

Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.

This is the moment of social contract. It creates a new moral entity, a 'public person' which is called 'state' when passive, 'sovereign' when active, and 'power' when compared to others like itself. By this Rousseau really means that the moment of social contract, when the General Will comes into being for the first time, is a moment of imagined equality. Everyone gives himself and all his power (the power that proceeds from self-interest) up to the General Will provided others do the same. The General Will then decides what the arrangements, including the property arrangements, of the new society should be. This is what Rousseau means when he says that the state is called 'sovereign' when active: the General Will acts as the decision of the whole sovereign people to decide those things which are important to it. Rousseau then adds one of his famously challenging statements: the Sovereign, merely by virtue of what it is, is always what it should be. Acts of the Sovereign, decisions of the General Will, Rousseau seems to be saying, can never be wrong, even though the General Will is decided by counting votes and so there is always the possibility of a dissenting minority. The majority is always right. How can that be?

Rousseau's answer is that the moment of equality when the Sovereign people assembles, either for the first time or thereafter, means that there can be no prior way of deciding what the General Will ought to decide. Rousseau means us to take this literally, and to understand why it should necessarily be so we have to go back to his analysis of what always goes wrong in an ordinary society. The lack of freedom in an ordinary society comes from the fact that our ordinary life-choices are made predictable by our differently perceived self-interest, either as individuals or as groups. Posit a moment of equality, then each man, when consulting his own interest, will be consulting exactly the same self-interest as everybody else because he will no longer have unequal self-interest to tell him which way to vote. Decisions of the General Will are therefore *by definition* unpredictable, and therefore free. Of course not everybody will make the same choice, because there is nothing prior which tells individuals what choice to make. There could obviously be minorities and majorities on all important questions and this lack of unanimity should not surprise us. Free choice is hard to make by definition, and it will be especially hard to make in the beginning in a human group which is used to having its decisions made for it by divisive self-interest. Such a group might even require a special figure, the Legislator, to bring wills into conformity with reason, the perfect outsider who could persuade a sovereign people what it really wanted because it is so difficult for them to make a choice now their conflicting self-interested wills no longer make the business of choice easy for them. One of the things which a sovereign people ought to decide upon is the system of public values under which they should live, a system of civic morality. There is nothing very strange about this. Rousseau seems to be saying that all political communities end up with systems of public values which all the members of the community are expected to follow. Political communities as they exist in the world typically receive their systems of public values by accident or fraud, or a combination of

both. Rousseau is saying that for the first time the social contract gives a people the opportunity to *choose* the system of values (including religion) under which it should live. Hence the need for the Legislator, because a people brought up under one system of social values will find it very difficult to choose another. Bewilderment might be the immediate reaction of people called upon in a moment of equality to choose the values under which they should live.

What about the coercion of minorities? Rousseau does not say that going along with the majority is the price the minority has to pay for living in a new kind of society. On the contrary, the minority is forced to go along with the majority decision, and Rousseau says that forcing them to do so is forcing them to be free, the most famous of all his paradoxes. What can that possibly mean? On the face of it, Rousseau appears to be making a difficulty for himself by not simply saying that minorities are always coerced in political communities, and that that's just the way things are. On the contrary, Rousseau seems to be saying that the minority really wanted to be coerced all along. The minority apparently suffers the double indignity of being coerced, and of being told that they are being coerced in the name of their own real freedom. Rousseau certainly accepts that all states coerce in the sense that in political communities everybody is expected to pay more than lip service to the prevailing system of public values, but he thinks that coercion under the General Will is so different that it is a mistake to call it coercion at all. Rousseau thinks that there are at least six main arguments which show that coercion of minorities is not coercion as traditionally conceived.

- 1 Decisions of the General Will are not predictable, for the reasons outlined above. If you find yourself in the minority, then you can be certain that the decision wasn't fixed beforehand. Those who find themselves in the majority could be just as 'surprised' as those who find themselves in the minority, so you are unlikely always to be in the minority.
- 2 Dissenters can be persuaded to go along with the rest. Force is not a first resort but a last resort.
- 3 If persuasion does not work on a specific matter on which the General Will has decided, then there still is persuasion available of a much more general kind. Dissenters could be reminded of why they left the old society to join the new. In the old society, it was divisiveness which made it such an uncomfortable place to live. The reason for joining the new state of the Social Contract in the first place was that here for the first time there was the possibility of acting *with* others, not against them. Standing out against the majority of one's fellow men is to replicate the conditions of the old society, something which those who have joined the new society show that they do not really want simply by being here.
- 4 If this does not work, then there is the further argument that agreeing with the others will get easier as you go along. You will get a taste for it until wanting what the others want becomes as automatic as following your own self-interest and spiting the rest in the old society.
- 5 Being in the minority in the state of the Social Contract is not the same as being ruled by the majority by force. Majority rule, rule by the superior weight of others, typically takes the form of exploitation. As in all forms of rule based on force, majority rule

