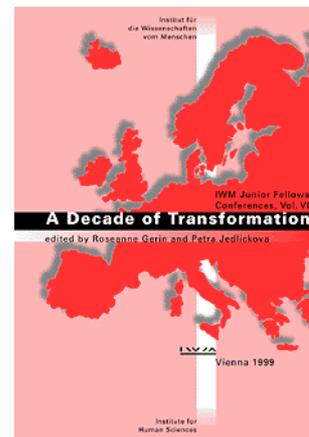


Readers may redistribute this article to other individuals for noncommercial use, provided that the text and this note remain intact. This article may not be reprinted or redistributed for commercial use without prior written permission from the author. If you have any questions about permissions, please contact Klaus Nellen at IWM, Spittelauer Laende 3, A - 1090 Vienna, Fax +(431) 31358-30, e-mail <nellen@iwm.at>.

*Preferred Citation:* Simpson, Matthew, *Political Liberty in the Social Contract*, in: A Decade of Transformation, IWM Junior Visiting Fellows Conferences, Vol. 8: Vienna 1999



## Political Liberty in the Social Contract

Matthew Simpson

This paper concerns a narrowly defined topic in the history of philosophy. Since its intended audience is composed primarily of scholars who are neither historians nor philosophers, it is appropriate that I first indicate why it might be interesting to a more general public. I can begin by noting that a number of other papers in this series are addressed to the problems of modern political liberalism. That this should be the case is not surprising given that the basic terms of liberalism have become more or less the exclusive vocabulary not only of political scholarship, but of politics itself. When a certain set of concepts becomes so dominant, it is natural that intellectuals will feel a special duty to criticize them; and, other things being equal, the more pervasive the concepts, the sharper the criticism. Hence, we have papers in this series which seek to rethink liberalism from at least three different perspectives: conservatism, communitarianism and the theory of power. My paper can be grouped with these in the sense that it is intended as a kind of investigation into the pervasive political phenomena of our time.

My starting point may be different, however, in that it is neither hostile towards liberalism nor supportive of it. I begin instead from the observation that while the basic terms of liberalism have become ever more pervasive, their meaning seems to be of less and less scholarly, not to mention popular, interest. One example is the

concept of right. Two decades ago Richard Tuck remarked, "The thirty years since the war have witnessed a curious phenomenon: the language of human rights plays an increasingly important part in normal political debate, while academic political philosophers find it on the whole an elusive and unnecessary mode of discourse."<sup>1</sup> The situation has changed somewhat in the last twenty years in that a number of serious historical works have been devoted to tracing the development of the modern language of rights; nonetheless, the expansion of historical interest does not imply an expansion of philosophical interest. Even if it did, neither the one nor the other could come near to keeping pace with the spread of liberal terminology into every corner of political discussion in many parts of the world. If this is true of the concept of rights, it is also true of the concept of liberty, which is more significant to the extent that it is necessarily the central notion of any theory of liberalism. The following paper is an investigation into the meaning of political liberty in Jean Jacques Rousseau's political philosophy as presented in the *Social Contract*.<sup>2</sup> If the topic taken by itself does not possess sufficient interest, one can think of it as a first step towards understanding the most essential concept underlying the pervasive political phenomena of our time.

It may seem strange to use Rousseau as a stepping stone towards an understanding of liberalism given that, as everyone knows, Rousseau was not a liberal. But this objection puts the cart before the horse. It is more sensible first to understand what liberty is and then to decide if it is something desirable, rather than to choose a set of political ends and then call them by the name of liberalism without first understanding liberty. Furthermore, Rousseau certainly was a liberal, if by the term is meant someone who believes that liberty is the highest human good and that its preservation is the standard against which political institutions should be judged. N. J. H. Dent makes the point which no reader would deny, "To the enjoyment of freedom [Rousseau] attaches, probably, more importance than to any other aspect of human life."<sup>3</sup> The reason that Rousseau is not considered a liberal is probably that his theory of human liberty is radical and uncompromising.

---

<sup>1</sup> Tuck (1979: 1).

<sup>2</sup> The Pleiade edition of Rousseau is the modern standard. [*Jean-Jacques Rousseau: Oeuvres Completes*. Gagnebin and Raymond (eds.). Paris: Gallimard, Biblioteque de la Pleiade, 1959-. 4 vols to date.] Because some readers will not have access to this edition, I have followed the convention of referring to *Du Contrat Social* by Rousseau's own Book (Roman numeral) and Chapter (Arabic numeral) divisions. When in doubt as to meaning, I have helped myself to Mr. Cranston's translation. [Rousseau (1968)].

