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## ROUSSEAU'S GENERAL WILL

**ABSTRACT** The advance of populist parties in the European Union can be interpreted as the sign of an expanding “frustration” about representation in a political sphere oppressed by economic austerity. In this context, the modern philosophical roots of an alternative conception of democracy, based on direct participation, appear to be worth of a careful scrutiny. This paper focuses on the notion of the General Will as described in *The Social Contract*. After a critical review of the antithetical conceptions of the General Will suggested by Rousseau, a coherent interpretation is proposed, obtained through an analysis of the text taken as a “self-sufficient” unity: the General Will is pure “ambition” for an unknown common good, shared by all the members of a political community. However, it is argued that the participatory “machinery” of General Will is fundamentally incapable of resolving three serious problems that undermine the foundations of Rousseau’s ideal “République”, namely, 1. How the citizens can identify the common good without errors; 2. How the citizens can develop an ethical dimension by themselves, without any external influence; 3. How single individuals, seen not as active citizens but as passive subjects of the State, can protect themselves from the abuses of power.

**KEYWORDS** *Rousseau, general will, participatory democracy, political representation, moral relativism*

## INTRODUCTION

One of the long lasting consequences of the global financial crisis that hit our interconnected world in 2007 is the growing tension between the traditional forms of representation in western democracies based on “free and fair elections”, and the unconstrained power of supranational economic and political agents. Especially in the countries of

the European Union, the “Great Recession” has shown all the fragility of the institutional mechanisms adopted by national governments to verify the legitimacy and the transparency of powerful global actors, which appears to operate “out of control” not only in the financial markets but more generally in acting as independent subjects in a “multipolar” and highly unstable international geopolitical arena<sup>1</sup>.

The undeniable advance of “populist” parties, from Italy to Spain, from Greece to France<sup>2</sup>, is generally considered by authoritative scholars and influential media as the resurgence of individualistic and selfish forms of “political disaffection” or “primitive anger”. However, these tensions can also be interpreted as a sign of an expanding frustration shared by millions of European citizens oppressed by the crisis, with a crescent scepticism about the meaning and value of the “electoral mandate” that is at the foundation of any representative democracy. Although very different as to ideology and party platform, these new political forces all promote some forms of “participatory” democracy<sup>3</sup> against the “corrupted” members of the political parties in charge, stigmatized as mere executors of the “particular will” of powerful global elites. A reflection on the modern philosophical roots of the idea of democracy seen as direct expression of the citizens’ “general will” appears to be worthwhile.

## 1. ROUSSEAU’S GENERAL WILL. A SHORT TOUR

Inspired by Richard Feynman<sup>4</sup>, we could ask ourselves a deceptively simple question. If, in some cataclysm, the entire philosophical knowledge about the best form of political community were to be destroyed, and only one sentence passed on to the next genera-

<sup>1</sup> A multidisciplinary exploration of reasons and consequences of the financial crisis can be found in P. O’Sullivan, N. F. B. Allington, M. Esposito (eds.), *The Philosophy, Politics and Economics of Finance in the 21st Century. From Hubris to Disgrace*, London 2015.

<sup>2</sup> Not only public institutions like governmental agencies and universities, but also private institutions like investment banks and other financial groups, are constantly monitoring the populist parties’ evolution, structures and forms of consensus, as the following study clearly shows: *A profile of Europe’s populist parties. Structures, strengths, potential*, Deutsche Bank Research, 28 April 2015, [online] [www.dbresearch.com/PROD/DBR\\_INTERNET\\_EN-PROD/PROD0000000000354812/A+profile+of+Europe%E2%80%99s+populist+parties%3A+Structures.pdf](http://www.dbresearch.com/PROD/DBR_INTERNET_EN-PROD/PROD0000000000354812/A+profile+of+Europe%E2%80%99s+populist+parties%3A+Structures.pdf), 15 June 2015.

<sup>3</sup> In this paper, the term “participatory” is considered a synonymous of “direct”, “deliberative” and “aggregative” democracy, because all these conceptions share the core idea of an *active* participation of every citizen in the political sphere. For a more precise theoretical distinction between these different forms of democracy, including the fundamental notion that reasoning should be “central to the process of collective decision making”, see: J. Cohen, “Reflections on Deliberative Democracy” in T. Christiano, J. Christman (eds.), *Contemporary Debates in Political Philosophy*, London 2009, p. 250, [online] <http://dx.doi.org/10.1002/9781444310399.ch14>.

<sup>4</sup> Richard Feynman, one of the greatest theoretical physicists in XX century. His original question was about which fundamental notion in the field of natural sciences contains the greatest amount of information in the fewest words. His answer was the atomic hypothesis, i.e. “all things are made of atoms”. R. P. Feynman, R. B. Leighton, M. Sands, *The Feynman Lectures on Physics*, vol. 1, Reading, MA 1963, p. 1-2.

tion, what statement would contain the most information in the fewest words? The following “bold” hypothesis could be suggested:

The direct exercise of legislative power by all members of an established political community is the only legitimate form of Sovereignty.

The previous terse statement could be considered the essence of Jean-Jacques Rousseau's *The Social Contract*, one of the most influential essays in political philosophy ever written, first published in 1762.

It is essential to clarify Rousseau's own terminology in order to avoid ambiguities and misinterpretations, which persist in contemporary readings of his political philosophy, especially in introductory textbooks and reviews<sup>5</sup>. The words “Republic” and “Democracy” are used by the author of *The Social Contract* in a way that is radically different from the acceptation of these terms in our current political “value neutral” discourse. Rousseau calls the subject of his study “République” and not “Démocratie”, because democracy is for him only one of the possible forms of the “Gouvernement”, which consists of the executive and judicial branches. Any particular form of government, be it a democracy, an oligarchy or a monarchy, is always distinct from the “être collectif” – the collective entity named “Souverain”, the Sovereign – and it is a mere administrator of the laws expressed by the will of the Sovereign. It is precisely this “collective” will that is called by Rousseau “volonté générale”, General Will: *I therefore assert that sovereignty, being only the exercise of the general will, can never be transferred, and that the sovereign, which cannot be other than a collective entity, cannot be represented except by itself; power can be delegated, but the will cannot*<sup>6</sup>.

Only by adopting a social pact founded on the people of the Sovereign acting as a “collective” law-maker, can the subscribers avoid the danger of ending their lives under “despotisme”; this is precisely the reason why Rousseau affirms that the basic rules of this typology of contract *are the same everywhere, and everywhere tacitly recognized and accepted*<sup>7</sup>. These rules are the only working rules that allow each individual, while connecting himself with all the other “citizens”, to continue, paradoxically, to answer only to himself.

As a member of the “moral corps et collectif”, a moral and collective body *composed of as many members as there are votes in the assembly*<sup>8</sup>, each individual had to make the

<sup>5</sup> For example, in *Philosophy, the Classics* (London–New York 2001) Nigel Warburton affirms that *By “democracy” he [Rousseau] meant direct democracy, that is, the system by which every citizen is entitled to vote on every issue, and then he concludes that Rousseau recognises the attractiveness of such direct democracy when the practical difficulties can be overcome, but points out that “so perfect a government” is better suited to gods than mortals*. Actually, Warburton makes a serious confusion between the process of voting – a fundamental participatory mechanism that should always be enacted by all citizens in any kind of République – and the process of democratic government, which for Rousseau is only a particular collective form of executive power. It is only the latter that is considered a utopian ideal by the author of *The Social Contract*.

<sup>6</sup> J. J. Rousseau, *Discourse on Political Economy and The Social Contract*, trans. by C. Betts, Oxford–New York 1994, p. 63.

<sup>7</sup> *Ibid.*, p. 55.

<sup>8</sup> *Ibid.*, p. 56.

drastic decision to turn away his previous personal freedom (“aliéner sa liberté”) which was necessary for his independence and self-preservation in the state of nature; in exchange, he acquires a superior form of civil and moral freedom: the freedom to follow the laws that he has given to himself.

### 1.1. Ethics as an essential element of Rousseau’s political discourse

It is important to emphasize that the assembly’s members are defined as a “moral” collective. Therefore, Ethics appears to be at the foundation of the Social Contract<sup>9</sup>. Rousseau’s specification is not an innocent clarification; it is an extremely strong statement, which implies that the laws approved by the General Will should not be the exclusive result of rational – or even irrational – self-interest; they should conform to specific moral values<sup>10</sup>. Rousseau’s main attempt, as it emerges after a careful reading of the entire text, is to justify the conception of the General Will as an ethical disposition “trained” by reason and shared by every individual who has chosen the pact.

Rousseau distinguishes himself from both Hobbes’ and Locke’s theories of contractualism not only because he offers us a manifesto of what is called today “direct democracy”, but because the collective choices made by the General Will should not be reduced to a pure utilitarian view, where individual human beings are considered “social atoms” driven by rational or irrational “bets” to choose a political association only to maximize their mutual “advantages”<sup>11</sup>.

<sup>9</sup> Janusz Grygienieć argues that “viewed from any other perspective than the ethical, Rousseau’s work cannot be grasped as a whole” in his recent monography *General Will in Political Philosophy*, trans. by D. Gajewska, Exeter 2013, p. 51.

<sup>10</sup> As David Williams puts it, *the substantive content of the general will is derived from Rousseau’s commitment to metaphysically prior values, especially the ideas of goodness and justice, notions found in earlier generations of political philosophers, such as Plato, with its formal elements and its substantive elements (namely, justice and goodness), as well as the secondary substantive elements that support them (equality, liberty, and fraternity)*. D. L. Williams, “The Substantive Elements of Rousseau’s General Will”, in J. Farr, D. L. Williams (eds.), *The General Will. The Evolution of a Concept*, Cambridge 2015, p. 220, [online] <http://dx.doi.org/10.1017/cbo9781107297982.012>.

<sup>11</sup> In this essay, I treat as belonging to the same category any form of *opportunistic* mediation between opposing self-interests. That is, I consider equivalent any rational/irrational set of choices following rules that do not need an independent “ethical” dimension to achieve a “common interest” or “common good”. However, important distinctions could be made between the “utilitarian” conception of “common interest” and the wide range of “classical liberalism” conceptions, for which the individual freedom to achieve one’s private goals is central, and the state should only mediate and regulate private relations. Andrew Levine clarifies that for utilitarians *the aim is to maximize aggregate (or average) utility as the logical sum of individuals’ utilities*, whereas for liberals (like Hobbes and Locke), *individuals make their own private maximizing choices, in disregard of their views about other individuals’ utility payoffs*. A. Levine, *The General Will. Rousseau, Marx, Communism*, Cambridge–New York 1993, p. 156.

