

The general will

What is Rousseau's "the general will"? A hermeneutical inquiry of the metaphysics, moral psychology, and political philosophy of the general will.

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Abstract

A central notion to Rousseau's *The Social Contract* is "the general will". This thesis is a hermeneutical inquiry into that notion. The thesis first sets the hermeneutical horizons of quasi-realism as the metaphysical framework and non-cognitivism as a motivation theory. The inquiry then begins by Rousseau's thought experiment on the state of nature, starting with metaphysics, which is "the coming into being" of the general will. Then it transitions into moral psychology in the horizon of non-cognitivism. This is a transition from the philosophy of principles to empirical philosophy. Finally, the findings are critiqued, defended, and applied to real-world cases in order to test their merit via political philosophy. Some of the notions discussed are: the common good, the legitimate state, self-love, volition of the first and second order, conflicts, and democracy. Some notable contributors include: Céline Spector, Nicholas Dent, Harry Frankfurt, John Rawls, and T. M. Scanlon.

FOREWORD

A NOTE ON TRANSLATIONS AND REFERENCES

In this thesis I have translated some of the French myself. Wherever I have done so, the original French extract is available in a footnote. This is done to provide the reader with full hermeneutical transparency.

I have also chosen to often translate the word *particulière* to “individual”, and other times to “particular”. This is done to properly reveal Rousseau’s logic, as he uses the French word both as a contrast to “common”, and as something “in specific”. I have translated the former interpretation to “individual”, and the latter to “particular”.

Regarding references: Where I quote from *The Social Contract* I have noted it by CS followed by two Latin numerals, where the first refers to the book and the second refers to the chapter.

RECOGNITION

I wish to extend my highest gratitude to my thesis supervisor Håvard Løkke. By letting me take charge of this thesis I have experienced an ownership to my work which I have not experienced before. He has also been a dependable and professional philosopher to count on when I have needed it, as energetic students often do. Or, as I like to say: He has been my “walking encyclopaedia”, especially to the aid of the form of this thesis. I was allowed to choose the matter, i.e., the curriculum, and he guided me to make said matter take the form of a philosophical master’s thesis. This thesis would not be realisable without such expertise and conduct.

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1.0 INTRODUCTION

1.1 SYNOPSIS

To open the thesis, I wish to draw attention to an important excerpt from Rousseau's *Du Contrat Social* (On the Social Contract) which is dense with meaning.

This passing from the state of nature to the civil state produces a very noteworthy change in man, by substituting instinct for justice in his conduct, and giving the morality his actions previously lacked. It is therefore only that the voice of duty succeeding physical drive and the right succeeding the appetite, that man which until now only regarded himself, sees himself forced to act on other principles, and to consult his reason before listening to his tendencies. (CS, I, VIII)¹

It is clear that he is touching upon something very important in this passage. And it takes a scholarly effort to unpack everything he says here and view it through the proper metaphysicalism. A quick note on the state of nature and the civil state before I begin unpacking the quote: this is not a historical account, but a thought experiment first devised by Thomas Hobbes (Skirbekk, 2007, pp. 186–187). The idea is to remove the state, to then examine what remains and how this would potentially condition the state and how humans might have lived, either together or separately, in “the state of nature”. It is not so much an account of actual history, but of anthropology, the conditions of civil society, and the metaphysics of both. Returning to the excerpt: the reason I open with this particular excerpt is to bring into light several of the central themes in this thesis. To list them:

1. A passing from the state of nature (i.e. nature's state) to the civil state².
2. A very noteworthy change in the human, produced from 1.

Note that although the perspective is that of the human, point one really speaks of a change of states (nature's and civil) which are external to the human, and point two speaks of

¹ Ce passage de l'état de nature à l'état civil produit dans l'homme un changement très-remarquable, en substituant dans sa conduite la justice à l'instinct, & donnant à ses actions la moralité qui leur manquait auparavant. C'est alors seulement que la voix du devoir succédant à l'impulsion physique & le droit à l'appétit, l'homme qui jusque-là n'avait regardé que lui-même, se voit forcé d'agir sur d'autres principes, & de consulter sa raison avant d'écouter ses penchants.

² I wish to underline Rousseau's phrasing here: it is on the one hand *nature's state*, implying some ownership or something similar, and on the other hand *the civil state*, using an adjective. This seems to be of metaphysical importance: Rousseau sketches the state of nature as the basic state, and the civil state as supervening on that of nature.

internal changes in the human. And now comes a series of changes in the human which refers to point two.

3. Exchanging instinct with justice in its conduct (i.e. how one carries oneself).
4. Giving the human's actions the morality which they previously lacked.
5. The voice of duty³ succeeds (i.e., joins) physical drive.
6. The voice of right succeeds (i.e., joins) appetite.

The list, up to now, displays the metaphysical human at a crossroads: in this excerpt we are explained what happens when the natural human, i.e. the savage, crosses from the state of nature into the civil state, and thus becomes the civil human. There is a central category to the properties that are now being succeeded in the savage: instinct, the lack of morality in its actions, physical drive, and appetite are all *non-cognitive*. Which is to say that they do not try to express truth conditions. Crucially, what takes their place, namely: justice, morality in the human's actions, duty, and right are all *cognitive*. What does that mean?

Roughly put, non-cognitivists think that moral statements have no substantial truth conditions. Furthermore, according to non-cognitivists, when people utter moral sentences they are not typically expressing states of mind which are beliefs or which are cognitive in the way that beliefs are. Rather they are expressing non-cognitive attitudes more similar to desires, approval or disapproval. (van Roojen, 2018)

Thus, regarding the human when passing from the state of nature to the civil state, it adds several cognitive faculties alongside non-cognitive faculties. What does this mean? Non-cognitivism is here used as a motivation theory, specifically pertaining to Rousseau's savage. This is a slightly unorthodox use of non-cognitivism, but it fits the savage too well not to be used. When the non-cognitive faculties are joined by cognitive ones, this does not serve to refute non-cognitivism as the motivation-theory. Rather, it points to the distinction between the savage and the citizen: the savage is exclusively non-cognitively motivated, whereas the citizen is also cognitively motivated. I believe the reason that nothing is replace here, but rather added, is that the civil state *supervenes* on the state of nature. This simply means that the basic state is the

³ The French noun "devoir" has several translations: duty; debt; homework. It is not absolutely certain that Rousseau intends "duty" here, especially given the fact that he is keen on the Roman and Greek city-state, and duty does not translate well into ancient Greek. However, given the definition of the natural human's freedom, namely impulsivity, and given that there is "a very noteworthy change" in the human, duty seems a more "noteworthy change" for impulsivity than homework or debt.

state of nature, and all changes to the state of nature would be felt in the civil state, but not vice versa. Turning our attention back to the list, Rousseau then tells us the consequences of this:

7. The human, up to this point in time, only regarded itself.
8. The human sees itself forced to act on other principles.
9. The human sees itself forced to consult its reason before listening to its tendencies.

