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# Politics as the Imitation of the Divine in Rousseau's *Social Contract*\*

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*Rousseau's Social Contract is a staple of western political thought, widely and variously interpreted. This article argues that it is better understood when one sees how Rousseau intends politics to be an imitation of the divine. Treating Rousseau's natural theology as an essential part of his political philosophy, the author explores the character of the State, the nature and functioning of the general will, and the role of the legislator, and concludes that this approach enriches understanding of each.*

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The *Social Contract* contains Rousseau's most comprehensive statement of his specifically political theory. In it, he presents his teaching in an abstract, legalistic fashion detached from his investigation of human nature and development in the *Discourse on the Origin of Inequality*. The absence of an explicit connection between the *Social Contract* and *Second Discourse* has proved an obstacle to understanding Rousseau's political thought. How is the independent but brutish existence of "natural man" in the pure state of nature relevant to the "civil man" of the legitimate polity?

Rousseau nonetheless insists that *all* of his writings, including the *Social Contract*, are founded on the "great principle that nature made man happy and good, and that society depraves him and makes him miserable."<sup>1</sup> His political theory can be fully understood only as it rests on

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1. Jean-Jacques Rousseau, *Rousseau, Judge of Jean-Jacques: Dialogues*, trans. Judith R. Bush, Christopher Kelly, and Roger D. Masters, *The Collected Writings of Rousseau*,

what he calls his "system," according to which the natural goodness of man is lost through a process of historical transformation that leads to personal dependence.<sup>2</sup> Rousseau's conception of natural goodness is tied to his proclaimed solution to the problem of evil and justification of providence in the *Second Discourse*. Although it is almost always neglected in studies of his political thought, Rousseau's natural theology is central to the foundations of his system and influences the structure and content of his political theory.

Rousseau attempts to remedy the problem of personal dependence by making politics an imitation of the divine. He would make citizens dependent not on men, but on the laws: laws that imitate the immutable laws of nature. The citizen's dependence on the laws of the State must be as complete as natural man's dependence on the laws of nature, and the laws of nature are, for Rousseau, ultimately reflections of divine providence.<sup>3</sup> Our original condition as well-ordered beings in a well-ordered whole provides a formal model for the remaking of our existence. For Rousseau, this well-ordered whole is not merely the "nature" of the skeptical philosophers but a reflection of providence, and his natural theology thus provides a coherent foundation for his political thought.

Despite the overwhelming scholarly literature on Rousseau, his intention that politics be an imitation of the divine has gone virtually unnoticed. This insight discloses how Rousseau's political theory in the *Second Discourse* is grounded in his analysis of human nature, and it illuminates many features of his political theory, including the fundamentally closed or particular character of the State, the nature and functioning of the general will, and the relationship between the principles of political right and the practical science of the legislator. In addition, several curious details of the *Social Contract* are intelligible only through such an interpretation.

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vol. 1, ed. Roger D. Masters and Christopher Kelly (Hanover, NH: University Press of New England, 1990), p. 213.

2. See Arthur M. Melzer, *The Natural Goodness of Man: On the System of Rousseau's Thought* (Chicago: University of Chicago Press, 1990).

3. See Patrick Riley, *The General Will Before Rousseau: The Transformation of the Divine into the Civic* (Princeton: Princeton University Press, 1986). See also Émile Bréhier, "Les lectures malebranchistes de Jean-Jacques Rousseau," in *Études de philosophie moderne* (Paris: Presses Universitaires de France, 1965); Alberto Postigliola, "De Malebranche à Rousseau: Les Apories de la volonté générale et la revanche du 'raisonneur violent,'" *Annales de la société Jean-Jacques Rousseau*, 39 (1980): 123-38; Judith N. Shklar, "General Will," in *Dictionary of the History of Ideas*, ed. Philip P. Wiener, 4 vols. (New York: Scribner's, 1973), 2: 275-81.

## I. The Theodicy of the *Second Discourse*

The relevance of the *Second Discourse* for Rousseau's political thought can be seen when we see how he intends his work to be a theodicy. Other scholars have noted the importance of the problem of evil for Rousseau, but they have misunderstood the basis of his argument and its connection to his political thought.

Ernst Cassirer was the first to note the importance of the problem of evil for Rousseau's thought, but his influential interpretation is distorted because he reads the citizen of Geneva through the lenses of Kant.<sup>4</sup> Rousseau's resolution of the problem of evil, according to Cassirer, is in a sense eschatological or teleological. We should throw off nature and become moral beings through our obedience to the general will, or what Cassirer terms "the most categorical form of a pure ethics of obligation (*Gesetzes-Ethik*) that was established before Kant."<sup>5</sup> Like Kant, Cassirer mistakes the "point" at which Rousseau finds the solution to the problem of evil: it is at the beginning rather than the end of history, originary and physical rather than transformative and moral.<sup>6</sup>

Jean Starobinski also recognizes that the *Second Discourse* is intended as a sort of theodicy, but unlike Cassirer, he sees that, for Rousseau, the solution to the problem of evil involves our original condition. Starobinski's psychoanalytic interpretation, however, remains focused on Rousseau's nostalgia for the lost "transparency" of our original condition.<sup>7</sup> Starobinski mistakes the basis of Rousseau's theodicy. The

4. See Ernst Cassirer, *The Philosophy of the Enlightenment*, trans. Fritz C. A. Koelln and James P. Pettegrove (Princeton: Princeton University Press, 1951), pp. 147, 153-58; *The Question of Jean-Jacques Rousseau*, 2nd ed., trans. and ed. Peter Gay (New Haven: Yale University Press, 1989).

5. Cassirer, *Question of Jean-Jacques Rousseau*, p. 96.

6. See Immanuel Kant, "Conjectures on the Beginning of Human History," in *Political Writings*, 2nd ed., ed. Hans Reiss, trans. H. B. Nisbet (Cambridge: Cambridge University Press, Cambridge Texts in the History of Political Thought, 1991), pp. 226-28. Other scholars have misinterpreted Rousseau in similar fashion through Marx's influence. See, e.g., Lucio Colletti, *From Rousseau to Lenin: Studies in Ideology and Society*, trans. John Merrington and Judith White (London: New Left Books, 1972); Asher Horowitz, *Rousseau, Nature, and History* (Toronto: University of Toronto Press, 1987); Carole Pateman, *The Problem of Political Obligation: A Critique of Liberal Theory* (Berkeley: University of California Press, 1985); Andrzej Rapaczynski, *Nature and Politics: Liberalism in the Philosophies of Hobbes, Locke, and Rousseau* (Ithaca: Cornell University Press, 1987).

7. Jean Starobinski, *Jean-Jacques Rousseau: Transparency and Obstruction*, trans. Arthur Goldhammer (Chicago: University of Chicago Press, 1988), esp. pp. 20-21. See also Judith Shklar, *Men and Citizens: A Study of Rousseau's Social Theory*, 2nd ed. (Cambridge: Cambridge University Press, 1985). Cf. Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1974), pp. 256-60.

theodicy of the *Second Discourse* is in fact founded on Rousseau's understanding of our original condition as physical beings in the divine or natural whole and subject to its laws alone. I have presented this argument in greater detail elsewhere, and a resume of it here will be sufficient.<sup>8</sup>

In the *Second Discourse*, Rousseau claims that he has "demonstrated" that "man is naturally good" and says that he has thereby "justified" nature.<sup>9</sup> His justification of nature is a vindication of its "providence." Noting "the little care taken by nature to bring men together through mutual needs and to facilitate their use of speech," he states that we have been thus endowed with solely physical needs and passions "by a very wise providence."<sup>10</sup> Through our spontaneous instinct for self-preservation alone, and perhaps also restrained by natural pity, we are by nature good for ourselves—well-ordered and self-sufficient—and good, or at least not harmful, for others.