## 1.2. The General Will as a source of ethical relativism

Unfortunately, when adopting Rousseau's initial definitions of freedom and morality, it is quite difficult to support the conception of General Will as an ethical "purpose". Ethics appears to be merely equivalent to the consensual adoption of an arbitrary set of laws. Following verbatim the terse description of freedom given by Rousseau in Book I, chapter VI of the Social Contract, a member of the community is considered a "moral being" equipped with "moral freedom" just because he follows the law he has chosen for himself. This law has been ratified by the General Will of the Collective and, as far as every citizen is a member of the Collective, the law is at the same time his own law.

It follows that a law ratified by the General Will is "good" by definition, without any "ethical constraints" implied. A Collective could create any kind of law "out of thin air". If the law is selected and approved by the General Will of the community, following even a totally arbitrary law means to follow the "common good" and to be "free".

The Jonestown Massacre comes to mind<sup>12</sup>. Is collective suicide allowed by the law? Cannibalism? Money as a universal medium of exchange, as the only measure of the value of anything existing on earth? To be "forced to be free"<sup>13</sup> would indeed acquire a wide and sinister meaning.

A community could share any kind of ethics, if one accepts the definition of moral freedom given by Rousseau at the beginning of the Social Contract. If people agree about the laws, if the General Will is interpreted as pure "agreement", it follows not only that everything could be "legal", but also that everything could be "ethical". The members of the Collective would be free to choose all the laws they wish and to give shape to any society they wish; it suffices that this society obeys the political rules of the pact.

Rousseau himself seems to accept the consequences of a purely conventional theory of law and freedom: *Besides, however the case may stand, a people is always free to change its laws, even the best of them; for if it chooses to do itself harm, who has the right to stop it?*<sup>14</sup>

This view is shared by many contemporary cultural anthropologists<sup>15</sup>. They see the communities man has created in remote places during his long history as capable of extreme forms of social "plasticity". Claude Lévi-Strauss, one of the most authoritative "fathers" of modern anthropology, considered Rousseau the founder of the entire discipline<sup>16</sup>.

<sup>12</sup> On November 18, 1978, 909 Americans committed "revolutionary suicide" as members of a commune founded in northwestern Guyana by the religious leader Jim Jones. "Jonestown", *History Channel Online*, 2010, [online] <http://www.history.com/topics/jonestown>, 15 May 2015.

<sup>13</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 58.

<sup>14</sup> *Ibid.*, p. 89.

<sup>15</sup> [...] *the coexisting and equally valid patterns of life which mankind has created for itself from the raw materials of existence* is the famous last sentence of the cultural anthropology classic R. Benedict, *Patterns of Culture*, New York 1934, p. 240.

<sup>16</sup> C. Lévi-Strauss, "Jean-Jacques Rousseau, Founder of the Sciences of Man", in idem, *Structural Anthropology II*, trans. by M. Layton, New York 2002, p. 33-43.

However, elsewhere in the text, Rousseau appears to be scared by the consequences of his own view. It seems he does not want to accept the “ethical relativism” deriving from his own logic. In chapter seven of the second book of *The Social Contract*, the help of a wise Legislator is needed, a Founding Father. The new-born community needs to be carefully “educated”. The will of the Collective might be not good enough, after all. However, isn’t this single, opinionated “Übermensch” acting very far from the idea of the General Will as the supreme source of people’s authority in the Republic? Is this mysterious Legislator always available? From where does his knowledge come from? Another Social Contract? Wouldn’t this lead us to an infinite regression?

Rousseau himself sometimes appears quite “disappointed” by his own logic, making statements like the following: *My arguments being interdependent, I cannot explain them all simultaneously*<sup>17</sup>. This statement seems an act of despair. To ponder Rousseau’s General Will is an invitation to open a Pandora’s box full of paradoxes and contradictions.

## 2. THE GENERAL WILL. A CLOSER ENCOUNTER

The concept of General Will is one of the most complex and multifaceted theoretical constructions contained in “The Social Contract”, which is itself a work that can appear frustrating to analyse, because ideas develop over the course of the text like clusters of short arguments densely packed and linked together in peculiar ways, like intricate knots that have to be carefully disentangled.

Since 1762, the complexity of Rousseau’s General Will has inspired a plethora of contrasting interpretations, ranging from (neo)Kantianism to Idealism, from Game Theory to Marxism<sup>18</sup>. Followers of the Kantian tradition emphasize the rational necessity to follow a self-given moral law: *I ought never to proceed except in such a way that I could also will that my maxim should become a universal law*<sup>19</sup>. But what about the high value that Rousseau gives to the emotional – not only rational – attachment to a particular, very far from being universal, community existing in a localized space and time? “Hegelian” or more generally “Idealistic” interpretations view the General Will as a metaphysical or transcendental entity<sup>20</sup>, existing in a separate form of reality. But what about Rousseau’s cardinal principle that each citizen as a single human being should obey only the laws he has given to himself, and remain as free as before<sup>21</sup>?

<sup>17</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 72.

<sup>18</sup> Detailed surveys of this wide conceptual continent, where lands are sometimes forgotten, sometimes overpopulated, are collected in J. Farr, D. L. Williams (eds.), *The General Will. The Evolution...*

<sup>19</sup> I. Kant, *Groundwork of the Metaphysics of Morals. A German-English edition*, trans. by M. Gregor, Cambridge–New York 2011, p. 33.

<sup>20</sup> J. McAdam, “What Rousseau meant by the General Will”, *Dialogue*, vol. 5, no. 4 (1967), p. 499, [online] <http://dx.doi.org/10.1017/s0012217300033709>.

<sup>21</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 55.



Different as they are, the majority of these studies share a common assumption: to properly understand and evaluate the content of the Social Contract it is necessary to “clarify” its terse arguments by comparing and integrating the text with several other writings of Rousseau, including *The Discourse on the Origin and Foundations of Inequality*, *The Discourse on Political Economy*, *The Geneva Manuscript*, the *Political Fragments*, *Emile*, the *Letters written from the Mountain*, even a romantic novel as *The New Heloise*<sup>22</sup>.

## 2.1. A question of method

An alternative methodological approach, which is not based on “filling the blank spaces” of the text with other primary sources, could be adopted.

I justify this approach starting from a simple observation. After a careful reading of *The Social Contract*, the reader never incurs in a confession from the author like “to understand this key concept, please refer to my other book/essay”. Indeed, the reader learns from the introduction that *The Social Contract* has been written as a part of a larger work that could have been published, but has been discarded: *This short treatise is taken from a more extended work, now long abandoned, which I once undertook without realizing my limitations*<sup>23</sup>.

Moreover, when comparing the heterogeneous primary sources quoted above, contradictions and questions-without-answers appear to multiply instead than diminish in number. In a passage from the *Discourse on the Origin and Foundations of Inequality among Men* Rousseau declares: *most of our ills are of our own making, and we could have avoided nearly all of them by preserving the simple, regular and solitary lifestyle prescribed to us by nature. If nature has destined us to be healthy, I almost dare to affirm that the state of reflection is a state contrary to nature and that the man who meditates is a depraved animal*<sup>24</sup>. It is not easy to find a common ground between the previous quote and the following passage from *The Social Contract*, Book I, Chapter VIII, “The Civil State”, where each individual who has chosen the pact *ought constantly to bless the happy moment when he was taken from it* [the state of nature, edit] *for ever, and which made of him, not a limited and stupid animal, but an intelligent being and a man*<sup>25</sup>.

The problem is that quotes remain quotes, that Rousseau does not think and write following an “axiomatic method” like Spinoza in his *Ethics* or, making a modern analogy, like Wittgenstein in the *Tractatus Logico-Philosophicus*. Rousseau’s argumentation is rich with “afterthoughts”, and the adoption of a strict consequential logic is not his “forte”.

<sup>22</sup> A classic work where the relation between the General Will and the legislator is justified by a detailed comparative analysis of the different “Images of authority” present in Rousseau’s oeuvre is J. N. Shklar, *Men and Citizens. A Study of Rousseau’s Social Theory*, London 1969. See above all chapter four, pp. 127-164.

<sup>23</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 44.

<sup>24</sup> Idem, *Basic Political Writings*, trans. and ed. by D. A. Cress, Indianapolis–Cambridge 1987, p. 42.

<sup>25</sup> Idem, *Discourse on Political Economy*..., p. 59.

Therefore, I suggest it is possible to face the challenges of a clarification of Rousseau's General Will in *The Social Contract* by adopting a different, "complementary" approach.

## 2.2. The Social Contract as a self-contained conceptual unity

"Borrowing" the notion of "failed state"<sup>26</sup> from the field of International Relations, I define a conceptual system as a "failed theoretical state" if it cannot "sustain itself", that is if it contains serious contradictions that are a consequence of its own internal logic. The key rule to play this game fairly is that someone is not allowed to help the theory "from outside" in case a possible contradiction emerges, calling other concepts or theories as supporting evidence; he should use only the system under study "as a cure for itself".

In the particular case of the present analysis, I argue that the theoretical construct of the Social Contract should stand on its own merits. I take the text as a self-contained unity, considering this strategy respectful of the author's "personal will", which does not appear anywhere in his work to call for "band aids" from his other writings as capable "to cure" his prospective theoretical "maladies".

Although the methodology of this approach follows an alternative "path" compared with the prevailing research perspectives that favour "a comparative reading" to analyse the Social Contract, I obviously consider these perspectives essential to interpret and understand the multi-dimensional complexity of Rousseau's General Will, and I refer to them to supplement and clarify my analysis<sup>27</sup>.

## 2.3. Citizens as lawmakers

The following assumption is essential in the interpretation of General Will defended in this paper: for Rousseau, in the day-by-day activity of the Republic, the citizens are the

<sup>26</sup> The concept of "failed state" appeared for the first time in G. B. Helman, S. R. Ratner, "Saving Failed States", *Foreign Policy*, vol. 89 (1993), pp. 3-20, [online] <http://dx.doi.org/10.2307/1149070>.