<sup>3</sup> Dent (1992: 117).

The fundamental distinction in the account of liberty in the *Social Contract* is between natural liberty and political liberty. The latter is more essential to this paper, but the two cannot be considered apart from each other since political liberty emerges from of natural liberty and, Rousseau believes, finally submerges back into it. It will be easier, therefore, to begin with his account of natural liberty and the state of nature.

Natural liberty is the characteristic condition of human beings in their natural state; indeed it is the necessary condition of such beings, as will become clear. A suitable route towards understanding Rousseau's doctrine of natural liberty, therefore, passes through his account of the state of nature. As in the *Discourses*, the phrase "state of nature" is used in the *Social Contract* to designate the primitive condition of human beings. But in the later work Rousseau places an entirely different emphasis on the elements of that condition, the most obvious of which is that it is here rid of its historical and anthropological overtones. By discussing human beings in what he calls their primitive condition, Rousseau is no longer referring to a way of life located somewhere in the prehistoric past. On the contrary, he says that the state of nature is a condition to which anyone can return at any time. He is able to make such a statement, which would appear absurd from the point of view of the *Discourses*, because the state of nature in the *Social Contract* refers to something much more simple. It refers to the human condition outside mutually obliging covenants. The primitive condition in this case must be understood in a conceptual, not a temporal sense. Indeed, in the *Social Contract* Rousseau states unambiguously that individuals are outside the state of nature *before* they are in it because they are born into families which are held together by the ligature of mutual obligation. When children reach the age of maturity they are able either to stay within the covenant or to leave it, but all the same they were in a covenant before the they could choose to leave it for the state of nature.<sup>4</sup>

But if human beings are not typically born into this condition, why does Rousseau choose to call it the "state of nature?" Even if it is conceptually more simple, what is natural about it? This point can be made more forcefully: could a human being, mature adult or otherwise, even exist outside covenants with others? The answer may be affirmative in the extreme case of a castaway for example, but this would only serve to make the issue all the more sharp. The force of a story like Daniel Defoe's *Robinson Crusoe* comes in part from the reader's feeling that a human being living by himself may be, as Aristotle says, either a beast or a God,

---

<sup>4</sup> Rousseau, Jean-Jacques. *Du Contrat Social*. I, 2.

but not really a human being. So, aside from the example of the castaway, which seems unsuited to the purpose of determining what is natural about human life, is it possible to think of a human being living outside all covenants? Rousseau, of course, thinks it is possible, and his primary example is that of slaves, who by the nature of their slavery have forfeited all their rights to their masters and received no obligations from them in return, thereby putting their existence outside the domain of covenants. One might object by saying that the relationship of slavery obliges the master to provide at least for the slave's physical sustenance. But this objection misrepresents the nature of slavery. If the master does provide for the slave's sustenance, it is for his own self-interest as a slave owner, not because the slave has contracted a duty from the master. The condition of a band of slaves is that of a herd of cattle "with a master who preserves it only in order to devour its members."<sup>5</sup> If the slave did have a claim of obligation against the master, then he would no longer be a slave but a vassal, a position which might be identical in its material conditions but which, from the point of view of a theory of right, is as different from slavery as two things can be.

But even if slavery is an example of a human life outside all covenants, it does not answer the more general question of why Rousseau chooses to call this kind of existence natural. Such a doctrine seems implausible for at least two reasons. The first is something internal to Rousseau's thought, and since it deals with a topic which will arise only later in this paper, I will for now just allude to it: the crux of his theory of right will turn out to be the doctrine that humanity possesses perfect natural liberty. How could this doctrine be made coherent with a doctrine according to which the state of nature is a state of slavery? Only if natural liberty and slavery are the same thing. Leaving that difficulty for later, there is another. Since the nature of slavery is such as to imply the existence of mastery, how is it possible to say that slavery is the natural condition of human beings? Must not mastery be equally primitive? Rousseau answers this objection merely by saying that natural liberty and slavery are the same, and for good reason. The term "natural" in this case is defined as being outside all covenants, and the master is just as much without duty towards the slave as the slave is without duty towards the master.