In other words, point 7 claims that the savage is not social, which Rousseau expresses more clearly in *The Discourse on the Origin of Inequality*, also called the *Second Discourse*: “Therefore, the second *Discourse* draws together the objective circumstances (natural abundance) and the characteristics of human nature (only disposed to seek nourishment and shelter). In both cases, nothing inclines man to sociability or conflict.” (Spector, 2019, p. 20) Point 8 claims that the civil human sees a need to act on other principles than the non-cognitive ones, as the savages are “only led by their instinct for self-preservation – what Rousseau calls *amour de soi*.” (Spector, 2019, p. 20) Whereas for the civil human, it also has *amour-propre*, which is the drive to seek social esteem (Spector, 2019, p. 28). And finally, point 9 claims that reasoning only becomes a motivating factor for the human once it becomes civil (Spector, 2019, p. 18).

We have now joined Rousseau at this metaphysical border between the state of nature, housing the non-cognitively motivated savage, and the civil state, housing the cognitively (though not exclusively so) motivated citizen. He stands on the civil side, not able to cross over, and tries to give as fair an account as possible of what the savage must be like. Like his contemporaries Grotius, Pufendorf and Hobbes, which he refers to in *Du Contrat Social*, he agrees that this transition must be a conventional one: “Beyond their differences, all were seeking to establish the reasons and motivations that drove men, who are by nature free and equal, to create institutions. (...) All these philosophers were right in imagining a social contract consisting of individuals subjecting themselves to the rule of law.” (Spector, 2019, p. 18) The transition was not an act of necessity, but of will. However, it was also popular with Rousseau’s contemporaries to prescribe rationality to the savage. “All believed in the fact that men were sociable and reasonable creatures,” (Spector, 2019, p. 18) which then motivated them to become citizens. Rousseau’s contemporary David Hume critiques this vainglorious view of rationality in the human in his *Treatise on Human Nature*. He paints a picture of rationality being viewed as a divine gift, and that a human which is moved by anything but rationality will in the end be

fooled by emotion (Skirbekk, 2007, p. 258). A picture of an attitude likely inspired by Plato. So, what is Rousseau's difference here? With regards to the question of why humans, seemingly content in the state of nature, nevertheless transitioned into the civil state, Grotius, Pufendorf, Burlamaqui, and Hobbes beg the question: they simply put the necessary social and rational faculties into the savage. Rousseau does not commit this fallacy. Unlike other philosophers who were keen to put the social and rational faculties which the citizen profess straight into the savage, he paints the picture of a rather content savage, with no necessity within itself to leave the state of nature.

Political philosophers always turned to the state of nature with the goal of explaining the transition to the civil state. Rousseau, on the other hand, leans on [counts on] the natural man to make this transition sovereignly difficult, almost impossible. All the bridges which had connected these two conditions of humanity, the natural right, reason, sociability, crumbles under his radical critique in the end. The state of nature no longer prepares the passing to society, it cannot justify it, it is not one of the necessary premisses. (Pezzillo, 2000, p. 54)⁴

In the spirit of Descartes, natural right, reason, and sociability as the necessary premisses for the passage into the civil state are all doubted into oblivion. This makes for honest work. However, as he has certainly not taken the path of least resistance, a looming problem threatens to devastate this work: how can the non-cognitively motivated savage, who requires no notion of objectivity, be reconciled with the cognitively motivated civil human, who does require a notion of objectivity? Objectivity would call for realism: that universals do in fact exist, and the lack of it would call for anti-realism: that they do not exist, or nominalism: that we constitute universals (Skirbekk, 2007, p. 124). Rousseau stands at a border trying to look into the state of nature. However, the deliberations he presents seem to be metaphysically irreconcilable with the known present. The challenge becomes to reconcile the civil state, with which we are familiar, and Rousseau's state of nature. One possible answer to this challenge, and the one which I believe fits Rousseau the best and will be used here, namely Simon Blackburn's quasi-realism.

⁴ Les philosophes politiques se sont toujours tournés vers l'état de nature dans le but d'expliquer la transition à l'état civil. Rousseau, lui, se penche sur l'homme naturel pour rendre cette transition souverainement difficile, presque impossible. Tous les ponts qui avaient relié ces deux conditions de l'humanité, le droit naturel, la raison, la sociabilité, croulent enfin sous sa critique radicale. L'état de nature ne prépare plus le passage à la société, il ne peut pas servir à la justifier, il n'en est pas la prémisses nécessaire.

To try and summarize this: What am I arguing for? I am arguing for a specific view of Rousseau's LVG (*la volonté générale*; *the general will*), and because LVG sticks so deep in his system, this has large implications for not just *Du Contrat Social*, but also, *Émile*, *Second Discourse*, and more. There are three original aspects to my view. 1) When interpreting LVG, the proper hermeneutical horizons are *non-cognitivism* as the motivation-theory, and *quasi-realism* as the metaphysical ism. 2) It comes into being via a process of *emergence*. 3) It is *qualitatively distinct*, i.e. it is not the (regular) type of will that any one person has. These original descriptions of LVG can be summed up as not trying to change anything about Rousseau's work, but to see it in new light, i.e.: not that Rousseau was a quasi-realist, but that it makes sense to regard his works as such; particularly LVG.

To display what this means point by point: Point 1) is two-fold: Firstly, one crucial notion for the whole argument in *Du Contrat Social* is Rousseau's state of nature, and the natural human, otherwise known as the savage. In Rousseau's thought-experiment on the state of nature, the savage is non-cognitively motivated. This includes survival, finding a mate, and, crucially, transitioning into the civil state. However, once in the civil state, a state which Rousseau finds himself in, reason can also motivate. Thus, non-cognitivism is too exclusive to explain both the state of nature and the civil state. It is too subjective and lacks a notion of objectivity which is crucial to *the common good*, a necessary concept for the general will to truly be general. The challenge then becomes: is there some metaphysical view that can explain both the non-cognitive state of nature, and the objectivity in the civil state? Yes: quasi-realism. Non-cognitivism pertains to the individual, and quasi-realism serves as a metaphysical framework which is able to account for both the state of nature and the civil state.

Point 2) points to *the coming into being* of LVG. Why is this even being examined? Firstly, a metaphor to explain this point's importance: One might look at it as when examining a tree, a botanist needs to also examine the roots, despite only being interested in the part of the tree that has emerged from the ground. If the botanist exclusively looks at the emerged part, her findings will always be less conclusive compared to if she would examine the roots as well. The submerged roots are not just connected to the emerged tree, but constitutive of it as well, and they are both instrumental to the survival of the tree. Hence, to give a full descriptive account of the tree without accounting for its roots is not a truly full account. The tree has emerged from the ground, and so one must explain this emergence. Now back to LVG: it is also emergent. Rousseau reveals this emergence when he describes the moment where the social contract enters into force.