We usually brand attributions of "goodness" as moral judgments, even as matters of "value" distinct from those of "fact." Rousseau, however, does not mean "good" in a moral sense, and even takes it in a sense compatible with matters of physics. His conception of "goodness" becomes clear in the context in which he refers to providence. Wondering what kind of morality we could be said to possess by nature, he writes: "It seems at first that men in that state, not having among themselves any kind of moral relationship or known duties, could be neither good nor evil, and had neither vices nor virtues: unless, taking these words in a physical sense, one calls vices in the individual the qualities that can harm his own preservation, and virtues those that can contribute to it; in which case, it would be necessary to call the most virtuous the one who least resists the simple impulses of nature." While he immediately claims that he will speak "without departing from the ordinary meaning" of these words, since he understands natural man to be a purely physical being, Rousseau also means for us to take these terms in the "physical sense."<sup>11</sup>

An indication of Rousseau's perhaps novel use of the term "goodness" may be supplied by Diderot's article "*Droit naturel*" for the *Encyclopédie*, which has been read as a reaction to Rousseau's arguments in

8. John T. Scott, "The Theodicy of the *Second Discourse*: The 'Pure State of Nature' and Rousseau's Political Thought," *American Political Science Review*, 86 (1992): 696-711.

9. Rousseau, *Discourse on the Origin and Foundations of Inequality Among Men* (*Second Discourse*), *The First and Second Discourses*, trans. Roger D. and Judith R. Masters, ed. Roger D. Masters. (New York: St. Martin's, 1964), p. 193.

10. *Ibid.*, pp. 126-27.

11. *Ibid.*, p. 128.

the *Second Discourse*<sup>12</sup>: “If man is not free or if his instantaneous determinations, or even his oscillations, arise from something material that is external to his soul, he will have in them neither reasoned goodness nor wickedness, even though they may have in them animal goodness or wickedness.”<sup>13</sup> Although this issue also relates to the different conceptions of the general will of Diderot and Rousseau, it is for the moment enough to establish that for Rousseau our natural, physical passions and needs make us ordered or good beings.

In virtually equating goodness with order, Rousseau appeals to a traditional philosophical and theological conception, regarding the relation of the ordered part to an ordered whole, while fundamentally transforming that conception.<sup>14</sup> In the “Profession of Faith of the Savoyard Vicar” in the *Emile*, for example, he has the Vicar explain that “the love of order which produces order is called *goodness*; and the love of order which preserves order is called *justice*.”<sup>15</sup> He alludes to this same conception in the *Second Discourse* when he writes that we do not naturally have the reason to conceive of “maxims of justice and reason drawn from love of order in general or from the known will of his creator.”<sup>16</sup> For Rousseau, by (physical) nature we are a good or ordered part of a good or ordered nature. As he explains the “fundamental principle” of *all* of his writings in the *Lettre à Beaumont*: “man is a naturally good being, loving justice and order, . . . there is no original perversity in the human

12. See Roger D. Masters, *The Political Philosophy of Rousseau* (Princeton: Princeton University Press, 1968), pp. 261-65; Grace G. Roosevelt, *Reading Rousseau in the Nuclear Age* (Philadelphia: Temple University Press, 1990), pp. 68-89.

13. Denis Diderot, “*Droit naturel*,” *Œuvres complètes*, ed. John Lough and Jacques Proust, 17 vols. (Paris: Hermann, 1975), 7: 25.

14. See, e.g., Augustine, *City of God*, 19.13. Augustine’s formulation may reveal the influence of Plato, who similarly relates goodness, justice, and order. See Plato, *Gorgias* 506c5-508a8; *Republic* 6.486b6-8, 501b8-c7, 10.603c4-612a6 (cf. Rousseau, *Second Discourse*, p. 91); *Timaeus* 88a7-90d7. See also Aristotle, *Politics* 1.5.1254a28b2 (cf. Rousseau, *Second Discourse*, p. 77). For a somewhat different treatment of the concept of “order” in Rousseau’s thought, see Maurizio Viroli, *Jean-Jacques Rousseau and the “Well-Ordered” Society*, trans. Derek Hanson (Cambridge: Cambridge University Press, 1988). Viroli appeals to the connection between “order” and virtue found in the classical republican tradition, in which he locates Rousseau’s thought, but he underestimates the importance of the *physical* dimension of Rousseau’s conception of “order.” For Rousseau, man is an apolitical being who must be *denatured* and thus reordered to attain political virtue.

15. Rousseau, *Emile; or, On Education*, trans. and ed. Allan Bloom (New York: Basic Books, 1979), p. 282.

16. Rousseau, *Second Discourse*, p. 119.

heart, and . . . the first movements of nature are always right [*droits*]."<sup>17</sup> All the movements of nature, including human nature, are right and just.

Rousseau's demonstration in the *Second Discourse* of the natural goodness of man goes hand in hand with his justification of nature. He relates these issues to the problem of evil in his 1756 letter to Voltaire on providence. This letter is an explication of the *Second Discourse*, revealing that the issue of natural theology was in the background of his work. He argues in this letter that, "if it is better for us to be than not to be, this would be enough to justify our existence, even though we would have no compensation to expect for the ills that we have to suffer" by pointing to the "sweet sentiment of existence" we enjoy by nature.<sup>18</sup> The justification of providence consists in the proof of the goodness of nature and natural man accomplished in the *Second Discourse*. He further explains that divine providence, if it can be distinguished from natural providence, is "general" and not "particular." "It is to be believed that particular events are nothing here below in the eyes of the master of the universe, that his providence is only universal, that he is content to preserve the genera and the species, and to preside over the whole, without being disturbed by the manner in which each individual spends this brief life."<sup>19</sup> Providence acts through the general laws of nature.

On its own terms, the *Second Discourse* is a justification of nature and not God. However, Rousseau sets aside the books about man (including Scripture) and tries to understand nature itself in that work not only because it is the only way to discover natural man, but because it is also the only way to explain evil, justify nature, and thereby justify the author of nature, God. Nature does not itself possess foresight, and Rousseau's allusions to "providence" in the *Second Discourse* are therefore metaphorical to that extent. Nonetheless, for Rousseau, the justification of

17. Rousseau, *Œuvres complètes de Jean-Jacques Rousseau*, ed. Marcel Raymond and Bernard Gagnebin, 4 vols. to date (Paris: Gallimard, Bibliothèque de la Pléiade, 1959- ), 4: 935-6. Hereafter cited as *O.C.*

18. *Ibid.*, 4: 1062-3.

19. *Ibid.*, p. 1069. In another defense of the *Second Discourse* in response to a naturalist (Le Roy), Rousseau underscores the general providence of nature when he writes: "The fact that all is well-regulated is drawn from a general and incontestable fact, which is that all the species subsist," *O.C.*, 3: 237. Providence does not extend to the individual, and this poses an enormous practical problem for Rousseau when it comes to translating his theology into religious practice, for in his view most individuals (see esp. Rousseau, *Emile*, pp. 313-14) and all polities require a belief in particular providence to be virtuous and happy. A proper understanding of Rousseau's religious teaching requires taking seriously the disproportion between science and virtue he identifies in the *Discourse on the Sciences and Arts* (*First Discourse*).

nature is equivalent to a justification of God. Rousseau's thought as a whole can ultimately be reduced to a strictly natural account in this sense, but the theological issues remain important for him. Rousseau's theological concerns provide a useful means of addressing ambiguities found in any purely secular interpretation of his thought.<sup>20</sup> The outstanding case is the general will, which Rousseau took from a theological debate concerned with the question of the general providence of which he speaks in the letter to Voltaire.