<sup>27</sup> Certainly, I am not alone in having adopted a perspective that is "orthogonal" to historical-critical/comparative approaches. For example, in a classic paper written in 1965, "Games, Justice and the General Will" (*Mind New Series*, vol. 74, no. 296, pp. 554-562, [online] <http://dx.doi.org/10.1093/mind/lxxiv.296.554>) W. G. Runciman and Amartya K. Sen utilized the logic of "prisoner's dilemma" to study in an "unhistorical" sense the General Will as a specific aggregation of conflicting individual preferences. This approach has been criticized as too "self-centered" by Bernard N. Grofman and Scott L. Feld in their "Rousseau's General Will: A Condorcetian Perspective", *The American Political Science Review*, vol. 82, no. 2 (1988), pp. 567-576, [online] <http://dx.doi.org/10.2307/1957401>. They refer to Nicolas de Condorcet, a contemporary of Rousseau, to analyze how a community can develop "judgments" capable to define the General Will as collective interest: *democracy "works" better when individuals try to see beyond their narrow self-interests to the collective good*. An interesting debate with David M. Estlund and Jeremy Waldron is described in "Democratic Theory and the Public Interest. Condorcet and Rousseau Revisited", *The American Political Science Review*, vol. 83, no. 4 (1989), pp. 1317-1340, [online] <http://dx.doi.org/10.2307/1961672>.



lawmakers. Never, in his text, the author of *The Social Contract* considers the Sovereign, reductively, as the social space where people are periodically called to simply ratify the laws. The citizens really make the laws. They suggest them, discuss them, select them, write them and approve them by vote. Moreover, by using the term “laws” Rousseau does not simply mean the founding constitutional laws – on the contrary, these are the only laws that might need to be “inspired” by the mysterious Legislator – but all the laws produced in the daily life of the Sovereign, including criminal laws, civil laws, laws regarding the administration, any typology of laws.

There are several passages in the Social Contract that support and confirm this view, and almost the entire chapter VI in Book II: *Laws properly speaking are no more than a society's conditions of association. The people, being subject to the laws, must create them* [emphasis added]; *it is the associates who have the right to determine the conditions of society*<sup>28</sup>.

It is necessary to stress this point because some contemporary scholars, especially those who consider themselves “value neutral” political scientists, have started to question this view<sup>29</sup>. They argue that the Social Contract suggests the idea that the specific laws needed in the daily political life can only be activated by the government through a selected team of “experts”, like in our modern western democracies; these selected authorities are the “agenda setters” and the true lawmakers. They leave to the citizens of the Sovereign *only* the power to ratify or discard the laws.

This reading of *The Social Contract* appears to be misleading, and far from being “a value neutral” interpretation. On the contrary, it shows the obvious intent to promote an irreversible transformation of the Rousseauian political discourse from participatory to representative democracy. I maintain that Rousseau remains without ambiguities a strong opponent of any form of political representation, where the legislative role is delegated to “skilled” members of the government: in his own words, “Sovereignty Cannot Be Transferred” and “Sovereignty Cannot Be Divided”.

An Aristocracy made of “wise” experts can only be a specific form of government, an administrative “tool” that Rousseau often considers as being “in medio stat virtus” between the utopian Democratic Government, too difficult to obtain in modern states, and the degenerations of a Monarchic Government. However, Aristocracy is just “government”, an application of the laws to particular cases, a mode of administration between many. If someone thinks otherwise, accepting the idea that an elite is allowed to “steal” from the essential rights of the citizens their power to make their own laws, the whole foundation of the concept of Rousseau's freedom dissolves. Each citizen can continue to consider himself free as an individual, despite his new social duties and the binding rules descending from the pact, precisely because the laws he “obeys to” are his own laws, as well as the laws accepted by the entire community.

<sup>28</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 75.

<sup>29</sup> E. Putterman, “Rousseau on Agenda-Setting and Majority Rule”, *American Political Science Review*, vol. 97, no. 3 (2003), pp. 459-469.

## 2.4. The ambiguous role of the “Legislator”

The presence of the Legislator, which Rousseau considers a necessity for the citizens of a new-born Republic, is an entirely different matter. This individual “superpower” represents a serious threat for the entire theoretical system of *The Social Contract*<sup>30</sup>. This problem will be emphasized later on; as for now, it suffices to say that Rousseau sees the Legislator as a “founding father”. His presence should be needed only at the initial stage of a new-born Sovereign; he is supposed to leave the community after the civil and moral customs of the citizens have developed. It will be seen later on if these assumptions are justified.

In any case, the fundamental clause of the pact is introduced in the first book, chapter 1.6 *The social contract*, while the Legislator appears as a “*deus ex machina*” only in the second book, at the end of Chapter 2.6 *The Law*. Therefore, I assume I am allowed to postpone the idea of the Legislator as a privileged “assistant” to the citizens. At least in the daily life of the République, when the community has entered its “stage of maturity” as a collective enterprise, there should be no place for him. Having clarified this essential point, the main task now is an evaluation of the meaning of the General Will, considering *the Social Contract* a self-contained conceptual unity.

## 3. THE GENERAL WILL. A SYSTEMATIC ANALYSIS

The term “General Will”, which will be often called GW for brevity, is mentioned 70 times in the text. It has two chapters devoted entirely to it, Chapter 2.3 *Whether the General Will Can Err* and Chapter 4.1 *That the General Will Is Indestructible*.

It appears for the first time in chapter 1.6 *The social contract*, where Rousseau introduces the fundamental clause of the pact: *Each of us puts his person and all his power in common under the supreme direction of the general will; and we as a body receive each member as an indivisible part of the whole*<sup>31</sup>.

The General Will is not explicitly defined here, but only suggested as “supreme direction”. It is necessary to wait for the next chapter, 1.7 *The Sovereign*, to see the General Will cited again: *For each individual can have, as a man, a personal will that is contrary or dissimilar to the general will that he has as a citizen. His personal interest can speak to him quite differently from the common interest* [emphasis added]<sup>32</sup>.

<sup>30</sup> For an example among many of the opposite view, where the Legislator is interpreted as a positive figure, *someone completely outside the prevailing system of opinions who might cure and prevent the wounds that social life usually inflicts on men*, see: J. N. Shklar, *Men and Citizens...*, p. 128.

<sup>31</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 55.

<sup>32</sup> *Ibid.*, p. x.

### 3.1. The General Will as “common interest”

The GW is defined implicitly by its contrast to the personal will (PW), the will that each single member of the community has as an individual, not as a “citizen”. Rousseau states that the relationship between GW and PW is not only of difference, but also of total opposition<sup>33</sup>. PW has as its object the personal interest, GW has as its object the “common interest”. Note that the term “common interest” appears on that same page of the text for the first time, and long before the term “common good”, which is found the first time only in the second book, in Chapter 2.1 *That Sovereignty Cannot Be Transferred*. I emphasize that because for Rousseau as for other contractarians, the term “interest” describes the sphere of material utility, such as security, property, wealth, rather than strictly ethical values such as altruism, generosity, frugality, courage. The reference to a common “interest” rather than a common “good” seems to characterize GW in terms of a will aimed at the “public utility”, which at the time of Rousseau could include crop irrigation and the division of lands, and in more modern times the social welfare, infrastructures, public education, rather than deep “ethical” values that should unite the community.

There is another important point. Rousseau seems to tell us that each member of the Republic personally “possess”, as a citizen, a General Will and that this GW is the same for all citizens. Therefore, any metaphysical conception of the Sovereign as a superior conscious entity, living in a “different” reality and being the one and only owner of GW, seems to be excluded in principle. In short, GW and PW appear to “coexist” within each individual member of the Republic, without having a lot in common, rather being in contrast. Compared to many later passages, here GW is not at all understood as the “common part” of different individuals’ PW, neither in a “set-theoretical” way (intersection) nor in algebraic sense (sum or difference).

The GW also appears as a compelling force, in the famous following passage: *if anyone refuses to obey the general will he will be compelled to do so by the whole body; which means nothing else than that he will be forced to be free*<sup>34</sup>.

### 3.2. The General Will as “agreement”

Only when it reappears in the next chapter 2.1 *That Sovereignty Cannot Be Transferred* is the GW linked to the “common good”: *only the general will can direct the powers of the state in accordance with the purpose for which it was instituted, which is the common good*<sup>35</sup>. The rest of the passage needs to be quoted in full in the original French version, because a careful analysis of the terminology already shows the first apparent contradic-

<sup>33</sup> This view is clearly pointed out by Hannah Arendt, when she writes that *the general will is the articulation of a general interest, the interest of the people or the nation as a whole, and because this interest or will is general, its very existence hinges on its being opposed to each interest or will in particular*. H. Arendt, *On Revolution*, London 1963, p. 78.

<sup>34</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 58.

<sup>35</sup> *Ibid.*, p. 63.

tions in Rousseau's system: *car, si l'opposition des intérêts particuliers a rendu nécessaire l'établissement des sociétés, c'est l'accord de ces mêmes intérêts qui l'a rendu possible. C'est ce qu'il y a de commun dans ces différents intérêts qui forme le lien social; et s'il n'y avait pas quelque point dans lequel tous les intérêts s'accordent, nulle société ne saurait exister. Or, c'est uniquement sur cet intérêt commun que la société doit être gouvernée* [emphasis added]<sup>36</sup>.

GW is the only will that has as its object the "common good", a term that appears in the text for the first time. The "common good" is defined (only implicitly) as an "accord" of individual interests. This clarification of what the "common good" is does not necessarily suggest any ethical dimension. "Accord" could be understood as plain convenience, as an opportunistic mediation between opposing self-interests.

However, speaking of an accord already shows a possible tension. Up to now, the GW was described as the commitment of each citizen to the common interest, an interest in open opposition to the personal interests of different individuals. Now, Rousseau speaks of a possible "agreement" between the interests of GW and PW. The "social bond" is in turn characterized as "what is common in these different interests". There must be "some points" on which all interests agree. Rousseau seems to evoke here a "geometric" or rather "set-theoretical" interpretation of GW. Recalling the Venn diagrams<sup>37</sup>, a basic tool in mathematical set theory, GW appears to be the "intersection" between two sets of interests, the Public and the Private. It is their common part. So far, however, GW and PW were considered as referring to two entirely distinct sets, the Public and the Private, with a very small common intersection; quite often, not even a single one.

### 3.3. The General Will as "equality"

In fact, in the same page, just a few lines below, GW and PW are again in open conflict: *For although it is not impossible that an individual's will may in some matter be in agreement with the general will, it is certainly not possible for the agreement to be firm and durable; since the tendency of an individual will is by nature towards making preferences, while that of the general will is towards equality*<sup>38</sup>. Not only Rousseau is here rather pessimistic about a possible "intersection" between GW and PW – saying with a bit of understatement that it is not "impossible" – but he also rules out the possibility that any partial agreement can be durable; he reaffirms that any personal interest tends to privileges, but GW has equality as its object. This vision of a progressive deterioration of the common interest into many personal interests, causing the inevitable decline of every community, at least in its concrete historical dimension, runs through the whole

<sup>36</sup> Idem, *Du contrat social*, Paris 2001, p. 34.