But the general question remains. Even if Rousseau is able to offer an example of human beings living outside all mutually obliging covenants, why does he designate this condition by the term "state of nature?" We can begin to find an answer by noticing that in its most common use the word "nature" refers to the world of

---

<sup>5</sup> Ibid.

physical objects, which are, so to speak, always in the state of nature in the sense that no mutually binding covenants govern their interaction. There are no obligations in nature; there is force and necessity - at least according to the modern scientific world view, which is Rousseau's world view in the *Social Contract*. The natural condition is, in its basic sense, the world of power. Rousseau believes that, to the extent that human beings do not enter into covenants, they are more or less undifferentiated parts of the natural world. By calling it a "natural state," Rousseau does not mean that human beings are born into this condition; they are not. Nor does he mean that the human species was originally in this state. It may perhaps have been, but the question has no role in the *Social Contract*. Nor does Rousseau mean that human beings are most commonly found in this state, although he does believe that they are in it more commonly than they think. He means that human beings are in the state of nature inasmuch as they are governed by power, which causes them to live as entities undifferentiated from the rest of the world.<sup>6</sup> From this perspective, Rousseau's doctrine that the relationship of master to slave is the most natural human relationship is not surprising. In having a slave or in having a master, individuals relate to each other just as do objects in the natural world; they relate to each other simply in terms of force without the mutual rights and duties arising from covenants. The master can expect work from the slave only as long as the master can use force to compel his labor; the slave will obey the master only as long as he fears the force that the master can bring upon him. For as long as the master and slave remain in this relationship, their actions towards each other are

---

<sup>6</sup> Because this paper is not intended for specialists, I have generally avoided referring to scholarly literature, even on the more controversial points. This present issue, however, in addition to being controversial, is at the heart of Rousseau's understanding of natural liberty, as will become clear. It might, therefore, be useful to refer the reader to a work which deals explicitly with certain questions I have been forced to compress. In this regard, I recommend the study by Mr. Rapaczynski [Rapaczynski (1987: 222-223 )] who, in his investigation of the role of nature in modern political philosophy, comes to the following conclusion: "[B]y 'going back to a state of nature' Rousseau had in mind a very specific concept of nature, namely the world view implied in the system of modern science. To go back to a state of nature meant for him primarily not to isolate those features of human life which accorded with the essence of man and were not brought about by some contingent circumstances of life, but to isolate those features of man which could be captured by a conceptual apparatus similar to that used by Galileo and Newton. According to the spirit of his time, Rousseau viewed science as nominalistic and mechanistic; and his main objection to Hobbes, and Locke, and others was that they had not properly grasped the conception of man that this type of science implied."

not different in essence from the interaction of billiard balls or of planets in orbit around the sun.

If the natural condition of humanity is defined as the condition outside all covenants, and if that condition is the sheer interplay of power best exhibited in the interaction of master and slave, what then could Rousseau mean by the term "natural liberty?" Where is the liberty in the relationship of master to slave? If it is anywhere, it must be in the master's ability to use his power, as long as he has it, to do what he wants with the slave. And this is indeed Rousseau's notion of natural liberty: the absence of rightful claims against anyone's power. It is the unlimited exercise of each person's power, constrained only by other people's exercise of theirs. In the state of nature each person has the absolute right to extend his power as far as he is able until hindered by another person doing the same. It is absolute because natural liberty, being outside all contracts, "has no limit but the physical power of the individual concerned."<sup>7</sup>

A remarkable implication of this account is that natural liberty is necessarily perfect in every case because each individual has a right to everything that he can keep. In other words, because natural liberty is defined for each person as "the absolute right to anything that tempts him and that he can take,"<sup>8</sup> everyone in the state of nature possesses perfect natural liberty at all times. A more remarkable implication is that the slave, too, enjoys perfect natural liberty. The master and the slave both possess perfect natural liberty since each has the liberty to take everything that his power will allow. The difference between master and slave is one of quantity of power, not a qualitative or essential difference in their modes of existence. The terms master and slave designate only which parties, for now, happen to have the greater and the lesser power, which is merely an accident and does not limit the essential liberty of each to take everything that he can keep. From this perspective, one can see that the terms "state of nature" and "natural liberty" are co-extensive because the state of nature is by its essence always a state of perfect natural liberty.