Rousseau's claim in the *Second Discourse* that we are naturally good is the foundation of his whole system, but his description in that work of how we lose our natural goodness through a process of historical transformation that leads to personal dependence raises the problem with which his political theory must contend. Our essentially malleable needs, passions, and faculties—our unique “perfectibility”—become destructive of our well-being as they alter and make us dependent on others: first and primarily psychologically, when natural self-love develops into other-regarding *amour-propre*, and later and derivatively economically, socially, politically, and otherwise. This process is destructive of our psychological integrity, or our ordered wholeness: “To be and to seem to be became two altogether different things,” and, “having formerly been free and independent, behold man, due to a multitude of new needs, subjected so to speak to all of nature and especially his fellow-men, whose slave he becomes in a sense even in becoming their master.”<sup>21</sup> Personal dependence remains the essential problem of developed humans and the obstacle to our freedom and happiness. “Man was born [*est né*] free, and everywhere he is in chains. One who believes himself the master of others is nonetheless a greater slave than they.”<sup>22</sup>

Our very perfectibility nonetheless opens up several distinct, and ultimately problematic, possibilities for the remaking of the conditions of our existence. Rousseau proposes to refashion our existence by imitating our original position as well-ordered beings within the divine or natural whole, a whole ordered by law. Rousseau's political philosophy contains

20. Although several scholars have interpreted Rousseau's thought from a theological perspective, their interpretations usually remain impressionistic and do not look closely enough at the specifics of either Rousseau's theology or his political thought. A prominent example is J. H. Broome's reading of Rousseau's thought as a secularized version of Christianity in his *Rousseau: A Study of His Thought* (London: Edward Arnold, 1963).

21. Rousseau, *Second Discourse*, pp. 155-56.

22. Rousseau, *On the Social Contract*, in *On the Social Contract with Geneva Manuscript and Political Economy*, trans. Judith R. Masters, ed. Roger D. Masters (New York: St. Martin's, 1978), bk. 1, chap. 1. All subsequent references to this work will be in the text, cited by book and chapter (in this case, 1.1).



the most far-reaching remedy for our ills and entails a comprehensive imitation of the divine. Both the content and bearing of his political project come to light when we see how his elaboration of the principles of legitimate politics actually rests on the foundations of his thought.

## II. Personal Dependence and the Principles of Political Right

### *“Men As They Are and Laws As They Can Be”*

Rousseau informs his reader at the very outset of the *Social Contract* what the subject of the work will be: “I want to inquire whether there can be a legitimate and reliable rule of administration in the civil order, taking men as they are and laws as they can be” (1.Proemium). He means two different things when he says he will take “men as they are,” and these two meanings form the parameters of his political theory.

First, he refers to human nature as it remains unchanged no matter how we alter: our asocial nature as exhibited foremost in our independent existence in the natural state. This conception is evident in the *Social Contract* when he argues that political authority cannot be founded on parental authority: once children are grown “all return equally to independence” (1.2). His use of the verb “return” here is striking and indicative of his conception of nature not as something attained or an end but as what is spontaneous or original.

Second, he refers to man as he has become in society, i.e., “the present nature of man” as it has emerged through a process that makes “a being evil while making him sociable.”<sup>23</sup> We have become sociable through an historical process. It is going too far, however, to interpret Rousseau as speaking of an “historical *development* of human nature” or of man’s “social second nature,” as Asher Horowitz does.<sup>24</sup> Rousseau proposes the historicity of human nature in a sense, it is true, but he does not announce a fundamental transformation of our nature or condition. We never “become” sociable. Our original asocial, independent nature remains beneath or within us even though we appear “altered in the bosom of society.”<sup>25</sup> Our nature is malleable, but not infinitely so. On the one hand, that malleability permits Rousseau’s political project, which is to make men into citizens by placing them under the laws. As Rousseau remarks in his *Political Economy* within a discussion of the

23. Rousseau, *Second Discourse*, pp. 93, 140.

24. Asher Horowitz, *Rousseau, Nature, and History*, pp. 32, 129; emphasis added.

25. Rousseau, *Second Discourse*, p. 91.

“marvels of the laws”: “If it is good to know how to use men as they are, it is better still to make them what one needs them to be.”<sup>26</sup> On the other hand, our original and fundamental nature inevitably reemerges and “invincible nature” regains her dominion (2.11). Thus, in his writing on Poland, Rousseau likens the project of putting men under laws to squaring the circle in geometry.<sup>27</sup>

Politics is an historical phenomenon. In the first draft of his political treatise, the so-called *Geneva Manuscript*, Rousseau is fairly explicit about the reason for the change in our condition: “Man’s force is so proportioned to his natural needs and his primitive state that the slightest change in this state and increase in his needs make the assistance of his fellow men necessary. . . . Thus the same causes that make us wicked also make us slaves, and reduce us to servitude by depraving us.”<sup>28</sup> In the final version of the *Social Contract*, however, he barely alludes to the historical place of politics, the problem of personal dependence, or the natural goodness of man. Where he does so, he restricts himself to a narrow statement about self-preservation, e.g.: “I assume that men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state. Then that primitive state can no longer subsist and the human race would perish if it did not change its way of life” (1.6). If Rousseau’s political thought is founded on the principles of the natural goodness of man and the problem of personal dependence, then how can he present his political teaching in this way?

Arthur Melzer notes this difficulty and provides its resolution; because dependence is at the root of the obstacles to both our preservation and freedom and our unity and happiness, the “political requirements of preservation and of happiness perfectly coincide. . . . That is what makes it possible for Rousseau to encapsulate the requirements of his comprehensive political solution to the human problem in the narrow preservation-based juridical doctrine found in the *Social Contract*.”<sup>29</sup> Melzer’s insight is excellent, but it does not fully account for the content and structure of the principles of political right in the *Social Contract* as they

26. Rousseau, *Discourse on Political Economy*, in *On the Social Contract with Geneva Manuscript and Political Economy*, trans. Judith R. Masters, ed. Roger D. Masters (New York: St. Martin’s, 1978), p. 216.

27. Rousseau, *O.C.*, 3: 955.

28. Rousseau, *Geneva Manuscript*, in *On the Social Contract with Geneva Manuscript and Political Economy*, trans. Judith R. Masters, ed. Roger D. Masters (New York: St. Martin’s, 1978), 1.2.

29. Melzer, *Natural Goodness of Man*, pp. 114-15.

relate to the natural goodness of man and the problem of personal dependence. A closer examination of that relationship begins to reveal the importance of the theological dimension of Rousseau's thought ignored by Melzer.<sup>30</sup>

*Personal Dependence and the Principles of Political Right*

Rousseau begins the presentation of his own theory in the *Social Contract* by allowing the reader to glimpse the historical place of politics: originally the individual possesses the force necessary for his self-preservation and well-being, but certain obstacles arise that offer resistance. He states the problem of the political association that is now necessary in the starkest terms: " 'Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which one, uniting with all, nevertheless obeys only himself and remains as free as before' " (1.6).

Rousseau's statement of the political problem makes it appear impossible of solution. Further, his formulation of the solution—the strictly-defined social contract—seems unnecessarily extreme if the purpose of the compact is only to insure the self-preservation of its members: " 'Properly understood, all of [its] clauses come down to a single one, namely the total alienation of each associate, with all his rights, to the whole community.' " He immediately explains that such a drastic measure is necessary if the political association is to be fair: " 'since each one gives his entire self, the condition is equal for everyone, and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.' " But is total alienation necessary to ensure fairness? He anticipates this objection and then points to the most important reason why this total alienation is necessary. The political union will save men from the distorting effects of dependence through its very comprehensiveness and legalistic fairness: " 'Finally, as each gives himself to all, he gives himself to no one' " (1.6).

The concern with personal dependence underlying Rousseau's presentation of the principles of political right becomes manifest in his discussion of the sovereign. The social compact unites individuals by associating them in a political whole. The act of political association produces the sovereign, the source of the laws that will direct the force of the political body. Rousseau claims that since it is " 'formed solely by the private individuals composing it,' " the sovereign " 'does not and cannot have any

30. See *ibid.*, pp. 12-13, 106 n., 147-48.

interest contrary to theirs.” Nonetheless, he admits that each individual can, as a man, have a private will contrary to or differing from the general will he has as a citizen. His private interest can speak to him quite differently from the common interest.” An individual may become conscious of “his absolute and naturally independent existence” and then consider “the moral person of the State as an imaginary being because it is not a man” (1.7).