<sup>37</sup> J. Venn, "On the diagrammatic and mechanical representation of propositions and reasonings", *Philosophical Magazine Series 5*, vol. 10, no. 59 (1880), pp. 1-18, [online] <http://dx.doi.org/10.1080/14786448008626877>.

<sup>38</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 63.

text of the Social Contract. It is mainly found in Book IV, which contains a very careful study of the Greek and Roman republics, considered by Rousseau the closest to his ideal République: *If Sparta and Rome have perished, what state can hope to last forever? If we want the constitution that we have established to endure, let us not seek, therefore, to make it eternal. In order to succeed, we must not attempt the impossible, nor flatter ourselves into thinking that the works of men can be given a degree of solidity that is denied to human things*<sup>39</sup>.

### 3.4. The General Will as “majority rule”

The difficulties regarding a coherent definition of the GW have just begun. In fact, in the next chapter 2.2 *That Sovereignty Cannot Be Divided*, the reader is led to an interpretation of the General Will as emerging ex post facto through the counting of the votes; therefore, GW can be “verified” by experimental procedures. Rousseau says that *a will is either general, or it is not; it is the will of the body of the people, or of a part only*<sup>40</sup>; in a footnote he clarifies: *That a will may be general, it is not always necessary that it should be unanimous, but it is necessary that all votes should be counted; any formal exclusion destroys the generality*<sup>41</sup>. That is, GW reveals itself retroactively by the counting of all votes, including those against, and this is why it “cannot be divided”: all citizens must be present, because the GW can be expressed through the majority rule only if every single vote is taken into account.

In the fundamental Section 4.2, “The suffrage”, Rousseau explicitly declares that with the exception of the unanimous constitution or the dissolution of the social contract, *a majority vote is always binding on all the others; that is a direct consequence of the contract; everyone, by voting, gives his opinion on the question; and counting the votes makes the general will manifest*<sup>42</sup>. A law passed by a majority reveals the intention of the GW. Rousseau already shifted away from a view of GW as opposed to private interests to a view of GW having as its object the common element between all private interests. This move was already contradictory. Now, he tells us that the counting of votes certifies ex post facto the intentions of the General Will, with mathematical certainty.

### 3.5. The General Will as absolute “rightness”

The new chapter 2.3 *Whether the General Will Can Err* arrives as a bolt from the blue. There, it is stated that *the general will is always in the right, and always tends to the public welfare; but it does not follow that decisions made by the people have equal rightness. One always desires one's own good, but one does not always see what it is; the people can*

<sup>39</sup> Ibid., p. 121.

<sup>40</sup> Ibid., p. 64.

<sup>41</sup> Ibid., p. 64, note 1.

<sup>42</sup> Ibid., pp. 137-138.

*never be corrupted, but it can often be led into error, and it is only in this case that it seems to desire the bad* [emphasis added]<sup>43</sup>.

The GW is by definition *always in the right*, because it has as its object public utility. However, the people who actually create the Laws may be wrong.

This is an obvious fact in all concrete societies. However, previously Rousseau asserted that we get to know the General Will *ex post facto* by the laws approved. We note that the possibility of a wrong law contrasts entirely with the statement that the GW can be “detected” through a count of the votes of the majority. If *the general will is always in the right* and at the same time a ratified law can be wrong, then it is obviously impossible to infer backward, from a simple calculation of the votes, what is the expression of the GW, because a GW *always in the right* cannot – by its own definition – have produced a wrong law<sup>44</sup>.

### 3.6. The General Will as “the sum of the differences”

At this point Rousseau really surprises us. Instead of justifying the contradiction between the absolute “rightness” of the GW and its disappointing concrete results, perhaps pointing out that the errors appear in real historical societies, which are very far from the ideal model of the République, the author makes a sharp U-turn:

*There is often a difference between the will of everyone and the general will; the latter is concerned only with the common interest, while the former is concerned with private interests, and is the sum total of individual wants: but if you take away from these desires their excesses and insufficiencies, the common element remaining from the different desires is the general will* [emphasis added]<sup>45</sup>.

Again, I have to refer here to the original French text, because the English translation by Christopher Betts, chosen in this paper as a reference because of its fluency, unfortunately is very imprecise regarding this passage.

*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 (a), reste pour somme des différences la volonté générale*<sup>46</sup>.

In the original, *excesses* and *insufficiencies* have the precise algebraic meaning of “+” and “-”, “pluses” and “minuses”; all the reasoning follows a mathematical model. In ad-

<sup>43</sup> Ibid., p. 66.

<sup>44</sup> A clear statement that Rousseau should not be considered a “majoritarian” is given by Brian Barry: *On the “majoritarian principle” to be in the minority is, by definition, to be wrong – what ought to be done simply is what the majority wishes to be done. Rousseau, however, believes that the answer to the question “What ought to be done?” is independent of what anybody thinks; it is whatever is for the common good. It is a contingent fact, according to Rousseau, that under certain conditions (equality, simplicity and virtue) the majority, provided its members ask themselves the right question (viz: is this for the common good?) are more likely than not to arrive at the correct answer because the individual biases of the voters will tend to balance out.* B. Barry, *Political Argument*, New York 1965, p. 292.

<sup>45</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 66.

<sup>46</sup> Idem, *Du contrat social*, p. 39.



dition, the English text cuts an entire clarification “qui s'entre-détruisent” which means “which mutually *cancel* each other out”; also, Betts arbitrarily translates “volontés” sometimes with “will”, sometimes with “wants”, sometimes even with “desires”, while the Frenchman keeps the repetitions intentionally, as the same symbols are repeated in mathematical formulas.

Rousseau is offering here a new “exact” definition of GW, this time not by “set theory” but by algebra: the differences between personal wills are “modelled” as mathematical + and -.

Rousseau, as other poets and philosophers before and after him, often seems to be in love with mathematical formalism. There are other sections of *The Social Contract* where he tries to clarify complex concepts of institutional engineering with numerical models, with the unwanted result of obscuring his prose.

For example, in Chapter 3.1 *Government in general* he uses mathematical fractions to “explain” the relationship between Sovereign, Government and State: *The latter may be expressed as the relationship which obtains between the two outside terms of a geometric proportion, the middle term being the government*<sup>47</sup>.

If Rousseau had used mathematics only as a metaphor in his new definition of GW, it would not be necessary to discuss his “algebra”. However, he appears to be very serious in his explanatory intent. Hence, let us follow him. It is interesting to make explicit by an algebraic formula what Rousseau describes by words, in order to clarify how the General Will can emerge as “the sum of the differences”.

### 3.6.1. “The sum of the differences”: an algebraic interpretation

I call  $PW_i$  the Personal Will of a single individual “I” in the Republic.

“i” is an index running from 1 to N, where N is the total number of members, namely the individual number 3 ( $i = 3$ ) possesses  $PW_3$ .

Each  $PW_i$  is by hypothesis “the algebraic sum” of a part that is common to all the personal wills, which I call V, and a part that is different for every individual, which I call  $a_i$ . Individuals 1, 2, 3, ..., N then possess  $a_1, a_2, a_3, \dots, a_N$  which are all different,  $a_1 \neq a_2 \neq a_3 \neq \dots \neq a_N$ . The  $a_i$  should be considered having “algebraic sign”, that is, they have positive or negative value, and some are “the opposite” of others, for example  $a_1 = -a_3$ .

A particular individual “i” has then

$PW_i = V + a_i$  (fundamental hypothesis)

For example, the individual number 3 ( $i = 3$ ) has  $PW_3 = V + a_3$

The common part V is assumed by Rousseau as large; by contrast, the different part  $a_i$  is postulated small. I write V as “upper case” letter and  $a_i$  as “lower case” letter in order to emphasize this fact.

The sum  $\Sigma PW_i$  of all personal wills  $PW_i$  is then

$\Sigma PW_i = (V + a_1) + (V + a_2) + (V + a_3) + \dots + (V + a_N)$  or, by collecting terms

$\Sigma PW_i = (V + V + V + \dots + V) + (a_1 + a_2 + a_3 + \dots + a_N)$  or, simplifying

<sup>47</sup> Idem, *Discourse on Political Economy*..., p. 92.

$$\sum PW_i = N \cdot V + \sum a_i$$

$N \cdot V$  means “N multiplied by V” and the second term  $\sum a_i$  is *the sum of the differences* written in symbolic form.

The key assumption made by Rousseau is very simple:  $\sum a_i = 0$

That is, the sum of many small differences  $a_i$  between the personal wills  $PW_i$  is **zero**. They compensate. It remains only the sum  $V + V + V + \dots + V = N \cdot V$  of the common parts V:

$$N \cdot V + \sum a_i = N \cdot V + 0 = N \cdot V$$

Rousseau identifies the General Will GW precisely with  $N \cdot V$ , that is

$N \cdot V \equiv \mathbf{GW}$  is taken as a definition of the General Will.

Hence, I have just formalized in algebraic language the Rousseau’s statement *the general will would always emerge from the large number of small differences*<sup>48</sup>.

It is interesting to notice that Rousseau has ruled out by definition any possible conception of General Will as an “emergent” entity. Here “the whole” is precisely “the sum of its parts”: “the whole” – the General Will – is defined as the sum of the identical parts V, which are the common element of each personal will  $PW_i$ . The “differences”  $a_i$  cancel each other and they can be discarded.

Obviously, this result cannot be taken seriously as a mathematical demonstration of the impossibility of conceiving the GW as “holistic” and the Sovereign as a “living” being; I only say that a “metaphysical” GW has no place in this “algebraic” conception of the GW.

It is interesting to note that even if the differences  $a_i$  between the personal wills  $PW_i$  were large compared to a small common part v, the algebraic sum of these differences could anyway be zero. In this case, paraphrasing Rousseau, the general will would emerge as the remaining common part “surviving” from a large number of large differences. In an algebraic sense, what it is important it is not that the differences are “small” or “large”, but that there are many differences. Only a small common part v would remain, but it should still be considered the “core” of the General Will, precisely because  $\mathbf{GW} \equiv N \cdot v$ .

Moreover, the result of a multiplication of a large number N of individuals by a small common part v could still give a large GW. Therefore, from a pure algebraic point of view, it is wrong that Rousseau insists with his hypothesis that the common part V should be large to obtain a large General Will GW. An explanation for Rousseau’s insistence is that, even if he needs to define GW as a sum to “get rid of” the differences  $a_i$ , for him the important point is that, as a free “citizen”, each member of the community has his own “Personal General Will” defined as  $\mathbf{GW} \setminus N = V$ , that is, GW divided by the number N of all citizens (because  $\mathbf{GW} = N \cdot V$  implies that  $V = \mathbf{GW} \setminus N$ ). However, this “Personal General Will” V *is the same for all citizens*.