A significant consequence of Rousseau's account of the state of nature and natural liberty concerns the question of legitimate power. "All legitimate authority among men must be based on covenants."<sup>9</sup> This is not merely a stipulative definition by Rousseau of what it means to be legitimate, rather it is a definition based on the nature of authority as it exists in the state of nature. Authority there means

---

<sup>7</sup> Rousseau I, 8.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.* I, 4.

power, and while power is not by itself legitimate, neither is it illegitimate. Mere force or necessity has no normative dimension. The human exercise of power in the state of nature is no more legitimate or illegitimate than the motion of a clock's pendulum. The terms legitimacy and illegitimacy do not apply where there is no covenant to grant legitimacy or to provide a criterion for judging illegitimacy. This insight provides the ground for, among other things, Rousseau's refutation of legitimate slavery.

Slavery could never be the result of covenant because the terms of the covenant from the point of view of the slave would read: "I forfeit everything and receive nothing in return." But, of course, this would not be a covenant at all. Even if it were, no sane person could assent to it because it is contrary to the human being's natural concern for his self-preservation. Furthermore, the children of the insane parent who assents to this covenant would not be bound by their parent's insanity, with the consequence that even if slavery is legitimate in the insane person's case, it is not legitimate for his children; it is, therefore, not legitimate as an institution. "Thus, however we look at the question, the 'right' of slavery is seen to be void; void, not only because it cannot be justified, but also because it is nonsensical, because it has no meaning. The words 'slavery' and 'right' are contradictory, they cancel each other out."<sup>10</sup> There is nothing in one person's nature that could make him rightfully a master or a slave because the covenant that established that right would be nullified in its mere formulation, regardless of the personal qualities of either of the two parties.

But none of this should be thought to imply that slavery would not exist in the state of nature. On the contrary, it would be a pervasive feature, and this is so for two reasons, the first of which is obvious. Rousseau emphasizes in the *Social Contract* that human beings in the state of nature vary in strength and intelligence.<sup>11</sup> This doctrine, which is apparently different from the *Discourses*, has profound implications for the account of slavery in particular. Whenever two people in the state of nature come into contact, the stronger or more intelligent will be able to dominate, and if the difference in strength and intelligence is great enough, the stronger will be able to limit the weaker's power by such a degree that he will effectively become a slave. If this account of the state of nature seems closer to Thomas Hobbes's, at least on this point, than to the one usually associated with Rousseau, then confirmation of just how closely Rousseau approaches Hobbes at this point is

---

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.* I, 9; III, 5.

offered by his surprising reference to "the state of nature, where every man is inevitably at war and at risk of his life."<sup>12</sup> In the *Discourses*, Rousseau's famous criticism of Hobbes is that he attributes desires to people in the state of nature that could only emerge when people are in frequent communication with each other. The difference in the *Social Contract* is that this communication is assumed because people are assumed to live in families. Whether this change indicates a fundamental development in Rousseau's doctrine, or whether he instead is concerned with human beings as they are now and not as they might have been in a distant stage of their pre-history, is not clear, nor is it important for the present topic. The significant point is that human beings in the state of nature as described in the *Social Contract* have complex desires bringing them into inevitable war; and, based on the natural inequalities that Rousseau, unlike Hobbes, believes exist among people, this war could end in principle with one party enslaving the other.

The second reason that slavery would exist in the state of nature is less obvious but more pervasive, stemming from the nature of intentional action. In the natural condition, individuals have nothing except their desires or appetites to act as the principles of their actions since they are not parties to any agreements whose terms might provide other grounds. This freedom from all principles, except appetite, might appear as the highest kind of freedom, at least for those who possess sufficient power to bend others to their wishes, because without the limitations imposed on one's choices by duty, the world is literally there for the taking by the person who has the power and desire to do so. Rousseau disagrees. He believes that people who are governed entirely by their appetites, and who base their actions simply on desire, outside all obligation to others, are the opposite of free because, "To be governed by appetite alone is slavery."<sup>13</sup> This notion of slavery to the passions, while it is not unique to Rousseau, has fundamental consequences for his understanding of the state of nature and of natural liberty. For if to be governed by one's appetites is a form of slavery, and if in the state of nature there is nothing except appetite to guide anyone's actions, then Rousseau's doctrine produces the unexpected but unavoidable consequence that everyone in the state of nature is a slave.

This is a radical point, and I do not think that Rousseau ever puts it quite so starkly himself, but it follows necessarily from his account of the state of nature. This consequence may, however, seem to turn Rousseau's entire doctrine of natural liberty into an absurdity. What can natural liberty mean if everyone in the state of

---

<sup>12</sup> *Ibid.* II, 4.