At that moment, in the place of the individual person of each contracting party, this act of association produces a moral and collective Body, composed of as many members as the assembly has voices, which receives from this same act its unity, its common me, its life and its will. (CS, I, VI)⁵

We see that this Body that is produced, namely the body politic, has a will. This is LVG. Note that while this is produced “in the place of the individual person”, this is not to be understood as the emergent body replacing the body of the individual. Rather, it is thought of as a collective body, *a common me*, that is tasked with common and general issues known as the common good, and the individuals are then free to principally concern themselves with individual issues. It replaces the individuals and their wills’ need to direct themselves towards the common good.

Point 3) points to *how the being is*. This is the inquiry into LVG itself on the basis of where it stands metaphysically, i.e. what has been found up to this point. This is where I describe it and attempt to draw some practical wisdom from the findings, as well as contextualising the practical remarks Rousseau already makes. This will be done by describing its general features and relations. This would also be the time for some normative claims about LVG, as we now know what it is.

A small comment on the structure of this thesis. Part of the structure of this thesis, namely chapters two and three, follow the structure of Rousseau’s thought-experiment on the state of nature. The structure of this thesis is not linear, nor circular, but resembles that of the Greek capital omega (see *Figure 1*). The omega’s structure is a line, which then forms a horseshoe, and then returns to a line. This thesis consists of four chapters: Introduction, The coming into being, The general will’s being, and

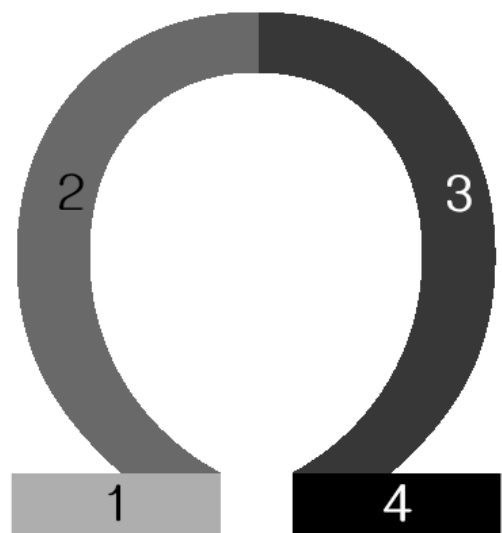


Figure 1. The numbers represent the chapters.

Summary & conclusion. These chapters are then divided into four parts. The coming into being is the first chapter in line. Here, the chapter’s structure is linear. The second chapter is the first half of the horseshoe. This chapter’s structure follows the logic of Rousseau’s thought-

⁵ À l’instant, au lieu de la personne particulière de chaque contractant, cet acte d’association produit un Corps moral & collectif composé d’autant de membres que l’assemblée a de voix, lequel reçoit de ce même acte son unité, son moi commun, sa vie & sa volonté.

experiment on the state of nature. The second part of the horseshoe is the third chapter, in which we return to almost the same point where we started chapter two by continuing and concluding the logic of the thought-experiment. Once the horseshoe is complete, so is most of the account and interpretation of Rousseau's work, and the linear progression finishes off the thesis.

To comment on the main sources: I have utilised the principal source *Du Contrat Social* (Rousseau, 2012) in French, and found great help in Bruno Bernardi's precise foreword and excellently clarifying comments. One such comment is that we must remember that Rousseau's work is not *The Social Contract* itself, but *On The Social Contract* (CS, I). He does not sketch out the very contract, but rather sketches out what such a contract is, what it means, and how to go about making a legitimate one. As such, this is in a sense meta-political. I claim that this version of *Du Contrat Social*, along with Spector's book *Rousseau* (Spector, 2019) are the two main contributors to this thesis. There is another general book about Rousseau with the same name, written by Dent (Dent, 2005) which I also use extensively. This is an excellent piece of work, but for my purposes Spector's is even better. Dent's book concerns itself with a broader picture, including Rousseau's person and him as a contributor to literature at large. Spector's work is more on Rousseau the philosopher, and particularly his political influences, which is very in line with her expertise on enlightenment philosophy, Rousseau and Montesquieu being her two main philosophers of interest. Thus, her work is more focused, and very in line with the subject of this thesis. I quote her extensively in this thesis, as not only are her points revealing, but the way in which she conveys Rousseau's work is simply marvellous. I believe that, in a hermeneutical sense, her horizon has truly melted together with Rousseau's; she captures his spirit in her comments. I also use Lelia Pezzillo's *Rousseau et le Contrat Social* (Pezillo, 2000) for an even more "zoomed in" take. Her work has allowed me to be precise where nuances are needed, and it also gives a great account of *Du Contrat Social* and how it has been used throughout history philosophically, religiously, and politically.

1.2 QUASI-REALISM AND NON-COGNITIVISM

Before I begin tackling LVG itself, and hence *Du Contrat Social*, I must determine some framework for understanding. I will hence propose two isms through which to view LVG. They will serve as hermeneutical horizons in the interpretative work. Rousseau's project does not lend itself so readily to well-established isms, despite having been viewed through several different ones. I suppose the variety of perspectives on *Du Contrat Social* is probably more motivated by the wish to wield its considerable force, than to provide an honest interpretation.

The reason I believe it does not lend itself so readily to well-established isms is because it contains both descriptive and normative force. *Du Contrat Social* is a collection of descriptive observations, arguments, and deliberations, and at the same time packs enormous normative force. I suspect that it is this normative force that has granted it the high standing it has today, whereas the descriptive side of it has been given little attention. I wish to rectify that, and as such the descriptive account of LVG weighs heavily in chapters two and three of this thesis. Keeping in mind Hume's fallacy of concluding normative claims from descriptive claims, one nevertheless has to establish a good descriptive account in order to make fitting normative claims.

Quasi-realism is the metaphysical position that I believe Rousseau takes. What does that entail? As one might have guessed from the name, it concerns realism and anti-realism. When discussing realism and anti-realism, Simon Blackburn invents a figure called "the quasi-realist, or someone who 'starting from an anti-realist position finds himself progressively able to mimic the thoughts and practices supposedly definitive of realism'. Quasi-realism is not really another 'ism' in the sense of a position or an ideology in the same space as realism or anti-realism; it represents more an attitude of exploration of the reality of the boundaries that those 'isms' demand, and may issue in a complication or modification of the debate, as old oppositions prove incapable of carrying its weight." (Blackburn, 1993, p. 4) We might say then, in a very rough wording, that the problem of reconciling Rousseau's realist savage and his anti-realist citizen is solved by viewing it through quasi-realism in a somewhat similar but inversed way as the quasi-realist is "progressively able to mimic the realist". Inversed, because the Blackburn's account moves the quasi-realist from anti-realism to realism, and Rousseau's thought experiment moves from realism to anti-realism, i.e., nature to civilisation. And not only are the savage and the citizen reconciled; the one may become the other. Quasi-realism may do this exactly because it is not an ism "in the same space as realism or anti-realism". Realism and its antithesis are much stronger theories, so strong that they both break when trying to frame Rousseau's work. I believe it is because quasi-realism is a much softer theory with a more explorative function that it may reconcile some seemingly paradoxical findings.