Rousseau’s emphasis is not on the divergence of interest between the individual and community, but on the radical difference between the *natural* individual and *artificial* community. The individual who would pursue his self-interest at the expense of the State has, it must be admitted, some conception of his true nature. Such a realization is destructive of the political association: “he might wish to enjoy the rights of the citizens without wanting to fulfill the duties of a subject”—the “free-rider” problem. More importantly, in the conditions that make politics necessary, the manner in which the individual is likely to use this knowledge will lead him to unhappiness and contradiction. “Therefore, in order for the social compact not to be an ineffectual formula, it tacitly includes the following engagement, which alone can give force to the others: that whoever refuses to obey the general will shall be constrained to do so by the entire body; which means only that he will be forced to be free.” This is, of course, one of the most famous and most contested statements in Rousseau’s political teaching, and indeed in the history of political thought. What Rousseau means by this paradoxical statement is evident from its less well-known continuation: “For this is the condition that, by giving each citizen to the fatherland, guarantees him against all personal dependence” (1.7; trans. altered). To evade the general will in these conditions is to tarry in a world of personal dependence.

The problem of personal dependence is solved by Rousseau on the political plane by the very comprehensiveness of the political association. The radical transformation that this solution entails is not fully evident in the *Social Contract* (see 1.8), but can be seen more clearly in the *Emile*:

natural man is wholly for himself; he is numerical unity, the absolute entirety which is relative only to itself or its kind. Civil man is only a fractional unity dependent on the denominator; his value is determined by his relation to the entirety, which is the social body. Good social institutions are those that best know how to denature man, to take his absolute existence from him in order to give him a relative one, and transport the *I* into the common unity, with the

result that each individual believes himself no longer one but a part of the unity and no longer feels except within the whole.<sup>31</sup>

The transformation of “man” into “citizen” involves a redirection of our primary passions and interests. Rousseau’s initial description of this transformation in the *Social Contract* appears dry and formal, but it contains an underlying drama. Through the act of political association, where there was once a mere aggregation, there now is a complete association: “Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body.” The legal act of the social compact turns on an underlying transformation, an instantaneous metamorphosis in Rousseau’s assimilation of the psychological transformation to the juridical one. The political association is put “*in place of*” the individuals who contract, as though they were absorbed by it. The natural whole of the individual has been given up for the artificial political whole, in which “we receive each member as an indivisible part” (1.6; emphasis deleted). Rousseau transforms our condition by redirecting our wills from the particular passions that no longer bring us independence and happiness to the good of the whole of which we are parts.

Rousseau’s solution to the problem of personal dependence through the law comes to light in his classification of laws. He distinguishes “civil laws” and “political laws.” Civil laws regard the relationships “of the members to each other” while political laws regard the relationship of the citizen to the “entire body” of the State; and “this relationship should be as small as possible with respect to the former and as large as possible with respect to the latter, so that each citizen is in a position of perfect independence from all the others and of excessive dependence upon the City” (2.12).<sup>32</sup> The citizens as citizens must be dependent upon the “City,” in Rousseau’s consciously antiquarian usage.<sup>33</sup> They must feel only within the political whole. As private individuals, however, we

31. Rousseau, *Emile*, pp. 39-40; trans. altered.

32. Rousseau’s formulation appears to derive from a similar statement by Pufendorf: “The internal health and stability of states results from the union of the citizens, and the more perfect it is, the more effectively the force of government will pervade the whole body of the state. It is therefore the sovereign’s task to ensure that factions do not arise . . . to ensure that neither all nor some have a greater dependence on any other person . . . than on their own prince” (*On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, trans. Michael Silverthorne [Cambridge: Cambridge University Press, Cambridge Texts in the History of Political Thought, 1991], 2.11.12, p. 154). Despite the similar formulation, however, Rousseau’s citizens are not dependent upon the prince or government, but on the laws they themselves enact as sovereign.

33. See Rousseau, *Social Contract*, 1.7 note; *Emile*, pp. 39-40.

must be made as independent of one another as possible to keep the corrupting cycle of personal dependence in remission. Rousseau insists on the formative action of these two sorts of laws because “only the force of the State creates the freedom of its members” (2.12).

As indicated by his statement that the citizens will be forced to be free, his notion of force bears on the problem of personal dependence. Every successful system of legislation, he says, comes down to “two principal objects: *freedom* and *equality*. Freedom because all private dependence is that much force subtracted from the body of the State; equality because freedom cannot last without it” (2.11; see 2.7). Personal dependence so to speak disperses the force of the individual.<sup>34</sup> The citizens must be equal in order to be independent, just as the natural equality among savage men enables them to remain independent. The independence of the citizens secured by civil laws is patterned on natural independence, and so civil freedom is patterned on natural freedom (see 1.8-9).<sup>35</sup> Natural inequalities as they manifest themselves in society cannot be totally eliminated, and so “it is precisely because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it” (2.11). The force of the State serves to make its members free in that it maintains the conditions that counteract the personal dependence and gives them the possibility of the political freedom of self-legislation.

Rousseau’s citizens will be dependent not on men, but on the City and the laws they legislate as sovereign. The manner in which this relationship will solve the problem of personal dependence is made clearer in the *Emile* in a way that also suggests how Rousseau intends the comprehensive political whole to be an imitation of the divine or natural whole.

There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices, and by it, master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is substitute law for man and to arm the general wills with real strength superior to the action of every particular will. If the laws of nations could, like those of nature, have an inflexibility that no human force could ever conquer, dependence on men would then become dependence on things again.<sup>36</sup>

34. See Rousseau, *Emile*, p. 165.

35. Cf. Leo Strauss, “What is Political Philosophy?” in *What is Political Philosophy? And Other Studies* (Chicago: University of Chicago Press, 1988), pp. 51-52.

36. Rousseau, *Emile*, p. 85.

Order in the civil state comes from the source of justice, the laws enacted by the general will, just as order in the natural whole comes from the laws of nature. Sheldon Wolin glimpses this project: "Rousseau emphasized once more the attribute of generality in order to bring out the analogy with nature. The general will, like the forces of nature, disdained to deal with particular objects, but . . . confined itself to generalized ends common to all. . . . Hence to the extent that the general will aimed at general interests, the more faithfully it emulated nature's reign."<sup>37</sup> The general laws of nature or, in a related sense, the general will of God established the formal conditions of human happiness. Rousseau's project is to recreate those conditions by making the political whole an imitation of the divine.

### III. Politics as the Imitation of the Divine

According to Rousseau, by nature we live as physical beings under the (physical) laws of the natural or divine whole. The providence of nature or nature's God is general; order is maintained, justice prevails, spontaneously in this condition through general relations of physics or force alone. The laws of Rousseau's State imitate divine providence or the laws of nature in their formal generality. The citizens of the political whole exercise providence for themselves through the general laws of which they are the source. In the conditions where politics become necessary, the citizens take the place of a provident deity.

Rousseau first alerts us to the notion that politics is the imitation of the divine in the *Political Economy* (1755). He states there that "the most general will is also always the most just, and . . . the voice of the people is in fact the voice of God," and then speaks of "a celestial inspiration that taught man to imitate here on earth the immutable decrees of the divinity."<sup>38</sup> He makes the latter statement in the first draft of the *Social Contract*, but not in the final version of the work. Nonetheless, the *Social Contract* is full of passages with theological import that hitherto have been read as ironic by most interpreters. Foremost among them perhaps is his appeal to the divine source of justice, which appears at the outset of his discussion of laws in that work.

37. Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought* (Boston: Little, Brown, 1960), p. 375.