would be used to distance the majority from the minority and to make the minority different from the majority. The minority might, for instance, be forced by the superior weight of the majority to perform those menial tasks in a society for which the majority has no taste. The decisions of the General Will could never be of the kind which chose the street-sweepers, because the majority is asking the minority to do nothing which the majority is not itself prepared to do. It is not like saying ‘*You do that*’ but ‘*we’re prepared to do this and you must too*’.

6 If none of those arguments work, then coercion follows. Rousseau would say that all states from time to time require some of their members to do things against their declared wills. What makes the state of the Social Contract different is that those who have been coerced have been treated as rational, adult human beings capable of understanding why they should do what they should do. There is a world of difference between just being told to do something and being given the reason why you should do it. (One of the standard reasons usually given for hitting children is that it will ‘teach them a lesson’ which they can learn in no other way.)

### ROUSSEAU ON LIBERTY

These may be excellent and even convincing reasons for coercion, but Rousseau will not stop there because he wants to argue that his form of coercion is not coercion at all but liberty. In what senses could this be called freedom? It could be freedom in a very straightforward and ancient sense. Rousseau himself came from the free city of Geneva which was a Calvinist theocracy. He may have thought that any city which gave itself its own law was free, and that included ancient Sparta and modern Geneva, both of which were in fact highly regimented societies. The speech which Herodotus puts into the mouth of Queen Artemesia when she addresses the Persian king sums up the matter exactly. The king had asked the queen whether the Greeks, being so outnumbered, would dare to fight him, and the queen especially singled out the Spartans as bound to fight whatever happened because their laws commanded them to conquer or die, and the Spartans feared their laws more than the subjects of the oriental despot feared him. It may never have occurred to Rousseau that a people who gave itself laws was not free. Rousseau was a great reader of Plutarch’s *Lives*, and he must have been aware that it was in this sense that the Romans became free after the expulsion of their kings. Sparta, republican Rome and Calvinist Geneva were all free cities, where ‘free’ means anything but ‘free and easy’. This was a lesson which was not lost on eighteenth-century thinkers. What seemed especially pernicious to rising stars like Rousseau and Voltaire was the system of personal dependence which an aristocratic society necessarily implied. Rousseau’s *Confessions*, for instance, are full of the humiliations which are forced on a man trying to get on in a society where getting on is impossible without aristocratic patronage. Equal dependence on the laws, rather than personal dependence on patrons, could easily seem attractive, even though those laws, as at Sparta, allowed very little of what we would call ‘personal’ freedom. Hume, for instance, makes a distinction between governments of men and governments of laws, and he recommends the government of Venice as a government of

laws even though it was a tightly controlled merchant oligarchy. Laws were fixed, knowable and known, so that dependence on laws which fell equally on all men could seem like liberty to those who lived in systems of absolute monarchy where the king was above the law, so that *'Si veut le Roi, si veut la Loi'* (what the King wants the Law also wants).

There can be no doubt that Rousseau's concept of liberty is a 'positive' concept of liberty in the classic sense outlined by Sir Isaiah Berlin in his celebrated essay *Two Concepts of Liberty*. In that essay Berlin distinguishes between what he calls 'positive' and 'negative' liberty. Negative liberty is what we mean in ordinary speech by liberty—that is, absence of restraint: I am free to the extent that there are no external hindrances to my pursuit of my own self-chosen ends. These external hindrances can be physical or legal, moral or religious. This is an 'end of the day' kind of liberty: you look around the world and you judge yourself free to the extent that physical, legal, moral or religious obstacles prevent you from doing what you happen to want to do. This view of liberty, which we have already called 'Individualist', frankly accepts that liberty will in fact be restricted: living in a world with other men guarantees that. Law, the positively enacted laws of a state, will itself be negative in this view of things. Law will typically forbid certain forms of human behaviour (cheating, assaulting, murdering, for instance) and human beings will therefore consider themselves at liberty to do all those things which the law does not forbid. (This would also be true of other kinds of law, like the moral law: a man would believe himself to be fully entitled to do that which the moral law did not specifically forbid.) 'Positive' liberty, on the other hand, is a 'beginning of the day' kind of liberty because it would actually tell you what to do. Positive liberty consists of the pursuit of behaviour laid down by a self-chosen rational principle. It emphasises the arbitrary and empty quality of negative liberty: what good is liberty if I don't know what to do with it? Positive liberty is a form of self-coercion which sees the attainment of liberty in the terms of self-fulfilment: I wish to become the kind of person that I know I have it in myself to be. Sometimes, self-coercion, like a New Year's resolution, fails. I do not really want it to fail, so I may welcome any outside constraints which keep me to my own resolution.