To explain why this is so, let us consider realism. A realist is someone who claims that universals do indeed exist objectively; that they are real (Skirbekk, 2007, p. 124). What is relevant for us here is the concept of objectivity: universals exist objectively. Or, as the old Latin middle-age saying goes: "Universalia ante res." Meaning: "Universals exist before the things." What this means in practice is that even if there were zero instances of a bird in this

world, the universal of “bird” still exists objectively, irrespective of any particular bird. The particular thing is in no way necessary for the existence of the universal. To take another example: moral realism states that regardless of our beliefs, some actions are either right or wrong. A very bold statement, but it would pay off normatively. Should LVG and all it entails – the body politic, the civil state, the civil human – be legitimate as seen through realism, they would have to exist objectively. This is not the case. Rousseau refutes any natural order, (Spector, 2019, pp. 46–49) and hence refutes any objective realist order. The social order and the civil state exist conventionally, not objectively: “the social order is a sacred right that serves as a basis for all the others. However, this right does not come from nature; it is therefore based on conventions.” (CS, I, I)⁶ Hence the social *contract*, the contract being conventional, i.e. completely reliant on its contractors.⁷

Since realism is explicitly refuted by Rousseau, this nicely leads us to considering anti-realism. The anti-realist says that there is no such thing as universals (Skirbekk, 2007, p. 124). That, when there are zero instances of a bird in this world, nor is there any objective concept of a bird: the concept depends on the particular. This fits better with regards to LVG's conventional being. As we have pointed out, the social contract relies on its contractors to exist. However, the anti-realist position is too strong, and it renders the normative force of *Du Contrat Social* too weak. It refutes any objectivity, and by extension refutes the common good, a notion which must be objective, but which under anti-realism becomes a subjective object just like any other. There is no qualitative distinction between my wanting an individual good and wanting the common good, e.g., wanting a bag of crisps and wanting universal freedom. The consequences are dire. To take a historical example: I suspect, as does Dent (Dent, 2005, p. 134), that Rousseau's focus on *legitimate power* is inspired by such figures as Louis XV, who was the king of France at the time. The anti-realist has no strong grounds on which to disagree with Louis XV when he claimed that his will *is* LVG in 1766.

It is in my person alone that sovereign power resides ... it is from me alone that my [sic] courts hold their existence and their authority ... public order in its entirety emanates

⁶ L'ordre social est un droit sacré, qui sert de base à tous les autres. Cependant ce droit ne vient point de la nature ; il est donc fondé sur des conventions.

⁷ Rousseau further develops this thesis and reveals its practical consequences for government. When speaking of the powers of the Sovereign (exemplified by the Prince, a figure of the government) and the government respectively, he stresses what would happen if the Sovereign, which is LVG's actor, tried to have an independent form of existence: “There is this essential difference between the two bodies, that the State exists by itself, and that the Government only exists by the Sovereign. Thus, the Prince's dominant will is only or must only be the general will or the law, his force is only the public force concentrated in him, as soon as he wants to pull from himself some absolute and independent act, the link of everything begins to let go.” (CS, III, I)

from me, and my people forms one with me, and the rights and interests of the nation, of which people are daring to make a body separate from the monarch, are necessarily united with mine and repose only in my hands. (Dent, 2005, p. 135)

Using Rousseau's terms, Louis is saying that it is his individual will which is also LVG when he claims that sovereign power rightly emanates from him, i.e., that he has a natural right to said power. Using Frankfurt's terms (Frankfurt, 1988), and given Louis' lack of doubt, we might even make the reasonable assumption that it is his first order volition that rules the body politic, and there being no need for a second-order volition, making Louis XV a wanton with national consequences. Anti-realism might not even be able to retreat to neutrality in this regard, as, from a subjective standpoint, Louis XV's subjective will might be deemed the best candidate to have something resembling the common good as its object out of all the subjective and individual wills in 18th century France. The agreed upon common good would be whatever object Louis XV had in mind. Not due to wilful consent, but to necessity of force, as no individual person would be able to stand up to the king's power. Therefore, viewing Rousseau's project through the prism of anti-realism defeats the purpose of finding legitimate social power. While Louis undoubtedly had power, Rousseau's claim is that this power was illegitimate, and would crumble. As he says in the opening of *Du Contrat Social*: "I want to see if in the civil order there could be some legitimate and safe rule of administration, taking men such as they are and laws such as they can be" (CS, I, I)⁸ Therefore LVG has the common good as its object, and without this objective notion it loses its legitimacy. Should one try to solve this by remaining anti-realist and replace the objective object of LVG with a subjective one, it would no longer be a *general* will, but simply another individual one. So, if viewed through anti-realism, then there is no objectivity without agreement, and agreement in such circumstances is not reliable. If there is no objectivity, then there is no objective common good. If there is no objective common good, then there is no LVG, as the common good is essential to it. Anti-realism is therefore not able to account for Rousseau's condition of legitimacy.

Therefore, some middle ground between realism and anti-realism ought to be found. One which acknowledges LVG's conventional existence without losing the notion of objectivity. One which sees the savage as non-cognitively motivated, retains freedom, and also permits the common good to be a truly objective notion. It is these criteria that quasi-realism

⁸ Je veux chercher si dans l'ordre civil il peut y avoir quelque règle d'administration légitime et sûre, en prenant les hommes tels qu'ils sont, et les lois telles qu'elles peuvent être

fulfils, and hence why I propose it. By viewing LVG from this position we 1) preserve the non-cognitive savage without begging the question, and 2) preserve the common good as a truly objective notion. This qualitatively distinguishes the individual will's object, which is not rational and exclusive, and LVG's object, which is rational and common. We are able to say that although Louis XV could come to his senses and act on behalf of LVG in the interest of the common good, his individual will is not identical to the general will.