38. Rousseau, *Political Economy*, pp. 213-14. See also *Geneva Manuscript*, 1.7.

*The Reestablishment of Order and Justice*

Rousseau begins the chapter "On Law" in the *Social Contract* in a straightforward manner: "Through the social compact we have given the body politic existence and life; the issue now is to give it movement and will through legislation. For the original act which forms and unites this body does not thereby determine anything about what it should do to preserve itself." Having said this, he makes an abrupt and puzzling transition: "Whatever is good and in accordance with order is so by the nature of things, independently of human conventions. All justice comes from God; He alone is its source. But if we knew how to receive it from on high, we would need neither government nor laws" (2.6). Rousseau's declaration is not intended ironically. The political association and its laws are necessary to reestablish justice, and the manner in which this justice has a divine source is revealed by Rousseau's understanding of natural right or justice.

Rousseau announces not only that "all justice comes from God," but also that "all power comes from God" (1.3). These statements are related. He explains that each individual by his nature possesses "his natural freedom and an unlimited right to everything that tempts him and that he can get"; natural freedom "is limited only by the force of the individual" (1.8). Natural force or power, natural right, and natural freedom are coextensive if not identical. The divine or natural whole is the arena of necessity: of natural forces, powers, or rights. "Obey those in power. If that means yield to force, the precept is good, but superfluous; I reply that it never will be violated. All power comes from God, I admit, but so does all illness. Does this mean it is forbidden to call the doctor?" (1.3; see 3.6 end). God's power and his justice as they are exhibited in the divine or natural whole are related. All the beings in nature act according to their power, and by nature the relations among these beings are ordered or good and thus somehow just in Rousseau's terminology.

Yet, as our needs and passions develop along with our reason, the justice of nature and nature's God is obscured. Justice no longer simply arises from natural right because we no longer simply act naturally. "Considering things from a human point of view, the laws of justice are ineffectual among men for want of a natural sanction." Disorder reigns and laws are needed to reestablish order and justice: "there must be conventions and laws to combine rights with duties and to bring justice back to its object" (2.6). The providence of nature or God does not extend to us as perfected and corrupted beings, and we ourselves must act.



*The General Will and the Transformation of the Divine  
Onto the Plane of Politics*

In the final version of his political treatise, Rousseau turns immediately from the loss of order and (divine) justice to a discussion of the establishment of the State and its laws. He explains the necessity of the reestablishment of order and justice because of the change in our condition more clearly in the *Geneva Manuscript*, which is more clearly founded on his inquiry in the *Second Discourse* than the *Social Contract*. The connection between the *Second Discourse* and *Social Contract* is important to make in order to appreciate the radical fashion in which Rousseau reinterprets Diderot's general will. His rejection of Diderot's general will of the entire species in this same context in the *Geneva Manuscript* reveals how the reestablishment of order and justice requires that the political whole be a radically particular and closed imitation of the original whole.

In the *Geneva Manuscript*, Rousseau argues that the historical change in our condition due to the change in the proportion between our force and needs "gives rise to a multitude of relationships lacking order, regulation, and stability." The natural order has been disrupted through the corruption of our natural passions. Our feelings and ideas cannot "rise to the love of order and the sublime concepts of virtue," so that "nature's gentle voice is no longer an infallible guide for us, nor is the independence we have received from her a desirable state." Since we are by nature asocial, the supposed society of the human race is not a true society for it lacks "that liaison between the parts that constitute a whole," and so there can be no true general will of the human race.<sup>39</sup>

Rousseau's discussion in the first draft of his political treatise refers to and builds on his analysis in the *Second Discourse*. Diderot appears to object to this analysis in his article "*Droit naturel*" in the *Encyclopédie*, in which he proposes a general will of the entire species. He begins the article, in a passage quoted above, by criticizing the conception of the human being as an asocial, physical being who is a good or ordered being by his natural, physical passions alone. Rousseau's *Geneva Manuscript*, as well as his *Political Economy*, contains his reply to Diderot. Their differing conceptions of the general will are premised on their disagreement about human nature and the source and status of morality or justice. The depth of Rousseau's criticism of Diderot in the *Geneva Manuscript* has not always been appreciated adequately, and thus an opportunity has

39. Rousseau, *Geneva Manuscript*, 1.2.

been lost for seeing the radicalness of Rousseau's political theory.<sup>40</sup>

Rousseau takes up Diderot's supposition of "the human race as a moral person" with "a universal motivation which makes each part act for an end that is general and relative to the whole." In the "natural order of things" individual wills cannot be associated to form a true general will because "the public good or ill would not be merely the sum of private goods and ills as in a simple aggregation, but would lie in the liaison uniting them" in a real moral body with a general will. We must leave "the natural order of things" to create such a body and will, but Diderot fails to see this necessity because he objects to what Rousseau had argued in the *Second Discourse*: that humans are by nature asocial, a-rational, and amoral. Diderot would have us reason about the general will of the entire species through "a pure act of the understanding," to thus conceive of the "sublime concepts of the God of the wise, the gentle laws of brotherhood He imposes upon us." But Rousseau claims: "The whole earth would be covered with blood and the human race would soon perish if philosophy and laws did not hold back the furies of fanaticism and if the voice of men was not louder than that of the Gods." The voice of nature or nature's God has been obscured by our passions; we must leave the natural order of things to reestablish order and justice. Only in the political whole do we begin to form "the habit of judging and feeling within society and according to its laws . . . and it is only from the social order established among us that we derive ideas about the one we imagine, . . . and we do not really begin to become men until after we have been citizens."<sup>41</sup> Having rejected Diderot's general will of the species, Rousseau appropriates the general will on the level where divine order and justice must be reestablished: the State.

Rousseau's notion that politics reestablishes justice as an imitation of the divine is evident somewhat later in the *Geneva Manuscript*, as well as the *Political Economy*, in a discussion from which he drew part of the chapter "On Law" in the final version of his treatise (the chapter that begins with his statement that all justice comes from God). Despairing of resolving the difficulty of making individuals' particular wills subordi-

40. See, e.g., Robert Wokler, "The Influence of Diderot on Rousseau," *Studies on Voltaire and the Eighteenth Century*, 132 (1975): 55-111; Maurice Cranston, *The Noble Savage: Jean-Jacques Rousseau, 1754-1762* (Chicago: University of Chicago Press, 1991), pp. 11-12. Wokler, and Cranston following him, deny that Diderot is actually responding to Rousseau's *Second Discourse* in his article. My analysis does not depend on a positive answer to this issue, and is concerned primarily with underscoring the radical manner in which Rousseau appropriates and reinterprets Diderot's "general will."

41. Rousseau, *Geneva Manuscript*, 1.2; see 1.4.

nate to their general wills as citizens, he writes: "These difficulties, which must have appeared insurmountable, were removed by the most sublime of all human institutions, or rather by a celestial inspiration that taught people to imitate here on earth the immutable decrees of the divinity." The people imitate the divine through imitating the general laws of the divine or natural whole on the plane of politics. "These marvels are the work of the law. . . . It is this celestial voice that tells each citizen the precepts of public reason, and teaches him to behave according to the maxims of his own judgment and not be constantly in contradiction with himself."<sup>42</sup> The laws reestablish order and justice in the State by making the citizens dependent upon them alone, by forcing them to be free.

### *The General Will as the Source of Political Justice*

The State must be a fundamentally closed or particular imitation of the divine or natural whole. Rousseau repeatedly emphasizes that the general will of the State is particular in relation to everything outside of it (e.g., 2.2, 2.4). The order and justice of the political whole do not extend beyond its borders, much as Rousseau describes ancient civil religion at the end of the *Social Contract*: "Outside the single nature that observes it, everything is considered infidel, foreign, barbarous; it only extends the duties and rights of man as far as its altars" (4.8).<sup>43</sup>

Here we come to another aspect of the radicalness of Rousseau's political theory. After explaining in the *Social Contract* that, although all justice comes from God in our present condition, "there must be conventions and laws . . . to bring justice back to its object," he writes: "In the state of nature where everything is in common, I owe nothing to those to whom I have promised nothing; I recognize as belonging to someone else only what is useless to me. It is not the same in the civil state where rights are fixed by the law" (2.6). Rousseau thus quietly proposes that law comes before justice. He is more forthright about this in the first version of his work: "law comes before justice and not justice before law" (2.4).

