mounting inequality. Quite possibly, this is connected with its tendency to play down the disastrous effects of inequality on the human psyche which are so powerfully underlined by Rousseau. In short, the liberal interpretation tacitly assumes that the presence of observable mutual gains from cooperation invariably strengthens the social bond.

At the other extreme there is the strictly egalitarian interpretation of the general will. It has been elaborated persuasively by Shklar (1969). Shklar concentrates her attention entirely on what I have called the long-term interests of the community. She sees the general will as 'the will against inequality'. 'It is general because the prevention of inequality is the greatest single interest that men in society share, whatever other interests they may have' (Shklar, 1969, 168). In terms of our two principles, the strictly egalitarian view is another limiting case, obtained by setting the proportion of admissible inequality almost equal to one. Here, an assembly of citizens that places itself 'under the supreme direction of the general will' is virtually robbed of its real capacity to make laws, for there will hardly any legitimate opportunities left to serve the shorter-term interests of all through legislative acts. To be directed by the general will, Shklar holds,

'... requires two inseparable conditions: that [the individual] live in a society where there are no rich and poor and that he be educated to see his enduring interest in preventing inequality'. (Shklar, 1969, 186).

In consequence, this view attributes to Rousseau a denial of the need for positive action by the people and of their capacity to adapt adequately to changing circumstances. It plays down the social intelligence of the people (1969, 170) and greatly magnifies the role of the Legislator: 'The Great Legislator practices preventive politics'; he creates 'an external environment that will forestall the moral deformation that has been the lot of 'man in general'' (Shklar, 1969, 165). Indeed, Shklar explicitly rejects the view that the people have any real laws to make, since they have already been given a set of fundamental laws:

'The purpose of the assemblies of the people has nothing to do with modern notions of legislation. They are not called to make or remake laws, but to reassert the people's willingness to abide by the contract and to live in justice. That is why the fewness and antiquity of laws is the very best proof of their validity and worth'. (Shklar, 1969, 180-181).

While reading Shklar's book, I was most impressed by the force and consistency of her strictly egalitarian interpretation. Nonetheless, in its determined one-sidedness, it must be accorded its place as a limiting case, together with the liberal interpretation of Runciman and Sen. I recognize that it is rather an anti-climax to have to take up a middle position between these two extremes. Yet this is precisely what I am forced to do, having asserted that there is a fundamental tension between the values of mutual advantage and social equality in Rousseau's social thought, which admits of no clear-cut solution on the level of normative principles. Therefore, I will conclude this paper with a brief inquiry into the implications of my position on the substantive nature of the general will and the way it operates in the ideal society of the *Social Contract*.

Returning once again to the issue of the boundary, let it be assumed that the citizens are in complete agreement as to what constitutes admissible and inadmissible inequalities. In addition, imagine the status quo allocation to be well inside the admissible set. Now, wherever the boundary may have been drawn, it can be predicted — on Rousseau's 'tendential law of unequal development', so to speak — that it will eventually be approached. But what does this imply, other than a gradual corruption of men's social relations? If there really is a point at which existing inequalities are threatening to become 'inadmissible', this will inevitably make itself felt in an increasing tendency of the passions of *amour-propre* to prevail over men's desire to strive for moral liberty. In political terms, this would be reflected in a deterioration of the social consensus needed for an impartial search for the general will. As men's particular wills assume an overriding urgency, the general will loses its initial clarity and becomes obscured by conflicts of interest and by the formation of incompatible 'group wills'.

Thus, once the boundary of admissible inequalities is approached, a supreme effort of the citizens is called for. They will have to retrace their steps and stop the pursuit of short-term economic interests in favor of their longer-term social interest. If ever, this is the time where a 'politics of prevention' needs to be practiced by the people, drawing inspiration from the good examples of the Legislator. At this moment of truth, however, the chances of preventing a further development towards inequality are slight indeed. This tragic situation is recorded by Rousseau in the first chapter of Book IV:

'Mais quand le noeud social commence à se relâcher et l'État à s'affaiblir, quand les intérêts particuliers commencent à se faire sentir et les petites sociétés à influencer sur la grande, l'intérêt commun s'altère et trouve des opposants; l'unanimité ne règne plus dans les voix; la volonté générale n'est plus la volonté de tous; il s'élève des contradictions, des débats; et le meil-

leur avis ne passe point sans disputes.

Enfin, quand l'État, près de sa ruine, ne subsiste plus que par une forme illusoire et vaine, que le lien social est rompu dans tous les coeurs, que le plus vil intérêt se pare effrontément du nom sacré du bien public, alors la volonté générale devient muette; tous, guidés par des motifs secrets, n'opinent pas plus comme citoyens que si l'État n'eût jamais existé; et l'on fait passer fausement, sous le nom de lois, des décrets iniques qui n'ont par but que l'intérêt particulier'. (C, IV, 1, 103).