Now onto non-cognitivism. As mentioned, non-cognitivism is the meta-ethical position that moral propositions do not bear truth values: a moral sentence is not true or false. Non-cognitivism is here ascribed especially to the savage, i.e. natural man, as a motivation-theory. In June of 1755, Rousseau published his *Discourse on the Origins of Inequality* (Dent, 2005, p. xvii) as a response to the Academy of Dijon's question: "What is the origin of inequality among men, and is it authorized by natural law?" (Spector, 2019, p. 13) This is also known as the *Second Discourse*, and it builds upon points he made in the *Discourse on the Sciences and Arts* which won the Dijon Academy Prize in 1750. In the *Second Discourse*, he starts sketching out natural man, also known as "the noble savage", although with regards to the latter wording Rousseau never actually used it (Dent, 2005, p. 41). His bold writing was not equally well received this time. "Far from winning the prize, this time Rousseau was declared out of the competition because the length of his speech far exceeded the three-quarters of an hour's reading imposed by the Academy." (Spector, 2019, p. 13) Not only did Rousseau break the formal rules imposed on the competition, but he also disagreed with a premise in the question posed. "More importantly, the second *Discourse* dared to dismiss the terms of the question: Rousseau did not consider natural law as the right standard to assess inequalities. On his account, nature provided no moral standard; it remained as such beyond good and evil." (Spector, 2019, p. 13) This refusal of a natural standard is why I say that for Rousseau, the state of nature and the savage are both non-cognitivist: one cannot speak of moral truths in terms of nature. Stating that no "natural law" can account for inequalities, Rousseau here breaks with a long tradition of what I would like to call "natural cognitivism".

The usual claim (since Plato) that the social hierarchy is anchored in a physical, intellectual or moral superiority is flawed. To ask whether there is an 'essential link' between natural inequality and conventional inequality is a question 'perhaps good for slaves to discuss in the hearing of their masters, but not suitable for reasonable and free men who seek the truth'. (Spector, 2019, p. 14)

This anchoring, the “essential link”, is what I believe fits the description of “natural cognitivism”. This project of his then eventually leads to writing on the social contract. A contract: because it is conventional, and artificial; not natural. His argument here is simple logic: he sees that if natural right truly was that, it would be so by necessity, not plausibility or volition. He understands natural laws as we today understand the laws of physics: strict, predictable, and not caring of our opinions. Questions of a moral character – such as the origin of inequality as well as that of the legitimate state – are not grounded in nature because how we think of it does matter. It then follows that the proper way to deal with such questions is not to refer to nature, but to “grow up”⁹ and take responsibility. I believe that here we see the roots of Jean-Paul Sartre’s extreme responsibility, given existentialism. And I think that *Du Contrat Social* is, as a project, an example of Rousseau trying to do his part in humanity’s “growing up” and facing moral responsibility in the light of freedom. After all, one way to interpret him is to say that when he talks of natural inequality perhaps being “good for slaves” to talk about, the master need not be another human. The master could very well be interpreted to be nature. He later also comments on how yielding to force is an act of necessity, and thus not a choice, lending considerable strength to this proposed interpretation: “Force is a physical power; I do not see which morality may result from its effects. Yielding to force is an act of necessity, not of will; it is at most an act of prudence.” (CS, I, III)¹⁰ In this excerpt, I believe to see both non-cognitivism and quasi-realism. To illustrate it in an example: yielding to the force of gravity is not a moral question of will, it is a physical effect irrespective of will.

At this point, what is at stake is the force of *Du Contrat Social*, and especially LVG as an argument for how to go about making the nation state. The challenge is to provide frameworks of understanding that do not bend Rousseau’s work to breaking point, making it honest and not self-defeating, while also lending it some force. And it is that challenge that I believe non-cognitivism and especially quasi-realism solves on the metaphysical level.

⁹ This rather vulgar phrasing is intentional. Vulgar, not intended as “disgusting”, but as “widespread among people”. If the problem of the good state is an ethical one, I echo Julia Annas’ reflection on this: “... the entry point for ethical reflection is thinking about how your life is going, thinking that can only arise in people who already are, or are becoming, adult” (Annas, 2011, p. 121) Thus, to paraphrase Rousseauianly, deciding to engender a legitimate state is (in part) deciding to become an adult.

¹⁰ La force est une puissance physique ; je ne vois point quelle moralité peut résulter de ses effets. Céder à la force est un acte de nécessité, non de volonté ; c’est tout au plus un acte de prudence.

1.3 METHOD

My method: interpretation; and thus: hermeneutics. And if I want to utilise hermeneutics, I am practically forced to mention Martin Heidegger's student Hans-Georg Gadamer, and his work *Wahreit und Methode*. However, in order to understand Gadamer's point, I wish to do as Thomas Krogh (Krogh, 2014, pp. 47–51) and start by talking about the French philosopher René Descartes. Descartes wanted to reach objective knowledge. In his *Discours de la méthode* he tries to reach such purely objective knowledge by doubting everything he knows. Or rather: doubting everything he thinks he knows. He does this because he realised rather quickly that his own preconceived notions, his own time, and his very person, affect his understanding. He realised that he really only *thought* that he knew; that his knowledge is not beyond doubt. The metaphor he used is that his mind filled with convictions is like a basket filled with apples. He suspects that some of the apples might be rotten, but unlike actual apples, convictions are not so easy to inspect. The only way to know is by throwing out the entire basket and start anew. Voilà, Descartes' *radical doubt*. Thus, he sets out to rid himself of all which may affect his understanding so that they may no longer distort his thoughts by doubting all that may be doubted, so he may then reach pure objective knowledge. Enter Gadamer, who's disagreement with Descartes is one of principle. They both agree that preconceived notions, historical time, and many other things may affect one's understanding. Where Gadamer disagrees, is with Descartes' project of then ridding oneself of this prejudice, what we might call his principle of pure objective knowledge. Gadamer sees prejudice not as a hindrance or distortion, but as a bridge. To take the example of historicism: it is not in spite of our own epoch that we may understand other epochs, it is *through* our own epoch that we may understand them. In this sense, Descartes' project is more ambitious than Gadamer's: whereas Descartes wants to reach pure objective knowledge, Gadamer wants to reach human understanding. Now, we are being detailed enough in this comparison to see that the one's quest is epistemological, namely of knowledge, and the other's is hermeneutical, namely of understanding. Different magisteria, but nevertheless enlightening each other. So, how is Gadamer's work of relevance to this thesis?