<sup>13</sup> *Ibid.* I, 8.

nature is a slave? But to ask this is to misunderstand what Rousseau means by natural liberty in the first place. It is the right that everyone in the state of nature has to everything; consequently, a man on an afternoon walk who avoids a precipice for fear of falling has no more or less liberty than the slave who labors out of fear of the master's punishments, and neither of these are more or less free than the master who compels his slave to plough his fields on the basis of his desire to accumulate wealth or prestige. The master's power over the slave, or the man's ability to decide whether to walk, do not make them more free than the slave. Power brings with it the ability to exercise a greater number of desires, but outside mutually obliging covenants, this power is nothing other than a more elaborate and complicated form of slavery. To have superior power in the state of nature amounts only to having a greater number of ways by which to enslave oneself.

The striking feature of natural liberty is that, while it is perfect in every case, it is a condition of perfect slavery. When force governs all, then no one is more free than another, any more than a mountain is more or less free from the force of gravity than a feather. The freedom from all mutually binding obligations means that each person is perfectly and equally free to exercise his power over everything, which means that each is equally free to be a slave to force. Perhaps this seems like a sophism, but Rousseau's point is a deep one. Outside covenants, individuals are submerged into the natural world where there are differences in power, but no differences in liberty. A canon ball might destroy a bridge, but both are governed equally by the laws of mechanics. Natural liberty is perfect in every case because everyone is an absolute slave to power.

A final consequence of Rousseau's doctrine of natural liberty is that there is no morality in the state of nature because there is no will properly speaking. Individuals may choose between actions, but this choice, so called, could be nothing more than weighing which of two forces is stronger. "To yield to force is an act of necessity, not of will; it is at best an act of prudence. In what sense can it be a moral duty?"<sup>14</sup> In the natural state, human action and interaction are a play of forces that are no more to be praised or blamed than the collision of billiard balls because in their natural state human beings are not moral agents, but objects like any other, governed by necessity, sometimes indifferent to each other, sometimes one dominating, sometimes another, but with no moral significance in any case.

These are what I take to be the crucial elements of natural liberty as Rousseau understands it. Just as a suitable route towards his doctrine of natural liberty passed

---

<sup>14</sup> *Ibid.* I, 3.

through his account of the state of nature, so a route towards his doctrine of political liberty, which is the goal of this study, passes through his account of civil society. To begin, how does civil society emerge out of the state of nature? Since human beings in their natural condition are governed by appetite, the route out of the state of nature, if it is not something miraculous, must itself begin in appetite. Rousseau says that it begins in the inclination each person has towards his self-preservation. "I assume that men reach a point where the obstacles to their preservation in a state of nature prove greater than the strength each man has to preserve himself in that state. Beyond this point, the primitive condition cannot endure, for then the human race will perish if it does not change its mode of existence."<sup>15</sup> Reason suggests the necessary change; it suggests that human beings preserve themselves "by uniting their separate powers in a combination strong enough to overcome any resistance, uniting them so that their powers are directed by a single motive and act in concert."<sup>16</sup> The motive for this union, whatever form it will take, is ultimately selfish, stemming from each party's desire to use the combined strength of the community to protect his own life and possessions. When this union is achieved, the individual leaves the natural realm defined by the sheer interplay of force and enters the civic realm defined by the existence of mutually binding covenants. As will be seen, this change has fundamental effects on human existence and on the nature of human liberty in particular.

But there is a question. Through what kind of agreement can human beings move out of their natural condition and into civil life? It is obvious what the agreement cannot be; it cannot be the kind of contract that is common once civil life has been established according to which one party gives up its right to some determinate thing in exchange for contracting some duty from the other party. In the natural state, the liberty of individuals, which is constituted by their right to take everything they can keep, is the primary means by which they seek to preserve themselves and their possessions. As an individual in the state of nature, I can preserve my life and possessions only because I have a right to everything that I believe will help me to do so, and even then my security is constituted only by my strength and intelligence, whatever they may be. If I enter a contract according to which I give some additional right to another person besides the right that person already has to everything that he can take from me, I do myself obvious harm. I diminish my own power by giving to the other party an additional power over me, which would be

---

<sup>15</sup> *Ibid.* I, 6.