The algebraic formalization I have suggested implies that a small common part v is seen by Rousseau as describing a situation where all citizens are dissatisfied, because they have very few interests in common. Rousseau insists to admit only small differ-

<sup>48</sup> Ibid., p. 66.

ences because he can only accept a highly homogeneous République, where for example the extremely “Rich” and the extremely “Poor” cannot coexist: *If you wish to give the state cohesion, bring the limits of wealth and poverty as close together as possible: do not allow either extreme opulence or destitution. The two are inseparable by nature, and both are equally damaging to the common good*<sup>49</sup>.

What happens *when there are intrigues, and partial associations arise at the expense of the greater one*<sup>50</sup>? In modern terms, what happens if lobbies appear, struggling to promote their common interest, which has to be considered a personal interest compared to the République as a whole? Rousseau tells us that *the will of each of these associations becomes general in relation to its members* and that *The differences become fewer and give a less general result*<sup>51</sup>. Let us see if this result also follows from the “algebraic” interpretation of Rousseau.

To simplify things, I consider a simple model in which the assembly is divided into 3 lobbies, A, B and C. A number of individuals  $N_A$  belongs to a very powerful lobby A, that is one composed of many members compared to the other two lobbies B and C. In other words, the number  $N_A$  of members of the lobby A is very large compared to the numbers  $N_B$  and  $N_C$ . The total of citizens is given by  $N = N_A + N_B + N_C$ . As in the previous case, an individual “i” has personal will  $PW_i$  made of 2 parts:

$$PW_i = V + a_i \text{ (fundamental hypothesis)}$$

However, in this case, the “different” parts  $a_i$  belonging to each personal will  $PW_i$  are the same for all members of the same lobby, therefore all members of the lobby A share the same “common” part  $a_i = A$ , which is much larger than the different parts  $b$  and  $c$  shared by the members of the other two smaller lobbies B and C. I emphasize this fact by writing  $b$  and  $c$  as lower letters. All 3 lobbies have a common part  $v$  that, by hypothesis, is very small, because lobbies are defined as having very few interests in common; I emphasize this fact by writing  $v$  as lower letter and not like  $V$  in the previous situation (the one without lobbies).

Is it still possible to consider the General Will *as the sum of the differences*? Rousseau argues “No”. Let us verify whether the algebraic formalism justifies his answer. The previous formula, adopted when “lobbies” are not present, now becomes

$$\Sigma PW_i = (v + A) + (v + A) + \dots + (v + A) + (v + b) + \dots + (v + b) + (v + c) + \dots + (v + c)$$

$$\Sigma PW_i = N_A(v + A) + N_B(v + b) + N_C(v + c) \text{ (collecting the common terms)}$$

$$\Sigma PW_i = GW_A + GW_B + GW_C$$

We got a sum of “Partial General Wills” here called  $GW_A$ ,  $GW_B$ , and  $GW_C$ . As Rousseau says, *The differences become fewer* and this sum cannot “simplify” – in the algebraic sense. It is not true anymore that it remains only the sum of the common parts which can be identified with the General Will, as was the case with the community without lobbies. That is because, by hypothesis,  $N_A \cdot A$ ,  $N_B \cdot b$ ,  $N_C \cdot c$  do not add up to zero. Differences remain, as can be seen by evaluating the expression

<sup>49</sup> Ibid., p. 87, note by Rousseau.

<sup>50</sup> Ibid., p. 66.

<sup>51</sup> Ibid.

$$\Sigma PW_i = N \cdot v + N_A \cdot A + N_B \cdot b + N_C \cdot c \neq GW$$

Moreover,

1) As long as the “difference”  $N_A \cdot A$  is much larger than the other differences  $N_B \cdot b$  and  $N_C \cdot c$ , lobby A clearly prevails.

2) The sum of the lobbies’ differences  $N_A \cdot A + N_B \cdot b + N_C \cdot c$  is also, by hypothesis, much larger than the small “surviving” common part  $N \cdot v$  which all lobbies share. Individuals have almost no interests in common.

### 3.7. The General Will as “the art” of compromise

The previous algebraic formalization of the General Will could have been quite convincing for the author of the Social Contract; however, it would have been so only for a very short time and not even for the space of a single page. In fact, in a footnote to his main thesis, Rousseau destroys all its algebraic construction: *agreement between all interests is formed through their common basis, in contrast to the interest of each person. If there were no differing interests, we should scarcely be aware of the common interest, which would never meet any obstacle; everything would run by itself, and there would no longer be any skill in politics*<sup>52</sup> (however, in the original French version Rousseau uses the term “art”, not “skill”).

We are facing a new metamorphosis of the General Will. Before, GW was explained as the sum of the common parts that remains once differences are eliminated.

Now, Rousseau states that differences are needed to form the common interest.

If there were no differences, we could not even be aware that there is a common interest to achieve. Politics is an art, not mathematics. In other words, the coincidence of personal interests with the common interest, and therefore the coincidence of the “Will of All” with the General Will, would make the common interest imperceptible, and then the community would not even be born. The community is “inspired” by the contrast between the individuals’ interests, and it is only to “heal” these contrasts that a society is created. Politics is the “art” of compromise, not the algebra of interests<sup>53</sup>.

An illuminating clarification of this conception, which once again represents a new interpretation of the General Will given by Rousseau, can be found in the last chapter of the last book, 4.8 “The civil religion”: *We are told that a people of true Christians would make the most perfect society that can be imagined. I can only see one great difficulty with this supposition: it is that a society of true Christians would no longer be a society of men*<sup>54</sup>.

This passage could be read simply as part of the attack moved by Rousseau against the religion of the Gospel, seen as utopian because of its inability to take into account

<sup>52</sup> Ibid., note.

<sup>53</sup> This condition is aptly described by Patrick Neal: *The “general will” is in no sense simply the amalgamation of individual interests; it is, rather, the standard of political right. The amalgamation of individual interest by means of a process of mutual competition and conciliation yields the will of all.* P. Neal, “In the Shadow of the General Will: Rawls, Kant and Rousseau on the Problem of Political Right”, *The Review of Politics*, vol. 49, no. 3 (1987), p. 399, [online] <http://dx.doi.org/10.1017/s003467050003446x>.

<sup>54</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 163.

human imperfections, and fiercely criticized as fundamentally anti-political. Christianity is based on the ideals of brotherhood and it has a transnational, cosmopolitan ideology. Therefore it is contrary to the identity of a community, which is a fundamental value for the author of the Social Contract. However, I argue that this passage contains much more than that, because Rousseau adds immediately that *I say further that this supposed society, with all its perfection, would be neither the strongest nor the most durable of societies; through being perfect it would lack solidity; its very perfection is a fatal defect*<sup>55</sup>.

This is a radical claim. Perfection leads to destruction. In a society of perfect men, no one needs the other. Everyone would stay alone. The contract is activated only as a relationship between differences, which have to be accommodated through communication. Otherwise a civil society would not even be born. Moreover, the differences need to persist; they should not become “zero”. It is only because of them that civil society can stay alive.

We are very far away from the algebraic justification of GW as the common part obtained by eliminating the differences. It could be said that here, at last, an ethical dimension of the pact emerges. Differences imply the will of communication and mediation. The desire for communication is the “activator” of a true spiritual growth. It gives necessity to Ethics. From this perspective, it could be finally understood why, when an individual leaves the state of nature to join the pact *so greatly are his faculties exercised and improved, his ideas amplified, his feelings ennobled, and his entire soul raised so much higher*<sup>56</sup>. Unfortunately, the logic of Rousseau's arguments by no means implies the need for an ethics. Self-interest, together with rational calculation, is sufficient grounds to start communication, agreement, mediation; in a word to build a community.

In fact, Rousseau's idea that perfect men would have no desire to live together strongly supports a very restricted utilitarian perspective of the pact, where “common interests” acquire an exclusively materialistic dimension – or worst of all – an entirely arbitrary necessity to exist. On the contrary, one could easily imagine a society of perfect men, always “in the right”, who had nevertheless chosen to live together for pleasure, for the desire of sociability, for the will to exchange ideas, to create together science, literature, art. To give affection, love. Rousseau seems to reject this possibility entirely, and therefore the social pact remains in full coherence and continuity with contractarians as Hobbes and Locke.

I argue that this reasoning of Rousseau on the impossibility of cohesion between perfect men appears to be one of the most destructive “pieces of evidence” against the possibility to justify ethical values within the constitutive pact of the Social Contract.

Be that as it may, Rousseau is introducing here a new conception of the General Will as a will of reconciliation of differences to reach a “common good”, seen as a collection of shared practical interests and social policies. For him, it is necessary that differences exist, as a starting point to create the society. It is also required that differences *remain in large numbers* in the society; at the same time, these differences should

<sup>55</sup> Ibid., p. 164.

<sup>56</sup> Ibid., p. 59.

remain “small”, i.e. they should never add up into powerful lobbies, otherwise *the differences become less numerous and give a less general result*<sup>57</sup>. Otherwise, the society would lack cohesion.

This appears to be the fundamental message of Chapter 2.3 *Whether the General Will Can Err*, the first devoted specifically to GW. It is a view supported, as we have seen, by several other passages in the text.

### 3.8. The General Will as an ideal form of unanimity

Unfortunately, the optimism of having finally obtained a coherent conception of Rousseau’s General Will is doomed to be short-lived. The second chapter explicitly dedicated to GW, Chapter 4.1 *That the General Will Is Indestructible* starts like this: *So long as a number of men gathered together consider themselves as a single body, they have a single will also, which is directed to their common conservation and to the general welfare [...] the common good is obvious everywhere, and all that is required to perceive it is good sense. Peace, unity, and equality are the enemies of political subtlety*<sup>58</sup>.

When these conditions no longer apply, says Rousseau, *the common interest no longer remains unaltered, but is met with opposition, the votes are no longer unanimous, and the general will [is] no longer the will of all; contradiction and argument arise, and the best opinion is not accepted without dispute* [emphasis added]<sup>59</sup>.

We are back to square one, and we have a subtle feeling of dismay<sup>60</sup>. Rousseau has just returned to a vision of GW as the “will of all”, interpretation denied elsewhere. Contrasts and discussions do not express the necessity of communication and mediation; they are signs of a deep crisis. Unanimity is seen as the ideal condition for which to strive.