I am here interpreting, i.e. trying to understand, LVG. Given that Rousseau lived in a certain time, place, and had a bunch of other factors which affected his understanding of his own work, I too must be wary of these things that affect my understanding: I must be wary of my *horizon*, and the text's horizon. Gadamer says that a text gives meaning within a horizon (Krogh, 2014, pp. 54–61). The reader, being me in this case, also has its horizon. A horizon is

like a framework, but whereas a frame is clear and we can see where it ends, a horizon is always around us and follows us as we go along. Ideally, what we would want is for the two horizons to “melt together”. That is to say, for the prejudices, i.e. pre-understanding, of the reader to be the same as the text’s. Here, I differ slightly: the main work is *Du Contrat Social*, however, this is an inquiry of LVG. I am forced to do this as Rousseau never wrote a text exhaustively describing LVG, despite using the concept frequently in several of his works. I therefore have to find explanations which Rousseau have sprinkled here and there throughout his texts and also rely on analyses by other philosophers. Thus, I focus on LVG, but I have to consider the horizon of the whole work. The horizon to LVG is quasi-realism. The reason as to why I may use this is due to the metaphysical nature of the first part of this inquiry. I could have taken a historical horizon, namely the enlightenment. However, this is not a historical thesis, but a philosophical one. I believe this to be the correct horizon when considering the state of nature. *Du Contrat Social* has notions of objectivity, such as the common good. This calls for realism. However, the civil state is artificial and conventional, and thus not realistic. In order to reconcile these two we can use quasi-realism as the horizon. Not only do I believe this to be out of the principle of charity, it also makes historical sense. Quasi-realism is developed by Simon Blackburn, and in turn he bases his work on that of David Hume. Hume was a friend of Rousseau, so it is fair to say, taking into account Gadamer’s lesson on pre-understanding, that the two enlightenment thinkers may have had similar prejudices, and thus that the horizon of the text and that of quasi-realism may melt together.

To give an overview of other readings of *Du Contrat Social*. Some other horizons for *Du Contrat Social* have been spiritualist, idealist, Hegelian, Marxist, and Anglo-Saxon neocontractualist (Pezillo, 2000, p. 3). In the spiritualist and idealist view, according to Hegel, LVG serves as a justifier to individual freedom, a freedom he calls “abstract freedom”. Moreover, according to Burke, Rousseau has put himself in the company of Plato, Aristotle, Vico, and Montesquieu, and the State is illustrated as a Platonic ideal in *Du Contrat Social* (Pezillo, 2000, p. 14). As for Marx, he used *Du Contrat Social* in his own work, but it nevertheless remained Hegelian in its favouring dialectics. Still, Rousseau is considered to have laid the foundation for Marxism (Pezillo, 2000, pp. 24–29). Lucio Colletti, a disciple of Della Volpe, stated that Rousseau’s idea was to make it so that social classes proportionally corresponded to *merits*, which in turn bases itself upon natural difference (Pezillo, 2000, p. 29). This seems to me to be a rather skewed reading. This very brief overview shows that Rousseau’s work has been given both more and less serious readings. In my reading, I dare say

my only agenda is to strengthen the Rousseau's theory according to the principle of charity, doing so by updating the work by making use of good contemporary theory to describe and understand it. My question is thus: What is LVG and how is it best understood?

Having described my method, I now turn to Rousseau's method. Not only was Rousseau a contributor to philosophy, but also a contributor to literature at large. And it is in his autobiographies, namely *The Confessions*, *Rousseau Judge of Jean-Jacques*, and *The Reveries of the Solitary Walker*, where the originality in his method in both philosophy and literature is fully revealed. Call this method: *autoethnography*. Ethnography is the study of people's mode of living, which includes forms of culture and society, as well as religion and economics. Rousseau does this from his own point of view. Thus, autoethnography. His method is perhaps particularly unleashed in his autobiographical works. In judging the quality of these works, I refer to Nicholas Dent: "the three together show a fertility of imagination, formal inventiveness, and boldness of design which would be sufficient to mark Rousseau out as a creative genius even had he not written all his other works." (Dent, 2005, p. 209) In further discussing his influence on romanticism, he remarks that "it is almost impossible not to see a huge part of nineteenth- and twentieth-century poetry and literature (...) as fundamentally shaped by Rousseau's creative innovations, even where the writers themselves show no awareness of this." (Dent, 2005, p. 226) I believe that it is this romantic aspect that Rousseau brings into philosophy and the enlightenment itself, and what makes him, as Céline Spector pointed out, "a modern critic of modernity." (Spector, 2019) In light of this, I dub his method one of examination of the external via self-examination, i.e., autoethnography. He even brings himself into *Du Contrat Social*, which is considered as a proper (and hugely important) philosophical work. Couple this with Rousseau as a systematic thinker, meaning that all his works seem to influence and play along with each other, and we might say that the questions always tries to answer is the question of the good life, avoiding singleness of purpose. In morality, psychology, individuality, commonality, politics, literature and philosophy all his contributions wish to steer humanity in a better¹¹ direction. This also explains his adoration of the "noble savage", and his "modern critique of modernity": he is not simply into one or the other. As Allan Bloom puts it:

¹¹ Using the adjective "better" to comment on Rousseau is rather imprecise, and not in his spirit. On any topic, he rarely, if ever, has a view that topic x is either simply good or bad. His take is beyond such plain bipolarity. Instead, his views are always nuanced: that which purports evil, e.g., *amour-propre*, does not have to be so, and is thus not evil in itself. That which may purport good, e.g., *the noble savage*, is far from beyond corruption, and thus requires deeper understanding. Alas, I was not able find a more precise adjective that adequately describes the direction in which Rousseau leads humanity.

The schools that succeed him are all isms, intellectual forces that inform powerful political or social movements with more or less singleness of purpose. Rousseau resists such limitation ... Therefore Rousseau did not produce an ism of his own, but he did provide the authentically modern perspective. (Dent, 2005, pp. 210–211)

As a thinker, Rousseau is irreducible to a single purpose, and that is exactly why I posit the question of the good life as his purpose. Its broadness does not limit Rousseau. He is thus a systematic thinker who examines himself, and society through himself, in a way that is beneficial to the question of the good life. This irreducibility has naturally led to a great interest in his work, which lives on in the 21st century.

1.4 ROUSSEAU TODAY

Rousseau has contributed greatly to philosophy. To argue for this, I will present extracts from two important contemporary philosophers: John Rawls, and T. M. Scanlon. In his hugely important work *A Theory of Justice* under the heading “The main idea of the theory of justice” Rawls writes in a footnote: “As the text suggests, I shall regard Locke’s *Second Treatise of Government*, Rousseau’s *The Social Contract*, and Kant’s ethical works ... as definitive of the contract tradition” (Rawls, 1971, p. 11). Rawls might very well be the most highly regarded philosopher of recent times, and for him to base the contract tradition partly on *Du Contrat Social* speaks to Rousseau’s brilliance.

I now turn to Scanlon. Writing on the tradition of “contractualism”, he clarifies the kind of contractualism to which he connects.