<sup>16</sup> *Ibid.*

contrary to my natural desire to preserve myself. The consequence is that, in the state of nature, all local contracts could only serve to diminish the security of the contracting parties and, therefore, would be null.

This does not imply, to be more explicit, that there could be no agreements in the state of nature. Imagine a case in which two individuals are engaged in a war which neither side can easily win. During the course of the war the parties might decide to set aside a day of rest in order to tend to their wounds; and this would seem to be a contract in the state of nature, according to which each side gives up its natural right to attack the other at will. But putting it this way misrepresents the case. Each side still retains that right, according to Rousseau; the only question is whether or not they will choose not to exercise it. The parties will calculate the good that will come from the day of rest compared to the harm that will come if the enemy decides to use the truce to mount a surprise attack. Based on their calculations each side will first decide whether to make the agreement, and then whether to keep it. But both decisions are a matter of power, and neither is a matter of right. Consequently, neither serves to lift the individuals out of the state of nature because the agreement remains mutually binding upon them only as long as they choose not to exercise their right to break it. The fundamental puzzle for political philosophy is to discover a covenant that is binding beyond the power calculations of the contracting parties.

How can human beings unite for the purpose of self-protection without endangering themselves by making the concessions on the basis of which their strengths can be combined in the first place? Rousseau puts the question this way: "Such a sum of forces can be produced only by the union of separate men, but as each man's own strength and liberty are the chief instruments of his preservation, how can he merge his with others' without putting himself in peril and neglecting the care he owes to himself?"<sup>17</sup> A unique kind of covenant, the social contract, provides an answer to this riddle. What is the social contract? Rousseau gives a concise answer. "These articles of association, rightly understood, are reducible to a single one, namely the total alienation by each associate of himself and all his rights to the whole of the community."<sup>18</sup> By alienating all their rights to the community for the sake of their common protection, the associates reciprocally assure each other that their individual sacrifice cannot be taken advantage of by the other members of the community, and in exchange for their forfeiture they receive the combined powers

---

<sup>17</sup> *Ibid.* I, 6.

<sup>18</sup> *Ibid.*

of the community for their mutual protection. If any of the associates retained any one of their rights, they would, to that degree, remain in the state of nature with respect to the other members of the community because they would retain that much power over them; only because each member alienates all of his rights to the community does the community eliminate the role of power. At this moment, human beings achieve a new kind of existence: civil life.

Before going further, it is worthwhile to notice something the social contract does *not* imply. In demanding that individuals forfeit all their rights, the social contract does not imply that individuals immediately lose their lives and possessions. The purpose of the contract is to protect them. If its first stipulation was that individuals lose precisely that which they intend to protect, then it would be especially ill-suited to its task. The reason the contract can achieve its purpose is that individuals, in giving up everything to the community, get it all back. Indeed, it is only because every individual gives up everything that each can be sure of being better off for having entered the contract. "What is unique about the alienation entailed by the social contract is that the community in accepting the goods of an individual is far from depriving him of them; on the contrary it simply assures him of their lawful possession."<sup>19</sup> Why is this so? If any one party gained anything over the other parties by entering the contract, then the parties which became worse off would obviously never enter it. The only way to ensure that no one gains anything over another is for each party to give up everything. But precisely because each party gives up everything, there are no grounds for any party to claim any advantage over another, and everything that was given up, therefore, reverts back to its original owner, albeit in a different and higher form. This is true of life, and it is especially true of possessions. Perhaps this point deserves elaboration.

In the state of nature, ownership is equivalent to what the individual can hold onto despite the advances of others. So while there is possession in the state of nature, there is no property because everyone equally has a right to everything and no one has a unique right to anything. But when individuals in the state of nature forfeit everything according to the terms of the social contract, then those things which they considered their possessions, namely those things over which they could exercise their power, immediately come back to them not merely as possessions, but as property. What was theirs by virtue of their power becomes theirs to hold onto now by virtue of the terms of the mutually obliging covenant which they have entered. "What man loses by the social contract is his natural liberty and the abso-

---

<sup>19</sup> *Ibid.* I, 9.

lute right to anything that tempts him and that he can take; what he gains by the social contract is civil liberty and the legal right of property in what he possesses."<sup>20</sup>