On the contrary, in the next chapter 4.2 *Voting*, unanimity is no longer understood as an ideal condition, but as a clear sign of “slavery”, *unanimity returns at the other extreme, when the citizens fall into servitude and no longer have either freedom or will*<sup>61</sup>.

### 3.9. The impossibility of a “comprehensive” General Will

We finally realize the futility to work through the text page-by-page, chapter after chapter, contradiction after contradiction, hoping with this “linear approach” to find a comprehensive meaning of the General Will.

<sup>57</sup> Ibid., p. 66.

<sup>58</sup> Ibid., p. 134.

<sup>59</sup> Ibid., p. 135.

<sup>60</sup> The frustrating experience of attempting a reconstruction of the general will in *The Social Contract* is aptly summarized by David Williams: *Rousseau’s readers have thus been left the task of assembling meaning from the many passages where he treats – though does not typically define – the general will*. D. L. Williams, “The Substantive Elements...”, p. 219.

<sup>61</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 136.



The effort to extract from *The Social Contract* an unambiguous and consistent conception of the General Will just combining all “pieces” together, trying to avoid uncountable discrepancies, is doomed to fail completely. In this sense, the General Will as a theoretical construct does not comply with the criteria of evaluation I proposed about “self-consistency”. Rousseau’s theory of the General Will should be considered a “failed theoretical state” because “it cannot sustain itself”, i.e. it contains serious contradictions that are a consequence of its own internal logic.

To extract from the text of *The Social Contract* a coherent interpretation of the General Will, a very different “plan of attack” should be adopted. A cardinal element of the theory should be taken as a starting point, and from there a path more similar to a “spiral” than a line or a circle should be followed, hoping not to get lost in a maze.

Let us start over from the Pact, from its deeper meaning.

#### 4. A “RECONSTRUCTION” OF THE GENERAL WILL FROM BASIC AXIOMS

*In the state of nature, in which everything is common property, I owe nothing to others, having promised them nothing; the only things that I recognize as belonging to others are those that are no use to me*<sup>62</sup>.

The Republic, however, “overturns” the state of nature. The Rousseauian social pact is based on the assumption that I promise and recognize as due to everyone else what is good for me. As Rousseau says in chapter 2.4 *The Limits of Sovereign Power: The undertakings that unite us to the body of society are binding only because they are mutual, and their nature is such that in fulfilling them our efforts for others are efforts on our own behalf also [...]* under this system everyone necessarily submits to the conditions that he imposes on the others<sup>63</sup>.

This “bond”, which I call “the bond of reciprocity”, is indeed very close to the Kantian principle *I could also will that my maxim should become a universal law*<sup>64</sup>. With the important difference that the law of the society does not need to be a “universal” law. It could – and for Rousseau it should – be the law of a particular political community.

On the other hand, in the Social Contract, the individual must always remain central to the system: it is always me who has to decide; only in this way I will remain free. I argue it is possible to obtain the “bond of reciprocity” as a result of two axioms that in the ideal Republic must be valid at the same time; the first one stressing the need to “save” individual freedom as the foundation of the contract.

Axiom 1) Everyone is free to want his own good.

Axiom 2) Everyone is the author of the law, and the law applies to everyone.

Rational consequence: My own good has to be “bound”, that is, limited.

<sup>62</sup> Ibid., p. 73.

<sup>63</sup> Ibid., pp. 68-69.

<sup>64</sup> I. Kant, *Groundwork of the Metaphysics of Morals*..., p. 33.

Adhering to the social contract, each “citizen” is rationally compelled to want the only good that everyone else, in turn, is rationally compelled to want.

Everyone is forced by himself to subtract from his personal will the “component” that wants to approve laws that, if applied to himself, do not make his own good. Equivalently, everyone must remove from his “own good” the part that cannot be simultaneously wanted by all. Each citizen has the interest to approve laws based on equity, for he knows that, as subject to the state, he will have to obey those same laws. The good that remains after this “subtraction” of wills – apparently a purely algebraic operation – is beneficial to all; it is the “common good”.

This is the object of the general will, which is by definition the will to make the common good. It is by definition that the General Will is never wrong. It is by definition that *The general will is always in the right*, as stated in 2.3 *Whether the General Will Can Err*; 2.4 *The Limits of Sovereign Power*; 2.6 *The Law*.

#### 4.1. How to be right by definition

Following this line of reasoning, an apparently obscure statement made by Rousseau on the meaning of the Sovereign becomes much clearer. *Simply by virtue of its existence, the sovereign is always what it should be*<sup>65</sup>. This should be taken as a formal definition of the role of the Sovereign, which is itself a logical consequence of the previous definition of the General Will. For the mere fact of being, the Sovereign is *always what it should be* which means that the Sovereign is by definition the collective subject whose General Will is to make the common good.

The General Will is always in the right because by definition its object is the common good.

The Sovereign is always in the right because by definition it is the subject whose will is the General Will<sup>66</sup>.

<sup>65</sup> Ibid., p. 58.

<sup>66</sup> In this sense, I agree with Melissa Schwartzberg when she states, *The sovereign, properly understood, is constitutively incapable of willing what is wrong*, [otherwise, edit] *not only does it cease to oblige, but by definition, it no longer exists. To will what is at odds with the public utility is incoherent, for Rousseau: it is not a matter of the corruption of the sovereign, but the immediate disintegration of the sovereign as so constituted*. M. Schwartzberg, “Rousseau on Fundamental Law”, *Political Studies*, vol. 51, no. 2 (2003), p. 393, [online] <http://dx.doi.org/10.1111/1467-9248.00430>. My statement that the Sovereign acts for the common good *by definition* is very similar to her thesis. The General Will and the Sovereign are all definitions based on a single “object”, the “common good” or “public interest”. This object is limited by what we called “the bond of reciprocity”, which we derived from axioms 1 and 2. The previously defined “bond of reciprocity” is in this sense equivalent to what Schwartzberg calls the “fundamental law of utility”. It is a constraint capable to limit the single individual’s interest/good, as it can only be the good wanted by the single individual and at the same time by everyone else.

The main point, though, is that “the bond of reciprocity” is not able to fully characterize the object “common good”; in fact, it cannot do it even partially. Therefore, I think Schwartzberg is not convincing when she adds that *the fundamental law of utility is an enabling rule designed only to direct the general will to morality and justice, and is thus in no important sense a limitation*.

However, this clarification of the absolute “goodness” of the Sovereign comes at a price. “My own good”, even in its “corrected version” named “common good”, which has to be also “their own good”, the good of all the others, remains essentially indeterminate. The common interest of a particular community – which for Rousseau has the fundamental right to will its own good, to cultivate its specific difference – can mean security, wealth; it could also mean brotherhood, love, wisdom; but it could mean, for example, the collective interests which are typical for a society based on the conquest of assets of another society nearby. Colonialism, imperialism. Exploitation of other people’s goods, land, women, workers. Violence, destruction, war. The “common interest” could also justify the existence of a community based on the cult of Masochism, on sharing mutual suffering. Returning to the extreme example that I made at the beginning of this paper, it could admit as perfectly legitimate the Jonestown community, an isolated, small, almost self-sufficient Collective, based in the South American Guyana, quite close to the ideal “territorial standards” of being a “not too large” and “not too small” state, so dear to Rousseau: *In the 1970s, [the leader Jim Jones] moved with some 1,000 of his followers to the Guyanese jungle, where he promised they would establish a utopian community*<sup>67</sup>. The problem is that the daily life of their members was structured to achieve a final common good, collective suicide.

To be clear at the cost of being brutal, the bond of reciprocity enables a social pact that works like a club, a club that can accept any member that shares its statute. And there are clubs for poker players, for professional killers, for doctors “without borders”, for farmers, for financial speculators...

#### 4.2. Ethical relativism

Rousseau’s effort to give a logical necessity to the formula of the Social Contract (*the same everywhere, and everywhere tacitly recognized and accepted*) remains absolutely empty from the ethical point of view. His rational justification of the common good does not allow its followers to overcome utilitarianism and a complete cultural and ethical relativism. Contemporary anthropologists, after all, seem to be right. The reciprocity of the contract on which the GW is founded, considered as the driving force behind the legislative action of the Sovereign, in no way implies the ethical revolution that Rousseau describes in 1.8 *The Civil State*. Surely, because of the pact the individual will notice that *so greatly are his faculties exercised and improved, his ideas amplified* from a strictly utilitarian point of view, but it is not certain that *his feelings are ennobled, and his entire soul raised so much higher*. The “necessity” to achieve the “common good” through the law remains the result of a pure “calculation” to maximize the usefulness of the individual member of the community as long as the same is true for everyone else. Even worse, “utility” could be anything, if all members agree that kind of “utility” is their common good<sup>68</sup>.

<sup>67</sup> “Jonestown”, *History Channel Online*.

<sup>68</sup> The only real “ethical constraint” to the activity of the community is, as we suggested from the very beginning, the Legislator. I am well aware that he is the “Elephant in the room”, invisibly sitting in the

Accepting that an “objective” ethics cannot be a consequence of the “bond of reciprocity”<sup>69</sup>, is it at least possible to avoid any reference to “morality” and speak only about “Justice”? This last term requires an important clarification.

#### 4.3. The law as a principle vs the law as a fact

Even staying in the perimeter of a purely rational and utilitarian paradigm, I argue that it is necessary to clarify a common misunderstanding caused by confusing the law as a principle of “justice” – the law as it should be, promoted by definition by the General Will to achieve the public utility – and a concrete law expressed by the Assembly, which is not a definition, but it is a specific tool to effectively achieve a particular public utility.

Nothing in the basic rules of the Rousseauian pact implies that every specific law is capable to promote “Justice” in the real life of the community. The pact is only capable to implement justice as a principle, by itself deprived of any actual meaning.

Rousseau openly admits the existence of “wrong” laws in spite of the general will being “always in the right”. The following passage is critical to understand how this is possible: *Individuals can see the good and reject it; the public desires the good and cannot see it. All equally need guides. The one side must be obliged to shape their wills to their reason, the other must be taught the knowledge of what it wants. It is then that, from public enlightenment, comes the union of understanding and will in the social body; the parts are then in precise concordance, which results in the greater strength of the whole*<sup>70</sup>.

The key is the distinction made by Rousseau between will and reason: *the public desires the good and cannot see it*. The public, which should be understood here as the Collective, the community of citizens, must learn “to know what they want”. The “collective being” called the Sovereign perpetually exercises the General Will for the “common good”, but to exercise does not mean to achieve. The action of the Sovereign – that is, the action of the members of the Republic in their capacity as citizens – should be guided and corrected by reason. Only in this way is it possible to create a law written for the “common good”.