Rousseau abandons all *substantive* standards of justice and law,

42. Rousseau, *Geneva Manuscript*, 1.7; *Political Economy*, p. 214.

43. The "civic profession of faith" delineated in the *Social Contract* includes a clause about "the sanctity of the social contract and the laws" (4.8). Even Rousseau's civil religion must necessarily be particular, as opposed to the general religion of nature. This civil religion is therefore not the same as the teaching of the "Profession" in the *Emile*, even if we were to assume that the Vicar's teaching were essentially equivalent to Rousseau's own beliefs, which is incorrect. See also William E. Connolly, *Political Theory and Modernity* (Oxford: Basil Blackwell, 1988), chap. 3.

whether they be from God or nature. He does speak of all justice coming from God, but he means this first in a purely *formal* sense pertaining to order and generality, and, second, he reverses the priority of justice and law. Rousseau raises generality to be the unalterable character of justice. The formal generality inherent to all justice is derived from the general providence of God and patterned after it. Rousseau's elaboration of his concept of law is strikingly secular in a sense, but his indications that politics somehow imitates the divine point to the way in which he appropriates at least the formal structure of divine general will and law. The theological dimension of Rousseau's conception of justice has been missed by those who have noted the novelty of his theory of law and justice.<sup>44</sup> In contrast, those scholars who have investigated the theological heritage of the general will, especially Patrick Riley, have not fully grasped the transformation Rousseau effects in adopting the term because they have not sufficiently taken into account the magnitude of the problem that he is trying to solve in his political theory.

The novelty of Rousseau's theory of law and justice can be seen more clearly at this point. Rousseau's reversal of the priority of justice and law alone distinguishes him from many of his predecessors. Aristotle, for example, conceives of law as an imperfect rule or formulation of justice that has to be corrected by the prudent statesman looking to equity.<sup>45</sup> Further, Rousseau's discussion of law lacks the traditional articulation of divine, natural, and positive or human laws always found in the treatments of the natural law theorists and then jurists, and maintained after a fashion by Locke and even Hobbes. In turn, the way in which he raises the generality of the law to be the form of justice distinguishes him from other thinkers who also made law prior to justice in some way, such as the ancient sophists, as represented by Callicles in Plato's *Gorgias*,<sup>46</sup> and Hobbes. Furthermore, Rousseau's influence on those who would follow him stems from his conception of the general form of a law ensuring its justice, or fairness, as we might say. Thus, Kant would make the universal form of the law alone the guarantee of its morality. More recently, Rawls claims to develop the heritage of Rousseau and Kant in his theory of justice as fairness.<sup>47</sup> But, whereas Kant's moral theory is

44. E.g., Melzer, *Natural Goodness of Man*, pp. 89-113; Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), p. 286, "What is Political Philosophy?" pp. 50-53. Melzer generally follows Strauss.

45. Aristotle, *Nicomachean Ethics* 5.14.1137b12-24; *Politics* 3.11.1282a41-b14, 3.15.-1286a9-21, 3.16.1287a23-b25.

46. Plato, *Gorgias* 482e2-484b1; see *Republic* 1.338c1-339a4.

47. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

explicitly universal or cosmopolitan, Rousseau's general will—and his political solution to our ills as a whole—is necessarily confined to a particular community, as is evident from his criticism of Diderot's conception of the general will of the entire human race.

Finally, Rousseau's transformation of the general will reveals not only his novelty, but leads us to consider how that concept operates in his political thought. Diderot proposes his general will as the source of justice and order among all men. The general will is attained through reason, and Diderot appears to assimilate his conception of general will to more traditional natural law theories, even appealing to the general consensus of mankind.<sup>48</sup> Diderot was not, however, the first to use the term, which originated as a theological concept in the seventeenth-century debates over divine will and providence. The term "general will" (*volonté générale*) was used in this context to signify the will by which God legislated for and ordered the realms of nature and grace, and were used in a derivative way to discuss natural law and morality in ways not distant from the natural law tradition. Rousseau's appropriation of the general will involves a radical transformation in accordance with his understanding of human nature and the problem of politics. He took the general will from theology and placed it in the political whole. In Rousseau's State, the people takes the place of God, legislating for the political whole through its general will just as God was said to legislate for the divine or natural whole through his general will.

#### *The Functioning of the General Will in the Citizen and State*

The citizens of Rousseau's State legislate through their general will as sovereign just as God was said to order the divine or natural whole through his general will. As natural individuals, we prefer and thus will for ourselves, but in the conditions that require politics, this preferential volition is harmful to our well-being and even self-preservation. The will in Rousseau's terminology is the aspect of judgment that chooses the means to achieve self-preservation and well-being and is thus founded on natural self-love (see 2.1, 2.4). Each individual has a desire for his own good or interest and a desire for that of the whole of which he considers himself to be a part, and the capacity for deliberating about these different ways of viewing oneself can in principle be considered as separate "wills."

Rousseau's use of the term "general will" when speaking of the sov-

48. Diderot, "*Droit Naturel*," pp. 25-29.

ereign is familiar and has gained the most attention—often exclusive attention—from interpreters of his thought. However, aside from the fact that he employs the term to describe the will of any collective body, most prominently the government (see 3.1), he uses the term in a further sense to denote the will of an individual as a citizen. When describing the citizen voting, for example, Rousseau speaks of “the general will he has as a citizen” (1.7) or “the general will within himself” (4.1). The general will is somehow the product of the wills of the individuals who compose the State, i.e., their denatured wills. A grasp of the relationship between the general will in each citizen and *the* general will is essential for an understanding of how the citizens of Rousseau’s State legislate for themselves through their providential general will.<sup>49</sup>

Rousseau’s political project involves redirecting the will: making the natural, particular will of the individual subordinate to his general will as a citizen. “Why is the general will always right and why do all constantly want the happiness of each,” Rousseau explains, “if not because there is no one who does not apply this word *each* to himself, and does not think of himself as he votes for all?” Rousseau maintains that this insight “proves that the equality of right, and the concept of justice it produces, are derived from each man’s preference for himself and consequently from the nature of man; that the general will, to be truly such, should be general in its object as well as in its essence; that it should come from all to apply to all” (2.4). Further, he explains, “the private will tends by its nature toward preferences, and the general will toward equality” (2.1). So, in his writing on Poland he remarks of the assembly of the citizens as sovereign: “As soon as the legislative power speaks, all resume their equality; every other authority falls silent before it; its voice is the voice of God on earth.”<sup>50</sup> The general will of the citizens is general in its object

49. In a passage from the *Geneva Manuscript* brought to our attention most prominently by Roger Masters (*Political Philosophy of Rousseau*, pp. 285-93), Rousseau likens the tension between the “will of all” and the “general will” in politics to friction in mechanics or physics (*Geneva Manuscript*, 1.4), an analogy that itself suggests that the political whole is somehow an imitation of the natural whole. The “friction” in the machine of the State arises from the conflict between the “particular” and the “general wills.” Rousseau may have derived this analogy from the theological tradition that first produced these terms. Specifically, Rousseau’s analogy was used in similar ways by Malebranche and Leibnitz to explain the relationship between God’s particular and general wills. By looking into the mind of God, Malebranche and Leibnitz found that the particular wills in the divine mind cannot always be achieved through his general will. Looking into the psyche of the citizen, Rousseau finds that his particular wills as a natural individual tend to obstruct and distort his general will as a citizen.

50. Rousseau, *O.C.*, 3: 973. He makes a similar statement in his defense of the *Social Contract*, the *Lettres écrites de la montagne*: “Injustice and fraud always find protectors;

as well as its essence, regulating the political whole by general laws akin to the general providence of God over nature.