The idea of a shared willingness to modify our private demands in order to find a basis of justification that others also have reason to accept is a central element in the social contract tradition going back to Rousseau. One of the main reasons for calling my view “contractualist” is to emphasize its connection with this tradition. (T. Scanlon, 1998, p. 5)

The “shared willingness” draws strong parallels to LVG, and in a way Scanlon talks of it as a basis for his reasons fundamentalism (T. M. Scanlon, 2014). This leads nicely to the question: What philosophical notion is it that draws these philosophers to Rousseau’s work? I believe it to be that Rousseau did not see laws as a negation of freedom. To support this argument: In *A Commentary on Kant’s Critique of Practical Reason* Lewis White Beck writes: “The doctrine of autonomy was anticipated only by Rousseau, for only Rousseau saw the

essential connection between law and freedom while others in the eighteenth century saw law only as a restriction on freedom.” (Beck, 1960, p. 200) This is what contractualism reveals, with Rousseau's Magnum Opus being the prime example. I do not wish to develop the relationship between the philosophers any further here, but simply to point out the standing of Rousseau today. Having talked about his most important contemporary philosophical connections, I will now talk of Rousseau today more generally.

Besides his presence in just about every occidental national constitution, Rousseau also still has a considerable presence in academia anno 2021. I will now present some of this current work, and then argue for the importance of Rousseau's work today.

As Dent points out: “There is of course a huge Rousseau ‘industry’, as it is often disparagingly called, devoted to analysing and interpreting his ideas” (Dent, 2005, p. 227). This thesis places itself in this “industry”, and hopes to shed some fresh light and fitting perspective on the object of study. Whereas some of the contemporary examples which draw upon Rousseau's work may be found in the bibliography, other instances include *A Theory of Justice* by John Rawls, the sociological work *Respect* by Richard Sennet, and *The Depths of Recognition* by Axel Honneth.

The importance of Rousseau and his influence today is very easy to argue for. One particularly convincing account is that of Allan Bloom.

Rousseau's presence is ubiquitous ... The schools that succeed him are all isms, intellectual forces that inform powerful political or social movements with more or less singleness of purpose. Rousseau resists such limitation ... Therefore Rousseau did not produce an ism of his own, but he did provide the authentically modern perspective. His concern for a higher, nonmercenary morality is the foundation of Kant's idealism. His critique of modern economics and his questions about the legitimacy of private property are at the root of socialism, particularly Marxism. His emphasis on man's origins rather than his ends made anthropology a central discipline. And the history of the movement from the state of nature toward civil society came to seem more essential to man than his nature – hence historicism. The wounds inflicted on human nature by this process of socialization became the subject of a new psychology, especially as represented in Freud. The romantic love of the beautiful and the doubt that modern society is compatible with the sublime and pure in spirit gave justification to the cult of art for art's sake and to the life of the bohemian. The longing for rootedness and for community

in its modern form is part of Rousseauian sensibility, and so is the love of nature and the hatred for nature's conquerors. All this and much more flows from this inexhaustible font. He possessed an unsurpassed intellectual clarity accompanied by a stirring and seductive rhetoric. (Dent, 2005, p. 211)

As Dent says after this long excerpt: "This is a formidable reckoning" (Dent, 2005, p. 211). It certainly is. As such, reducing Rousseau to one field does not do his thoughts justice, which is why he is a philosopher, and not simply an anthropologist, a social scientist, a musician, a botanist, or an author. His wide influence is what characterises him. Thus, he is an excellent source for intercurricular studies: studies that cross several fields of research.

As for other impacts on society, especially European society, he is both credited as the main inspiration for the French Revolution, and blamed as the main inspiration for the Great Terror. He is a forerunner to both Kant and Marx, and their respective philosophies in ethics, metaphysics, politics, and economics. He is named both a liberal and a totalitarian, thanks to his idea of grounding sovereignty in the people and to his idea of forcing men to be free. He is a great source of criticism for modernity, and especially in the present hay-day of modernism, what we might call the high-modernity of today's "age of information". And as an alternative to this modernity, he is also a leader of Romanticism (all of this influence can be found in Spector, 2019, pp. 178–179). When studying Rousseau, one is truly spoiled for choice as to the number of subjects. Literature, philosophy, anthropology, theatre, and even music have all received some contribution from "the citizen of Geneva". Moreover, when mentioning all these things to which he devoted his time, we might understand better why he is characterised as a modern, as he did indeed occupy himself with the sciences and the arts. Thus, it was perhaps not without inner conflict that Rousseau criticised modernity. Perhaps his critique even falls under the rubric of "killing one's darling". In this sense, modernity is maybe not a step entirely in the wrong direction, but simply not "the final ideology" of humanity. It is not, as Francis Fukuyama put it, "the end of history". It is not difficult to deliberate to a view which sympathises with Rousseau. For example: Given the three pillars of modernity, namely science, arts, and progress, we might make a very simple but also rather powerful critique of one of these pillars by simply asking: What is *progress*? This question, simple in its rhetoric, but powerful in its effect, sounds to me to point towards the same sort of critique that Rousseau gave in the *First Discourse*, namely that the sciences and arts cannot be attributed to any purifying of the morals (Spector, 2019, pp. 8–9) where I interpret said purifying to be a sort of humanistic progress.

Now, to argue for the importance of this subject specifically. I will present a descriptive argument and a normative one. Firstly, the descriptive one: There are several nations of today, certainly in Europe, that are historically either loosely inspired by (Skirbekk, 2007, pp. 271–272) or more directly built upon (Dent, 2005, p. 216) *Du Contrat Social*. With this observation in mind, if we want to have states which function well, then this necessitates understanding their inner workings. If their inner workings are based on *Du Contrat Social*, it necessitates the understanding of this work. Thus, unpacking it in a descriptive manner is of great insight. Rousseau has been used time and again for normative purposes, but history shows us that his legacy suffers much the same fate as that of Marx: there is no one clear road trod which leads to Rousseau's society. And while many paths lead to Rome, many have set out for Rome in the guise of Rousseau's spirit, but ended up somewhere starkly different. Therefore, a descriptive work of inquiry, work which does not try to add, subtract, or use that which it inquires into, but simply tries to honestly unpack it, makes the despot's job of twisting *Du Contrat Social* more difficult.

Secondly, the normative one: As V-Dem's 2020 democracy report (Lührmann et al., 2020) shows, democracy is in serious decline. This decline does not take place in totally impoverished nations, but within Europe and the EU. This goes to show that democracy is not indestructible in our time, and that we should in fact take another closer look at the inner workings of democracy in order to answer the question: what went wrong? Rousseau's *the general will* is a shining candidate for investigation in the interest of democracy. It is notoriously unclear, but clearly important (Kenny, 2000, pp. 351–353; Skirbekk, 2007, p. 270). Thus, applying the updated academic vocabulary in order to shine new and clearer light on it should be a step in the direction of revealing democracy. Rather than entrenching ourselves in traditionally accepted forms of democracy, I believe we ought to take a look at the ideas which got us here and inspect them more closely. The democratic progress is not to be taken for granted. It is absolutely worth protecting.