Rousseau hastens to add that the general will remains as 'constant, unalterable and pure' as before. But this is hardly reassuring, for the general will has been rendered inoperative by the same 'progress of inequality' that was seen to occur in the corrupt society of the *Second Discourse*. It can be easily seen that the assumptions of section 9 will cease to be fulfilled in these conditions. To begin with the most obvious point, when the 'small' are confronted with excessive luxuries and inflated ranks of the 'great', they will not only become 'avaricious and covetous', but also envious and spiteful. The poor may well now change their simple preference for 'more goods rather than less' for one in which an absolute loss is readily accepted in return for a relative gain. One might call this a perverted 'will against inequality' that is motivated by a vile propensity to impoverish oneself for the price of others' greater misfortune. The rich, of course, will reciprocate by taking advantage of the poor wherever they can. In addition, existing laws (such as taxation) that hitherto operated effectively, will now become of doubtful enforceability, so that mutual advantages which existed before cannot be secured any longer. With regard to the assumptions connected with perfect information and the undisputed knowledge about legislative proposals, it is equally clear that these cease to hold. This is only another way of saying that the general will recedes into obscurity. As social consensus breaks down, it becomes highly unlikely that the people will continue to agree unanimously on the ways in which public alternatives affect private interests. Indeed, each citizen will soon find out that it pays to misrepresent his own interests in the process of decision-making. Finally, the question of changing the fundamental laws may be taken up. It stands to reason that there is ultimately no way to prevent a divided and 'privatized' people from tampering with the constitution in any fashion that might suit the currently powerful groups or coalitions.

In short, it appears that if one takes Rousseau's critical account of the *Second Discourse* as seriously as he intended it to be taken, it becomes clear that the 'ideal politics' of the *Social Contract* will degenerate with iron inevitability into the 'real politics' that Rousseau so detested. This process is caused by the fundamental tension between mutual advantage and social equality which exists in society and which is also expressed in the principles of the general will. Ironically the very success of the general will in promoting

the advantage of all creates the inegalitarian conditions in which it will cease to operate.

Notes

- 1 All references to the *Second Discourse* will be indicated in the text with 'I', followed by the page number. References to the *Social Contract* are indicated by 'C' and followed by the numbers of Book (Roman), chapter and page. Both of Rousseau's works are cited from the Vaughan edition (Vaughan, 1962).
- 2 For an interpretation of this theme in the *Second Discourse*, in terms of game theory, see Hernes, 1975.
- 3 Rousseau begins by remarking that in order to attain justice (rendre à chacun le sien) '... il faut que chaque puisse avoir quelque chose...' (I, 177). This 'something' refers to land, the possession of which is a precondition for survival and enables a man to establish a claim to the produce of his labour. The right to possess land is a *natural right*, but it does not extend very far: jusqu'à la récolte' (I, 177). Given the fact that men are oriented to the future, a person's *de facto* possession of land, from harvest to harvest, is easily transformed into a *conventional right* to own that particular piece of land. This property right should be distinguished from the natural right to use land in order to stay alive.
- 4 Compare Fetscher, 1962, 54.
- 5 Compare I, 179. In Fetscher, 1975, 25, attention is drawn to a passage from the unfinished *Discours sur les Richesses* (1753) where Rousseau explicitly states that individual enrichment is impossible unless it is at the expense of someone else.
- 6 This is argued in Rempel, 1976, 29.
- 7 In all fairness, it should be noted that this point is also made in Colletti, 1972, 163.
- 8 At least, in the absence of an elaborate framework of expected utility calculation.
- 9 Fetscher's book, 1975, 83 ff, contains a useful account of the concept of *amour de l'ordre*.
- 10 These three aspects are lucidly discussed in Chapman, 1956, ch. 5.
- 11 Rousseau discusses the relation between several group wills and the community's general will in more detail in *De l'économie politique* (1758) (ed. Vaughan, 1962), 241-244.
- 12 See also Rempel, 1976.
- 13 These assumptions may be considerably relaxed, as Ullmann-Margalit, 1977, ch. II, has shown.
- 14 One may distinguish two kinds of principles of 'fair division', or 'pure distributive justice'; those which determine the fair distribution of a fixed collection of goods and those which determine the fair allocation from among a set of Pareto-undominated allocations. In the text, I use the concept in the second sense.
- 15 In the *Second Discourse*, persons holding a position of 'médiocrité' between 'riches' and 'pauvres' are mentioned once in passing (I, 179).
- 16 Allocations a and e are on the same horizontal line. Although e is weakly

Pareto-superior to a (for only the position of the rich is improved by a move from a to e) it is not strongly Pareto-superior, nor is it strongly Pareto-inferior. Thus, a and e are mutually undominating, so that a is preferred to e on the second principle.

- 17 It is interesting to compare this with Rawls's difference principle, which is meant to apply to questions of economic justice and enjoins the selection of the (most equal) allocation that maximizes the absolute advantage of the poor 'representative'. Rawls's theory of justice, however, does not contain a boundary condition of admissible inequalities. See Rawls, 1971.

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