*The General Providence of the State*

The general providence exercised by the sovereign people over itself as subjects comes to light in Rousseau's discussion of the law and its relation to the general will in the *Social Contract*. He insists that in order to understand law properly one must grasp its relation to the general will. First, the general will can only come from and relate to the political whole: "I have already said that there is no general will concerning a particular object. Indeed that particular object is either within the State or outside of the State. If it is outside of the State, a will that is foreign to it is not general in relation to it; and if within the State, that object is part of it." The State is like a universe unto itself. Second, to be true enactment of the general will, the law must be general in its form and its object: "But when the whole people enacts something concerning the whole people, it considers only itself, and if a relationship is formed then, it is between the entire object viewed in one way and the entire object viewed in another, without any division of the whole. Then the subject matter of the enactment is general like the will that enacts. It is this act that I call a law." He explains: "When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and actions in the abstract, never a man as an individual or a particular action" (2.6; trans. altered).

In the *Geneva Manuscript*, Rousseau originally wrote at this point: "the law considers the subjects as a body and actions by their genera and species, never one man in particular or one unique individual action."<sup>51</sup> This explanation should be compared to his description of divine providence in his letter to Voltaire: "his providence is only universal, that he is content to conserve the genera and the species, and to preside over the whole, without being disquieted by the manner in which each individual spends this short life."<sup>52</sup> The general will of the State is analogous to the general providence of God. The sovereign people takes the place of a deity with general providence.

Rousseau goes on his letter to Voltaire to explain that "the greatest

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they never have the public for them; it is in this that the voice of the people is the voice of God," *O.C.*, 3: 862-63.

51. Rousseau, *Geneva Manuscript*, 2.4.

52. Rousseau, *O.C.*, 4: 1069.

idea that I could give to myself of providence is that each material being should be the best that is possible in relation to the whole, and each intelligent and feeling being should be the best that is possible in relation to himself."<sup>53</sup> This is precisely what he is attempting to achieve in the *Social Contract*. In our original condition we were spontaneously well-ordered by our immersion in the ordered divine or natural whole. The subjection to the laws the citizens themselves make as sovereign in the political whole has a similar effect. First, the citizens are ordered in the best possible manner relative to the political whole by their dependence upon it. The sovereign power "must have a universal, compulsory force to move and arrange each part in the manner best suited to the whole" (2.4). Second, through the generality of the laws they enact as sovereign, the citizens are dependent on the laws and not men, free from personal dependence and thereby ordered in the best possible manner in relation to themselves. Strikingly, in the *Political Economy*, just before he speaks of "a celestial inspiration that taught man to imitate here on earth the immutable decrees of the divinity," Rousseau writes, "the voice of the people is in fact the voice of God."<sup>54</sup> The people provide for themselves through the laws. The political whole is a microcosm of the divine or natural whole.<sup>55</sup>

#### IV. The Divine Science of the Legislator

Rousseau's political project involves remaking our existence on the plane of politics where the citizens provide for themselves through the general will. The general will, however, is not the natural will of the individual, and the citizens of Rousseau's State can provide for themselves as subjects through their general will as sovereign justly and generally only as long as they consider themselves primarily if not exclusively as citizens and only citizens. The project of putting men under the laws requires denaturing them, and this process leads Rousseau to propose a dramatic solution: the legislator. The legislator must redirect the particular will of the individual toward his general will as a citizen; he must transform men into citizens and maintain that transformation through extra-legal insti-

53. *Ibid.*, pp. 1069-70.

54. Rousseau, *Political Economy*, p. 213.

55. The idea of the state as a microcosm of the divine whole is a traditional one, but Rousseau gives this conception a radical new meaning. For the traditional conception, see Otto von Gierke, *Political Theories of the Middle Ages*, trans. F. W. Maitland (Cambridge: Cambridge University Press, 1900), pp. 7-8, 25-29, including notes. Rousseau similarly transforms the notion that the voice of the people is the voice of God (*vox populi vox dei*).



tutions and supports. The practical science of the legislator is an essential adjunct to the principles of political right in Rousseau's political thought.<sup>56</sup>

Rousseau begins the chapter "On the Legislator" in the *Social Contract* by claiming that, given the difficulty of discovering the best rules of society and putting them into effect, "Gods would be needed to give laws to men" (2.7). We encounter the extraordinary being who will turn out to be the legislator. The legislator is a god-like architect, a "true genius, the kind that creates and makes everything from nothing" (2.8; see 3.15)—who seems even to create *ex nihilo*, a similarity to the traditional conception of an omnipotent deity noted by Voltaire.<sup>57</sup> The god-like character of the legislator is unmistakable and has been often noted.<sup>58</sup> This insight can be made more concrete.

The legislator is analogous in Rousseau's conception to the divine creator of the whole. His is "a particular and superior activity that has nothing in common with a human dominion" (2.7). Rousseau formulates this notion more strongly in the *Geneva Manuscript*: "the legislator's is 'a particular and almost divine activity.'"<sup>59</sup> Rousseau refers in this way to the theological tradition that coined the "general will." In Malebranche's conception, for example, God acts through his general wills in the realms of nature and grace, but the whole itself must be created through a "particular" act of his will.<sup>60</sup> Rousseau distributes the divine roles in much the same way, though he separates them: he has already assigned the people the role of God through their sovereign general will, and now he gives the legislator the task of bringing that whole into being through his particular activity.

Because humans are naturally asocial, the legislator must transform what men "are" by an almost divine act: "One who dares to undertake the founding of a people should feel that he is capable of changing human nature, so to speak; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which this individual receives, in a sense, his life and his being. . . . The more these natural forces are dead and destroyed, and the acquired ones great and lasting, the more the institution as well is solid and perfect"

56. Masters, *Political Philosophy of Rousseau*, chap. 8.

57. Voltaire, cited in Rousseau, *O.C.*, 3: 1467-69 (ed.n. to *Du contrat social*, 2.8).

58. E.g., Shklar, *Men and Citizens*, pp. 154-61; Viroli, *Jean-Jacques Rousseau and the "Well-Ordered" Society*, pp. 188-89.

59. Rousseau, *Geneva Manuscript*, 2.2.

60. E.g., Malebranche, *Traité de la nature et de la grâce, Oeuvres complètes de Malebranche*, ed. André Robinet, 20 vols. (Paris: J. Vrin, 1958-65), 5: 179-82.

(2.7). The legislator must create citizens from men, making the general will of the citizen paramount to his particular will as a natural individual. "Good social institutions are those that best know how to denature man . . . with the result that each individual believes himself no longer one but a part of the unity and no longer feels except within the whole."<sup>61</sup>

The legislator is faced with a seemingly insurmountable task. Because "men" are not naturally "citizens" they must be unaware of their true nature for Rousseau's political solution to succeed, and because the legislator cannot violate the conditions of legitimacy he must create citizens through extra-legal means. "Wise men who want to use their own language, rather than that of the common people, cannot be understood by the people. . . . Since the legislator is therefore unable to use either force or reasoning," Rousseau says, "he must necessarily have recourse to another order of authority, which can win over without violence and persuade without convincing."<sup>62</sup> The *Social Contract* is often understood to sound the clarion call of the legitimacy of autonomous self-determination, but Rousseau is astonishingly frank about the extra-legal means by which the legislator persuades the people. The dilemma faced by the legislator "is what has always forced the fathers of nations to have recourse to the intervention of heaven and to attribute their own wisdom to the Gods; so that the peoples, subjected to the laws of the State as to those of nature, and recognizing the same power in the formation of man and of the City, might obey with freedom and bear with docility the yoke of public felicity" (2.7).<sup>63</sup> The rule of the laws, impersonal and unbendable like the laws of nature, replaces the dependence on men which makes master and slave alike unfree.

The political whole and its citizenry are maintained in large part by extra-legal institutions. Rousseau discusses these institutions—"mores, customs, and especially opinion"—within his classification of laws, itself a striking indication of the insufficiency of laws properly speaking (enactments of the general will). This extra-legal legislation is "a part to which the great legislator attends in secret while appearing to limit himself to the particular regulations that are merely the sides of the arch of which mores, slower to arise, form at last the unshakable keystone." After the legislator's role has been performed, these institutions, customs, mores, and opinions will serve the denaturing role he took upon

61. Rousseau, *Emile*, p. 40.

62. Rousseau elaborates on the difference between "persuasion" and "conviction" in his *Essai sur l'origine des langues*, ed. Jean Starobinski (Paris: Gallimard, 1990), (chap. 4), and also relates "persuasion" to political and religious foundings (chap. 11).