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public Hall where the citizens meet, where the debates and the voting process take place. He waits patiently to attack any rational justification – based on the axioms of the pact – for the freedom and the independency of the members of the République.

Having said that, in this “constructive” phase of the analysis of the text I am following as close as possible Rousseau’s starting move, which is to justify the necessity of the pact exclusively from a rational point of view. As I have already noted in the introduction, Rousseau explicitly does not include the Legislator as an independent axiom in the fundamental clause of the “Social Contract”: the pact is introduced in the first book, chapter 1.6 “The social contract”, while the necessity of the Legislator will only be declared in the second book, at the end of Chapter 2.6 “The Law”.

<sup>69</sup> This is the reason I am not persuaded that Schwartzberg “fundamental law of utility” (which in my terminology is equivalent to the “bond of reciprocity”) can be considered *an enabling rule designed only to direct the general will to morality and justice*. M. Schwartzberg, “Rousseau on Fundamental Law”, p. 393.

<sup>70</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 75.

I always want a law that is “in the right”, it is my General Will, says the Sovereign. Nevertheless, I could be wrong about what a right law is. Because my thinking could be wrong. “I want the good” is for Rousseau opposed to “I think about the good”. The distinction between will and reason enables him to explain why, in the concrete history of mankind, good intentions are almost always followed by chains.

To want the common good is to be “always in the right”, but it remains only a definition deprived of meaning, as long as the common good needed by a particular community is not specified, as long as it remains an unknown. The Sovereign needs to understand what the common good is and achieve it concretely in the legislative practice every day. From this perspective, it is possible to clarify one of the most enigmatic aspects of the General Will, specifically why the GW may not be the will that emerges as the majority in a vote of the assembly. At first sight, in the same chapter, the 4.2 “Voting”, Rousseau supports two contradictory positions. First, he states that *Except for this original contract, a majority vote is always binding on all the others; that is a direct consequence of the contract*<sup>71</sup>. However, a few lines later he adds: *This argument, it is true, presupposes that all the characteristics of the general will are present also in majority decisions; when they cease to be, whatever view may be adopted, liberty exists no longer*<sup>72</sup>.

It is not at all certain that the General Will is always in the majority. For Rousseau, a paradoxical situation can occur: a unanimous vote that it is still unable to express the General Will, which in this case remains totally unexpressed. [...] *then the general will falls silent*<sup>73</sup>. This is the most extreme case of the fundamental distinction between General Will and the “Will of All”<sup>74</sup>.

Nonetheless, this is not a paradox. The majority can be wrong. Even unanimity can be wrong. This happens because the citizens of the assembly, many, even all of them, cannot understand what is the common good. *Does this mean that the general will is annihilated or corrupt? No: it remains constant, unalterable, and pure*<sup>75</sup>. Therefore, it is quite understandable why “whatever view may be adopted, liberty exists no longer”. The General Will could no longer be in the majority, but the principle that only following the General Will it is possible to be free is still valid. It could happen that the will of the majority is only a collection of personal wills, that is, the majority does not follow the General Will; in this case, no members of the community, be they in the majority or minority, can make a free choice. Unfortunately, the majority decides for all, but because of this fact, no one can achieve freedom, because not following the General Will does not constitute freedom in Rousseau's sense.

<sup>71</sup> Ibid., p. 137.

<sup>72</sup> Ibid., p. 138.

<sup>73</sup> Ibid., p. 135.

<sup>74</sup> As Jon Mandle points out *The judgment of society concerning the content of the general will can be wrong, and it is wrong when private interests successfully present themselves in the guise of the general will. But even when this happens, the general will itself is not mistaken. It is simply misidentified or ignored.* J. Mandle, “Rousseauian constructivism”, *Journal of the History of Philosophy*, vol. 35, no. 4 (1997), p. 550, [online] <http://dx.doi.org/10.1353/hph.1997.0075>.

<sup>75</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 135.

The most extreme implication of this view is that, whenever some members of the community have approved a law that does not lead to the common good, strictly speaking all members are no longer citizens. Because they are no longer free, by definition.

## 5. A COHERENT INTERPRETATION OF THE GENERAL WILL

In the present analysis of the several “characterizations” of the General Will proposed by Rousseau that was conducted, I have given substantial evidence of Rousseau’s various conceptions which fundamentally contradict each other; taken as a self-contained system, Rousseau’s “theory” of the General Will is a “failed theoretical state”. Any comprehensive explanation of the General Will that tries to “combine” all the characteristics of GW remains fundamentally impossible.

However, capturing the essence of the previous reflections, at least a coherent interpretation of Rousseau’s General Will emerges, among other possible views<sup>76</sup>.

For Rousseau it is essential that every single individual who adopts the social contract remains individually free (“free as before”) even when he becomes part of the *République*. Only in this way he does “not obey, however, that to himself”<sup>77</sup>. The “participatory” citizen can impose on himself a law and remain free if and only if the General Will that creates the law is also *his own will, the general will that he has as a citizen*<sup>78</sup>. Therefore, the “revolution” of the social contract should take place inside each individual, in the transition between nature and society. The General Will is the “part” of the individual aim to achieve “my own good”, which can be found as identical in all other members of the community, regardless of which meaning – I and them – can be attributed to this “good”. In this sense, it may be called the “common good”.

This clarification of the absolute “goodness” of the General Will comes at a price. To want the common good is to be “always in the right”, but it remains only a definition devoid of concrete meaning. “My own good”, even in its “corrected version” named “common good” – which has to be also “their own good”, the good of all the others – remains essentially indeterminate. We ignore what it is. We just want it.

There are other “agents”, rational and/or ethical, which are needed to help us understand what this good is. They can be found inside and outside our personal entities. These agents includes my reason; the reason of other citizens; my ethical principles; the ethical principles of other citizens; the Legislator as an “activator” of reason and ethics.

<sup>76</sup> To avoid contradictions, “coherence” can be obtained only to the detriment of “completeness”.

<sup>77</sup> This necessity is aptly summarized by Neuhaus: *If this solution is to succeed, the general will must regulate social cooperation in accord with the common good and at the same time be the will of the individuals whose behavior it governs. If the latter condition is met, then individuals whose actions are subject to the general will can be said to be free, for in doing so they obey only their own will.* F. Neuhaus, “Freedom, Dependence, and the General Will”, *The Philosophical Review*, vol. 102, no. 3 (1993), p. 367, [online] <http://dx.doi.org/10.2307/2185902>.

<sup>78</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 58.



The General Will is a “will” as the common sense normally understands this word; it is a “propensity”; it is more a verb than a noun, something like “to desire”. The General Will is not a part of a collective-organic-superior mind, it is a part of “my” mind – the reader could use “mind” interchangeably with “heart” or “soul”, she could choose the word she prefers, because at this stage they are all devoid of meaning – a part that is completely different from reason (contrary to Kant!). However, it is a Will that is “socially good” as a “pure intention”: it is the part of our individual ego which always seeks the common good; but the Sovereign—seen as the Collective made of the individual citizens – often lacks reason and/or a defined set of moral values for understanding, in concrete terms, what the common good is. The Sovereign can make terrible mistakes.

The General Will is always “in the right”, but it is basically “blind”. My/our common good is too often, in the concrete reality of history, mysterious, unknown, or at best only partially understandable and achievable. The General Will is, in a way, pure ambition for an unknown common good<sup>79</sup>.

## 6. FUNDAMENTAL PROBLEMS

Having at least a coherent interpretation of the General Will, unfortunately, does not imply the effectiveness of Rousseau's political structure. GW as an institution renders very fragile every society built according to the principles of the pact.

At least three fundamental problems remain unresolved. They are all connected. The General Will – at least accepting our interpretation of it – cannot help at all to solve them.

1. How the citizens can identify the “common good” without errors.
2. How the citizens can develop an ethical dimension by themselves, without any external influence.
3. How single individuals, seen not as active citizens but as passive subjects of the State, can protect themselves from the abuses of power.

### 6.1. Problem 1. How to identify the common good without errors

The previous analysis of the basic axioms of the social pact implies that Rousseau has not been capable of avoiding a utilitarian perspective regarding the “common good”. A substantive Ethics, considered as a definite set of moral values, cannot emerge from Rousseau's foundational rules. The main reason he suggests for the adoption of the

<sup>79</sup> Gopal Sreenivasan, in his essay “What Is the General Will?” (*The Philosophical Review*, vol. 109, no. 4 (2000), p. 547, [online] <http://dx.doi.org/10.1215/00318108-109-4545>) calls *the over-simple account of the general will* the following statement: *The general will is the intention to promote the common good*. It appears very similar to my definition. However, the devil is in the details. I speak of pure intention, without any reason or knowledge “behind” it. Moreover, the common good I refer to can be – a priori – entirely unknown. I argue that Sreenivasan could discard so quickly the “over-simple account” only because his terms are not precise enough, i.e. they are “over-simplified”.

social contract by the members of a new-born community, which I summarized as “the bond of reciprocity”, is such that even the greediest association of financial speculators or a committee of sentient robots could adopt Rousseau’s concept of “common good” to survive and prosper.

Moreover, by admission of its own author, a Legislator is required as an independent axiom “inside” his system. I insist that a Legislator is needed in Rousseau’s system even without considering a substantive ethics. The Legislator is a necessity simply because the members of the community are considered by Rousseau being not “smart enough” – it could be said “not rational enough” – to achieve their utilitarian aims. In chapter 2.6 “The Law”, just before asking the Legislator to enter the arena of the Republic, Rousseau claims that the General Will is not enough, that Reason is needed. Both aspects have to cooperate to “maximize” utility, *The one side must be obliged to shape their wills to their reason, the other must be taught the knowledge of what it wants. It is then that, from public enlightenment, comes the union of understanding and will in the social body; the parts are then in precise concordance, which results in the greater strength of the whole. This is why it is necessary to have a legislator* [emphasis added]<sup>80</sup>.

Rousseau is well aware that this figure has very little chance of existing in the real world made by men. His qualities, as the author of *The Social Contract* himself admits, makes the Legislator more similar to a god. However, Rousseau does not seem equally aware that if the Legislator descends from his divine world to the world of man, then he is extremely dangerous. The Legislator *must deprive man of his own strength so as to give him strength from outside, which he cannot use without the help of others. The more completely these natural strengths are destroyed and reduced to nothing, the more powerful and durable are those which replace them, and the firmer and more perfect, too, the society that is constituted: so that, when each citizen is nothing and can do nothing except through others, and when the strength given by the whole is equal or superior to the natural strength of all the individuals together, it may be said that legislation has reached the nearest point to perfection that it can*<sup>81</sup>.