Another implication of the social contract is that it changes the nature of intentional action. The term of the contract is that each individual alienates his rights to the community for the sake of the mutual protection of all. While the individual's motivation for entering it is to protect his own life and property, the contract binds its members to use their combined individual strengths for the protection of the group. This appears desirable for people in the state of nature because they see that as equal members of the community, the good of the community is for the most part the same as their individual good. If the community uses its combined power to fight off an enemy who wishes to steal their property, then the individual members, in fact, have each protected their own property with the entire strength of the community. But, all the same, when the moment comes to fight for the common good, the individuals within the covenant must each make a choice of whether to do so or not. This choice will be easy inasmuch as the community's interests are closely tied to the individual's interests, as is the case when each individual's property is equally threatened by a hostile power. But what happens when an individual sees that his personal interest is not identical with the interests of the whole community or some faction of it? What if a hostile power attacks a part of the community that is so far distant from me that no harm will come to me individually if it is subdued; moreover, I might get killed or injured in fighting to protect it. Here, the particular interest diverges from the general interest, with the consequence that individuals must choose which interest to use as the principle of action. In this moment the nature of human action changes because individuals now have a choice whether to act according to the duty to which they have contracted as members of the social contract or to act according to their personal interests. This kind of choice does not exist in the state of nature, and it presents a new kind of life, or the possibility of a new kind of life, to the individual who has entered civil society.

The most important aspect of the choice between interest and duty is that inasmuch as individuals choose the former they are placing themselves by that choice back into the state of nature. To break the social contract implies that one is again relating to others solely in terms of power. Individuals judge whether their own power is enhanced or diminished by acting according to the agreement they have made, and they then act in whichever way will maximize their personal force. In this case, individuals treat the social contract as the warring parties discussed above

---

<sup>20</sup> *Ibid.* I, 8.

treat a temporary truce; they preserve it only as long as it is in their interest to do so. To obey the social contract only as long as it furthers one's personal desires, of course, is never to enter the contract at all since being a party to the social contract means that one is bound by duty to the common good. This is, by the way, the reason Rousseau says that anyone can return to the state of nature at any time, even in the middle of a metropolis: by breaking the contract and thereby relating to the community in terms of mere power, one regains the state of nature even if the immediate conditions of one's life remain the same. There is no contradiction in being the most prominent person in a community and being, at the same time, a resident of the state of nature.

A second facet of the choice between duty and appetite is that to follow the latter over the former, in the strict sense, is irrational. It is easy to see why. Reason suggests that to protect oneself from the dangers of the state of nature, one should combine powers with other people. Reason further shows that the only way to accomplish this union is to demand that every party to the social contract forfeit all his rights to the community as a whole for the sake of the common good. Consequently, when individuals within the contract act according to appetite instead of according to their duty to the common good, and when they thereby return themselves to the state of nature which is the condition from which they hoped to remove themselves in the first place, they are, in truth, acting contrary to what reason tells them about how to satisfy their own wishes.

At this point the meaning of political liberty becomes visible. Political liberty means nothing more than acting according to the social contract, which is reason. It is liberty in two senses. First, the individual is raised out of the domain of force into the domain of right. By ceasing to be bound merely by power and appetite, each person breaks the bonds of his natural liberty, which is, in fact, a slavery to force, and becomes free to act according to reason embodied in the social contract. But, one might ask, if I leave the domain of causal necessity, which is nature, only to enter the domain of rational necessity, which is civil society, what kind of liberty have I gained? The reason that political liberty is a higher kind of liberty according to Rousseau is that citizens who obey the necessity of the social contract are doing nothing other than obeying a law which each has legislated for himself. The terms of the social contract are dictated to everyone, but they are also dictated by everyone, so that in obeying them individuals are obeying only themselves, "for to be governed by appetite alone is slavery, while obedience to a law one prescribes

oneself is freedom."<sup>21</sup> Rousseau's conception of duty here becomes central. Duty is the necessity of acting according to the social contract, with the consequence that duty and political liberty are the same thing. This means, to begin with, that we have liberty only when we are acting according to duty; but more deeply, liberty and duty are identical in that they have the same definition: action according to the terms of the social contract, which is action according to reason.

One consequence of the doctrine of political liberty is that humans become moral creatures only in civil society. In their primitive condition human beings have a right to everything because their actions are governed entirely by force. In this condition, words such as "legitimacy" and "justice" have no meaning since it is impossible to act against right when each has a right to everything or against duty when each has duty towards nothing. Morality is impossible in the state of nature not because it is an immoral condition, but because it is an amoral condition. In civil society, however, in which determinate rights and obligations are established through the social contract, principles of legitimacy and justice become valid; and, further, because human beings are then able to choose between appetite and duty, they thereby become morally significant entities, separate from the rest of nature.