Rousseau regards acts of the General Will as coming within the category of outside constraints which help me to keep my own resolutions. Negative liberty is deeply personal: others can only threaten it, and above all so does the state: it is the kind of liberty which can only be preserved by eternal vigilance. Not so positive liberty, which is more easily attainable in a group than individually, because others can help to keep one to the path which one has chosen, and if the majority keeps everybody to the path that each has chosen then it is easy to see what a free people would be in Rousseau's sense. The pursuit of freedom becomes a collective venture, something *we* do, not something *I* do. Of course, very strong-minded individuals might be able to pursue positive liberty by themselves, the kinds of self-disciplined characters who never break their own resolutions, but most of us are not like that. (It is in this sense that deeply religious people will say 'Love God and do what you will'.) We have our better and our worse selves, and our better selves need a helping hand from others to keep us on the straight and narrow path of rational liberty. And there is no contradiction in speaking of the 'straight and

narrow path' of liberty, because positive liberty is not doing just what you happen to want to do; rather, it is doing what you really want to do, or doing what you would do if you really thought about it. And in this view of liberty Rousseau is remarkably forward-looking as well as looking backwards to the ancient city-states. From the time of Rousseau's *Social Contract* onwards, negative liberty was to be only one of the ways that liberty could be conceived. Once the notion of liberty was posited as a central political value, then the political debate could centre round the question of the *unit* of freedom. If an individual could be free, then so could a whole community, or a nation, or eventually a class. Things would become very complicated indeed once negative, individual liberty and positive, collective liberty came to be seen as alternatives, or even opposites. The whole modern debate about totalitarianism centres round that question: how much negative liberty has to be given up, or how far does the chance of having negative liberty have to be given up, for the achievement of collective goals?

The idea of being forced to be free will always stick in the craw of those for whom liberty must always be unremediably negative. Liberals, for instance, have always been suspicious of any doctrine of liberty which is not negative liberty, freedom *from*. Liberals do not deny that groups can have certain collective goals, but they deny that the achievement of these goals themselves constitutes liberty. Most liberals would argue that liberty has to be given up for the collective achievement of even such modest social goals as security of life and property. What liberals always insist on is calling things, as they see them, by their right names: liberty is one thing, giving up liberty to enjoy something else like security is something else. Liberals regard as very fishy indeed the tendency to call anything else liberty, because there is no end to calling other things liberty once you have begun. Liberals will not even accept the rather commonsensical suggestion that one part of the self can coerce the other. Rousseau makes a distinction between citizens and subjects. We are citizens in the active sense, when we take part in the process by which law is made, and subjects in the passive sense, when we obey the laws which we have made in our collective capacity. Why should the citizen in each of us not coerce the subject? Some commentators on Rousseau have even read into his doctrine the Platonic idea of the soul ruling the body. As an active part of the General Will my better self legislates for my worse self, that self which would act selfishly.

The main question about the General Will which has still to be answered is: Where is its content to come from? Rousseau himself confuses the issue because he sometimes talks as if the General Will is something like what the utilitarians were later to mean by the general happiness, and it is easy to see why what the general happiness is could be ascertained by counting heads. At other times, Rousseau speaks of the General Will as if it were something like Kant's 'good will', our will not when it is directed to our particular and immediate interest, but when we are asking ourselves what everybody including myself should do in the circumstances. It seems clear that Rousseau does not mean that the General Will is what a majority just happens to want, because one of the things a majority could just happen to want would be the permanent subjugation of a minority. The problem of the content of the General Will is that Rousseau will not allow any kind of pre-existing moral law to give the General Will something to go by. (Rousseau in fact suppressed a chapter on Natural Law which he included in the first