63. See also Rousseau, *Geneva Manuscript*, 2.2.

himself. This "law" "preserves a people in the spirit of its institution, and imperceptibly substitutes the force of habit for that of authority" (2.12). The extent to which the people are formed by these opinions must be more or less unknown to them. If the people will be forced to be free through their obedience to the laws they themselves enact, they nonetheless legislate within a universe created by the legislator. Rousseau's citizens remain in the realm of opinion, albeit salutary opinion, and legislate within confines not created by themselves.<sup>64</sup>

Civil religion is the most notable institution established under the aegis of the legislator. As indicated by Rousseau's initial description of the task of the legislator, religion is a central support of the State. The legislator puts the "sublime reason" of the State "in the mouth of the immortals in order to lead by divine authority those who cannot be moved by human prudence" (2.7; trans. altered). Rousseau speaks of Calvin, Moses, and Mohammed as theologico-political institutors. Like Machiavelli, whom he cites in this context, Rousseau is convinced that religion is a necessary support for all States. His conviction, however, is based on his conception of the unnaturalness of the citizen and of the State.<sup>65</sup> He takes up civil religion in the longest chapter of the *Social Contract* (4.8) not as an afterthought but as a crucial element of the art of the legislator. The practical science of the legislator is crucial for both the institution and conservation of the whole within which the citizens exist, although this has not always been appreciated by Rousseau's interpreters.<sup>66</sup>

64. This interpretation implies that, according to Rousseau, most individuals do not enjoy the full "moral freedom" of self-legislation, but only "civil freedom" insofar as it might be said to be a form of moral freedom. Rousseau discusses both of these forms of freedom along with "natural freedom" in a rather confusing fashion in the *Social Contract* (1.8). His statement that whoever refuses to obey the general will must be forced to be free is frequently interpreted to refer to moral freedom. See esp. John Plamenatz, "Ce qui ne signifie autre chose sinon qu'on le forcera d'être libre," in Maurice Cranston and Richard S. Peters, eds., *Hobbes and Rousseau: A Collection of Critical Essays* (Garden City, NY: Doubleday, Anchor Books, 1972). I have argued in contrast that his statement pertains especially to the problem of personal dependence. The fullness of moral freedom in Rousseau's conception would appear to require an understanding of human nature and perfectibility, or a grasp of the full extent of the possibilities of self-legislation. This understanding is exhibited by the philosopher, including foremost Rousseau himself, and, in a somewhat different form, by the legislator. The citizen enjoys something more like the opinion that he is fully free; the moral freedom of most citizens is in reality a "simulacrum" of true moral freedom, for theirs is a virtue and freedom not of their own making. "Simulacrum" is the term used by James Miller in his insightful treatment of the concept of freedom in Rousseau, *Rousseau: Dreamer of Democracy* (New Haven: Yale University Press, 1984), p. 191.

65. Cf. Viroli, *Jean-Jacques Rousseau and the "Well-Ordered" Republic*, pp. 189-90.

66. E.g., Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), p. 25; *Problem of Political Obligation*, p. 159.

The citizens in Rousseau's State are transformed, but because their fundamental nature remains, the political universe is doomed to decay and death. Rousseau does not envision the transformation of the human condition suggested by some scholars. Conflict and change are ultimately signs of political illness. Rousseau's ancient and rustic models are revealing in this context. The general will is the source of justice, and it works best in a closed, static political whole (see 4.1). Judith Shklar is thus correct: "Justice is not a matter of self-government in any very extensive sense. It does not imply any sort of action or adaptation to change. It is, rather, an effort to prevent all change."<sup>67</sup> Politics as the imitation of the divine remains a problematic solution to our ills.

### V. Rousseau's Intention in the *Social Contract*

The problematic character of Rousseau's political solution to our ills raises the issue of the viability of that solution and, thus, his intention in offering it to us. Rousseau enjoins us in a defense of the *Social Contract* not to relegate his work to the land of utopias.<sup>68</sup> He has at least two intentions in offering it.

First, by presenting the true principles of political right in his political treatise, Rousseau offers us a measure by which to judge the legitimacy of our political institutions. This intention is evident in his justification for offering a précis of his political teaching in the *Emile*: "our first concern was to establish the true principles of political right. Now that our foundations are laid, come and examine what men have built on them."<sup>69</sup> His teaching is an exhortation to maintain legitimate politics where they may exist or to reform institutions to the extent possible, as he himself attempted in his work on Poland. But he is pessimistic about such maintenance or reform, for he does not believe that modern times are conducive to legitimate and healthy politics. Rousseau's estimation of modern times points to another, more important intention he has in offering the *Social Contract*, which returns us in conclusion to the theological dimension of his thought.

In the *Emile*, Rousseau writes: "These two words, *fatherland* and *citizen*, should be effaced from modern languages. I know well the reason why this is so, but I do not want to tell it."<sup>70</sup> Rousseau's discussion of civil religion in the *Social Contract* reveals that the reason is

67. Shklar, *Means and Citizens*, p. 181; see pp. 28-29. See also, Starobinski, *Transparency and Obstruction*, esp. pp. 96-101.

68. Rousseau, *O.C.*, 3: 810.

69. Rousseau, *Emile*, p. 467.

70. Rousseau, *Emile*, p. 40.

Christianity. Christianity obliges men to obey two fatherlands and thus destroys the social spirit. Rousseau acknowledges one predecessor who confronted this modern problem but failed to resolve it:

Of all Christian authors, the philosopher Hobbes is the only one who correctly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle, and the complete return to political unity, without which no State or government will ever be well constituted. But he ought to have seen that the dominating spirit of Christianity was incompatible with his system, and that the interest of the priest would always be stronger than that of the State. (4.8)

Hobbes does not sufficiently tame Christianity for politics. Furthermore, Hobbes provides no true attachment to the State and its laws because his theory appeals to a universal nature on the one hand and the particularity of the individual on the other. The Christian spirit dominated Hobbes in a secularized form of its universalist appeal and its concern for the individual. Hobbes was truly a "Christian author." The Leviathan, the God that Hobbes declares could be made immortal, has a mortal flaw.<sup>71</sup>

Rousseau's own natural theology is intended to mediate between heaven and earth, as well as between the materialists and the devout. The justice and laws of the State must imitate the divine. Furthermore, the sacredness of the political must be buttressed by a civil religion that makes providence particular to the political whole, a concession that Rousseau recognizes is necessary but not quite true. Rousseau therefore also intends the *Social Contract* for another age: "we are approaching a state of crisis and the age of revolutions."<sup>72</sup> Nonetheless, he could not be sure, and in fact seriously doubted, whether such a revolution would ultimately be for the good. An indication of Rousseau's influence might be found in Robespierre, who sought our salvation in the austere democracy he saw in the *Social Contract* and proclaimed: "We wish . . . to fulfill the vows of nature, to achieve the destiny of humanity, to keep the promises of philosophy, to absolve providence of the long reign of crime and tyranny."<sup>73</sup> Rousseau himself attempted to reconcile democratic legitimacy and the historical character of humans and their politics in his

71. Hobbes, *Leviathan*, ed. C. B. Macpherson (Hammondsworth: Penguin, Penguin Classics, 1958), chaps. 29, 30, pp. 363, 378.

72. Rousseau, *Emile*, p. 194.

73. Maximilian Robespierre, *Report on the Principles of Political Morality* (5 February 1794), cited in James Miller, *Rousseau: Dreamer of Democracy*, p. 157.

solution for our ills. Whatever we may think of his solution, he reflected seriously on the issues in their complexity. We wrestle with the genies he let out of the bottle.