The alarming need to make a clean sweep of the simple man to make him a perfect citizen reminds us of an influential “legislator” who shaped the destiny of what is now a twenty-first century superpower: *A blank sheet of paper has no blotches, and so the newest and most beautiful words can be written on it, the newest and most beautiful pictures can be painted on it*<sup>82</sup>.

If personal liberty is cancelled and then re-created, how can the individual remain “personally” free? He is not even the same individual he was before the “operation”. In addition, the Legislator is a refined demagogue. The historical example of Roman Decemvirate cited by Rousseau is enlightening: *None of our proposals, they told the people, can become law without your consent. Romans, you must yourselves authorize the laws*

<sup>80</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 75.

<sup>81</sup> Ibid., p. 76.

<sup>82</sup> T. Mao, *Introducing a Co-operative*, 15 April 1958, [online] [https://www.marxists.org/reference/archive/mao/selected-works/volume-8/mswv8\\_09.htm](https://www.marxists.org/reference/archive/mao/selected-works/volume-8/mswv8_09.htm), 26 May 2015.

*that will ensure your happiness*<sup>83</sup>. That voice that lures citizens into believing that its law is exactly the law they wanted – their own law – echoes the voice of a seasoned “politician”, to use a modern term.

In chapter 2.12 “The Categories of Law”, we learn of an even more ambiguous reality. The most important role of the Legislator is the one held by him “secretly”. He should forge the “heart”, “spirit”, and “opinion” of a people, making the citizens capable to assimilate the laws in their daily life. It is the most surprising fact, within the Rousseau’s system, that the Legislator has to deal with such personal assimilation of the law by the citizen. Moreover, in “secret”. Why the secrecy? I believe that Rousseau is fully aware that the Legislator’s “underground” activity is contrary to his entire idea of freedom as the choice of the individual. Not only the Legislator had to “suggest” the laws, in a way that is more emotional than rational; he also has to “enforce” them smoothly in a covert operation. Since this process can take a very long time, then the Legislator is here to stay. In this case, he reminds us of Lenin’s idea of “revolutionary vanguard”, the perennial role of the educator of the proletariat: *We must take up actively the political education of the working class and the development of its political consciousness [...] Class political consciousness can be brought to the workers only from without* [emphasis added]<sup>84</sup>.

This is an extremely serious contradiction; the Legislator’s covert activity to enforce the social habits collides violently against the very foundation of personal freedom in the Republic. At least the process of internalization of the law should be left to the people themselves, it should be enacted by the communication between citizens as “normal” individuals during public discussions. “Heart”, “spirit”, and “opinion” of the citizens should develop because of them and them only. Otherwise, all this work of the legislator is likely to remain just a sophisticated form of manipulation. It is not at all certain that the Legislator wants to “shape” free souls. He may also want to make people as slaves who “feel free”.

## 6.2. Problem 2. Citizens treated like children

At this stage of the discussion, it is the moment to attribute to “common good” an explicit ethical dimension, a defined set of moral values. After all, Rousseau wants an ethical community. He wants civic freedom and moral freedom. Rousseau needs the presence of the Legislator because he is well aware that a specific substantive ethics is completely absent from the constructive capacity of the political community adopting the “rules” that constitute *the Social Contract*.

The most serious issue about the Legislator in purely philosophical terms is that he is the “carrier” of an ethics from “outside”. Only the Legislator can “import” a defined set of moral values, force them “gently” into the constitutional original Laws and enforce them “secretly” into the people’s “mind-set”. However, to be truly free in the

<sup>83</sup> J. J. Rousseau, *Discourse on Political Economy*..., p. 77.

<sup>84</sup> V. I. Lenin, *What Is To Be Done?*, 1902, [online] <https://www.marxists.org/archive/lenin/works/1901/witbd/iii.htm>, 26 May 2015.

sense Rousseau gives to this word, the people of the community should be able to develop their “own” ethic.

Instead, the people is seen by Rousseau as a “collective child” which has to be educated<sup>85</sup>. Even if in this paper *The Social Contract* has been evaluated as a self-contained system, I am well aware that the social education of the community mirrors Emile’s personal education: *I have decided to be what you made me; of my own free will I will add no fetters to those imposed upon me by nature and the laws*<sup>86</sup>.

However, even accepting the *Emile* as an important complementary source to clarify how a citizen can be educated to accept willingly his teacher’s precepts, my main objection remains. When ethics is imposed, or even politely “suggested”, to individuals-children who are considered unable to develop an ethical system by themselves – maybe because they could develop “dangerous” ethical systems from Rousseau’s point of view – I argue that these same individuals would never become true “citizens”, and therefore truly “free”, in the technical sense Rousseau himself gives to this term.

### 6.3. Problem 3. The abuses of sovereign power

The last fundamental difficulty in *The Social Contract* makes us descend from the heavens of the ethical philosophy to earth’s dangerous history. I do not refer here to the perennial abuses of the Executive and the Judiciary. Rousseau is well aware of these frequent historical “accidents” and he dedicates entire chapters to them, ranging from the Roman Republic to the absolute regimes of his time. For these abuses, at least from an abstract point of view, appropriate countermeasures are provided<sup>87</sup>. The real difficulty arises with respect to the content of the law, of which the Sovereign, as collective legislative power, is solely responsible: within *The Social Contract* there are no institutional mechanisms that effectively protect “subjects” from the tyranny of the law.

Rousseau declares that the Sovereign is made by all people as citizens, that is, neither by a king nor by an aristocratic elite, and therefore *it is impossible that the body should want to harm all its members*<sup>88</sup>. Even accepting the inner logic of *The Social Contract*, his statement is an “act of faith” and not a demonstration. Rousseau claims that *the sovereign for its part cannot impose on its subjects any burden which is useless to the com-*

<sup>85</sup> *The tutor is raising one child, while the Legislator is dealing with “a people”, that is, with a considerable number of adults. The startling fact is that Rousseau spoke of ‘the people’ as if it were Emile.* J. N. Shklar, *Men and Citizens...*, p. 165.

<sup>86</sup> J. J. Rousseau, *Emile, or Education*, trans. by B. Foxley, London 1921, p. 435.

<sup>87</sup> Matthew Simpson argues that there is a serious contradiction between the Sovereign, which can never “attack” a single subject, be it a peasant or the Prince, because it can only express a general law, and the second resolution, which instead manifestly attacks individuals, sentencing them to relinquish their power. See: M. Simpson, “A Paradox of Sovereignty in Rousseau’s Social Contract”, *Journal of Moral Philosophy*, vol. 3, no. 1 (2003), p. 51, [online] <http://dx.doi.org/10.1177/1740468106063282>. However, this apparent “paradox” seems rather a technicality. In chapter 3.17 “The Institution of a Government”, Rousseau develops a very ingenious system that keeps his theory consistent and allows the Sovereign to propose and dispose of any form of government.

<sup>88</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 58.

munity: it cannot even want to impose it; for under the law of reason, as under the law of nature, nothing can be done without a cause<sup>89</sup>. Such a defence of the infallibility of the Sovereign is purely based on a definition, i.e. “the general will is always in the right”, and on a vague principle, the “Law of reason”. This “justification” shows all the limits of Rousseau’s abstract, “axiomatic” conception of the General Will, the Sovereign, and the “common good”. The “Law of reason” is a concept that inexplicably appears only once in the whole text, and which is in contradiction with the other thesis of Rousseau himself, who clearly distinguishes several times between wanting a “just” law and knowing what law “is right”. The fact that the Sovereign *cannot impose on its subjects any burden which is useless to the community* cannot be derived from the fact that it *cannot even want to impose it*. This “impossibility theorem” remains a purely formal artifice, which pretends to solve the question simply declaring that a Sovereign who does not act for the common good is no longer a Sovereign, and a citizen who does not choose the common good is no longer a citizen. However, as Rousseau himself reminds us on many pages of *The Social Contract*, maybe the Sovereign always wants the good, but the men the Sovereign is made of in the real world do not always decide for the good. In the words of T.S. Eliot: *Between the idea and the reality, between the motion and the act, falls the Shadow*<sup>90</sup>.

Yet, despite the very serious dangers a community can run into, for Rousseau the Sovereign remains the one and only judge: *it must also be agreed that the sovereign authority alone judges the degree of importance*<sup>91</sup>; *it does not need to give any form of guarantee to its subjects*<sup>92</sup>.

The Sovereign is by definition, by will, by reason, above the law. The Sovereign can erase and rewrite any law. The actual influence of non-elected supranational financial and political institutions like the IMF or the World Bank in shaping the destiny of our interconnected world pales in comparison to the unlimited power of Rousseau’s national Sovereign over its “subjects”.

The specific form of association described in *The Social Contract* throws the citizens of the République to stratospheric utopian spaces; but it also allows the subjects of the State to fall heavily on the ground, defenceless prey to merciless regimes.

## CONCLUSION

There are traces of Rousseau’s *The Social Contract* in the present dissatisfaction regarding the institutional forms of western representative democracies – especially in the European Union. The main purpose of this paper has been to critically analyse the

<sup>89</sup> Ibid., p. 68.

<sup>90</sup> T. S. Eliot, *The Hollow Men*, 1925, [online] <http://www.aduni.org/~heather/occs/honors/Poem.htm>, 28 May 2015.

<sup>91</sup> J. J. Rousseau, *Discourse on Political Economy...*, p. 68.

<sup>92</sup> Ibid., p. 58.

antithetical conceptions of the General Will suggested by Rousseau as a set of “tentative rules” for participatory democracy, considering his classic text as a self-consistent theoretical entity.

I have proposed a consistent interpretation of Rousseau’s General Will based on the fundamental rules of the pact, which I called “the bond of reciprocity”. Following this principle, the General Will emerges as “pure ambition” for an unknown common good, shared by all the members of a political community and existing before any detailed knowledge and/or rational justification.

In this sense, there is a conceptual affinity – which could be extensively explored – between Rousseau’s General Will and the “good will” of millions of non-voters or disappointed voters, who are requesting a “direct” political involvement for the “common good” (inspired by the new opportunities of “digital democracy” offered by the internet) quite often without really “knowing” what to do and how.

However, the “pure good intentions” of the General Will appear to be substantially incapable of solving the serious contradictions that undermine the foundations of a concrete “République”. This conceptual failure implies that participatory democracy, at least “à la Rousseau”, is forced by its basic “axioms” to remain confined to a utopian political sphere.

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