The doctrine of political liberty also reveals something paradoxical about the human relationship to nature. Human beings disrupt nature when they establish a social contract because they remove force as the sole mediator of human relationships, and put right in its place. As a result, human beings make themselves strangers to the rest of the world. From this perspective it is clear that the social contract is something unnatural; it is an anomaly. What is more, Rousseau says, nature reclaims her children; civil society is a violation of nature which nature will not tolerate. According to Rousseau's pathology, acting according to duty is finally too much for human beings, so that inevitably "the laws will be weakened imperceptibly, the constitution will deteriorate, and the state will continue to be disturbed until it is finally destroyed or transformed, and invincible Nature regains her empire."<sup>22</sup> Indeed, even while it lasts, civil society will be imperfect because "everything outside nature has its disadvantages, civil society more than all the rest."<sup>23</sup> What is paradoxical in all this is that human beings taken by themselves reach their perfection only as moral beings, and therefore, only in civil society. In short,

---

<sup>21</sup> *Ibid.* I, 8.

<sup>22</sup> *Ibid.* II, 11.

<sup>23</sup> *Ibid.* III, 15.

human beings perfect their own nature only by violating nature. This is a deep paradox in Rousseau's understanding of humanity.

### *Bibliography*

COHEN, Paul M. *Freedom's moment: an essay on the French idea of liberty from Rousseau to Foucault*. Chicago: University of Chicago Press, 1997. 229 p. ISBN 0-226-11285-3.

CRANSTON, Maurice. *Jean-Jacques: The early life and writing of Jean-Jacques Rousseau, 1712-1754*. Chicago: University of Chicago Press, 1991. 82 p. ISBN 0-226-11862-2.

CRANSTON, Maurice. *The noble savage: Jean-Jacques Rousseau, 1754-1762*. Chicago: University of Chicago Press, 1991. 399 p. ISBN 0-226-11863-0.

CRANSTON, Maurice. *The solitary self: Jean-Jacques Rousseau in exile and adversity*. Chicago: University of Chicago Press, 1997. 247 p. ISBN 0-226-11865-7

CULLEN, Daniel E. *Freedom in Rousseau's political philosophy*. DeKalb: Northern Illinois University Press, 1993. 239 p. ISBN 0-875-80180-3.

DENT, N.J.H. *A Rousseau dictionary*. Oxford: Blackwell Publishers, 1992. 279 p. The Blackwell philosopher dictionaries. ISBN 0-631-1769-5.

RAPACZYNSKI, Andrzej. *Nature and politics: liberalism in the philosophies of Hobbes, Locke, and Rousseau*. Ithaca: Cornell University Press, 1987. 302 p. ISBN 0-8014-1992-1.

ROUSSEAU, Jean-Jacques. *Oeuvres complètes*. Gagnebin and Raymond (eds.). Paris: Gallimard, Bibliothèque de la Pléiade, 1959-. 4 vols to date.

ROUSSEAU, Jean-Jacques. *The social contract*. Cranston (trans.). London: Penguin Books, 1968. ISBN 0-14-044201-4.

RILEY, Patrick. *Will and political legitimacy: a critical exposition of social contract theory in Hobbes, Locke, Rousseau, Kant, and Hegel*. Cambridge, Mass: Harvard University Press, 1982. 276 p. ISBN 0-674-95316-9.

SHKLAR, Judith N. *Men and citizens: a study of Rousseau's social theory*. Cambridge: Cambridge University Press, 1985. 245 p. Cambridge studies in the history and theory of politics. ISBN 0-521-31640-5.

TUCK, Richard. *Natural rights theories: their origin and development*. Cambridge: Cambridge University Press, 1979. 185 p. ISBN 0-521-22512-4.

WOKLER, Robert. Rousseau's Two Concepts of Liberty. In *Lives, liberties, and the public good: new essays in political theory for Maurice Cranston*. Feaver and Rosen (eds.). New York: St. Martin's Press, 1987. 272 p. ISBN 0-312-48887-4.

WOKLER, Robert. (ed.). *Rousseau and Liberty*. Manchester: Manchester University Press, 1995. 299 p. ISBN 0-719-04721-8.