2.0 THE COMING INTO BEING

2.1 INDIVIDUAL WILL

What I will now endeavour to explain is the coming into being of the general will. I will explain it according to Rousseau's logic, but with my interpretation. This is largely done by a thought experiment he uses known as "the state of nature". This is not to be understood as a historical account of how he believes humanity to have transitioned through the ages. Rather, "the state of nature is conceived in opposition to civil society or civilization: it is that in which men are isolated and separated from their fellows, without commerce and industry." (Spector, 2019, p. 15) Immediately, we see that the humans who would live in such a state¹² would be individuals par excellence. Picking up the quote where we left off, Céline Spector now continues, and makes an excellent comment on this method: "Second, it is also opposed to political society, prior to the birth of authority and coercion. Yet Rousseau pretends to have, thanks to his own uncorrupted nature, direct access to both." (Spector, 2019, p. 15) She points out very well that his fascination with nature serves him in a certain way, as he also claims to be uncorrupted by civilisation. However, Rousseau's inspiration to do this is at least good: he refers to the Temple of Delphi and its inscription: "Know thyself." He interprets this as a calling to know the human's¹³ original constitution. Hence why Claude Lévi-Strauss considered his work as the "first general treaty of ethnology". (Spector, 2019, p. 15)

Having explained why in the coming into being of the *general* will, I now start with the *individual*, which may seem to be a paradox. I hope that an account of why going to the individual's *will* in explaining the coming into being of the general *will* may render the account less paradoxical. Although, the paradox is not a terrible intuition, as I posit that LVG and individual will are qualitatively different.

To start with the will is intended to be a very precise point. It is not intended to talk about the subject, nor the object. Neither its influence, nor its consequence. It is intended to direct our attention to the will itself. On a pedagogical note: I like to imagine the will as an arrow, going from the subject, and pointing to the object. It is the very arrow that we must start with, as this arrow – the individual will – shall reveal a key notion via a conflict. This key notion is *the common good*. One property of the individual will which will be crucial is its *direction*, especially in relation to other individual wills. An aggregation, i.e., a plurality of individual

¹² "State" is here to be understood, not as in "country", but as in "a state of being".

¹³ He writes about "man", but it is in the interest of his argument to interpret this as "humans".

wills and their direction is what reveals the common good. But, first we must familiarise ourselves with Rousseau's usage of the concept.

Individual will is the basic will which any non-public person has, both in the state of nature and the civil state. It concerns itself with individual matters, and it is free. Its freedom is easily inferred from Rousseau's claim that humans are free in his famous opening of *Du Contrat Social*. "Man is born free, and every he is in chains." (CS, I, I)¹⁴ There are many interpretations given to this excerpt. Mine is as simple as this: man, is born free to wield his will, but within the confines of his being. A maximally free will, one without a single chain, would be the will of a god. A minimally free will, one with all the chains and no real choices, would be that of a slave. So, man is limited, but free nonetheless. Returning our focus to the will: We must remember that this individual will is something that exists in the state of nature and is thus limited by the state of nature. The fact that it also exists in the civil state does not limit it from its natural restrictions. The following extract sets this in perspective by comparing the individual will to the general will; the state of nature to the civil state.

In fact each individual can as a man have an individual will, [which is]¹⁵ contrary or dissimilar to the general will that he has as a citizen. His individual interest can concern him all differently than the general interest. (CS, I, VII)¹⁶

We know from this that the individual will is qualitatively distinct from the general will by Leibniz's law: "the metaphysical principle that necessarily, if a and b are identical, then they must share all of the same properties." (Ney, 2014, p. 285) Their properties of individuality and generality differ, and are irreconcilable. Thus, they do not share the same *qualitative identity* (Ney, 2014, p. 36). We also know from this extract that the general will's object, the common good, cannot be the individual will's object. Having considered quality and derived some insight from it, let us move on to a quantitative consideration. For example: do many individual wills equate the general will? Is the general will simply "the will of all"? No. Whereas in any

¹⁴ L'homme est né libre, est partout il est dans les fers.

¹⁵ The original text is without the text in the brackets, however I have added them to point out that he is not talking of a will which is either individual, contrary, or dissimilar, but an individual will which is contrary or dissimilar. This interpretation has also been done without the brackets in the translation by G. D. H. Cole. (Rousseau, 2013)

¹⁶ En effet chaque individu peut, comme homme avoir une volonté particulière, contraire ou dissemblable à la volonté générale qu'il a comme citoyen. Son intérêt particulier peut lui parler tout autrement que l'intérêt commun;

body politic there is only one general will, there is naturally not just one individual will there, but several. This plurality of will is not equal to the general will.

Often, there is a lot of difference between the will of all and the general will; the second only concerns itself with the common interest, the first only concerns itself with the private interest, and is only a sum of individual wills: but remove from these very wills the more and the less which destroy each other, [and that which] remains as the sum of their differences is the general will. (CS, II, III)¹⁷

This is a crucial part of the general will: that it is qualitatively distinct from an individual will by its object, and this is brought forth even in when considering quantity. As to what Rousseau might mean about removing the more and the less (the pluses and minuses) which destroy each other, I refer to Dent's demystification. When giving a normal example of what an individual will might look like, namely wanting "ample material means procured with minimal effort on my part; the esteem and favour of all around me; long life and happiness all my days" (Dent, 2005, p. 143) he then turns to interpreting Rousseau's removing the more and the less:

What could this mean? Possibly this. My having ample material goods with minimal labour is a plus for me; but my prospect of having this is cancelled out by others' wanting the same for themselves on the supposition that material abundance is not a natural occurrence. My optimistic, extravagant wish is cancelled out, brought to nothing, by others' like wish, as theirs is also. Does anything remain? We each want material well-being; we each are prepared to invest some labour, and this is a realisable objective which we might all adopt once our respective extravagant projects are abandoned (Dent, 2005, p. 143)

What he does here is what I specified earlier. He draws our attention not to the subjects, i.e., the individuals, nor to the objects of their desire. Rather, it is the very will, the arrow pointing from subject to object, that he considers, and the fact that these wills are parallel, and not conflicting in themselves. The conflict arises from the scarcity and extravagance of the object. These observations are crucial for "the common good". He later points out that this seems to coincide with LVG's object, namely the common good, "though there remains an

¹⁷ Il y a souvent bien de la différence entre la volonté de tous & la volonté générale : celle-ci ne regarde qu'à l'intérêt commun, l'autre regarde à l'intérêt privé, & n'est qu'une somme de volontés particulières : mais ôtez de ces mêmes volontés les plus et les moins qui s'entre-détruisent, reste pour somme des différences la volonté générale.

ambiguity over whether the objective is to be understood collectively or severally.” (Dent, 2005, p. 143) I believe that, using Dent’s words, understanding LVG collectively is to understand its qualitative distinction, and understanding it severally is to confuse the general will with the will of all. Collectively points to the chemical understanding, whereas severally is a more mechanical understanding.

The chemical and collective understanding is given a name: an association. And the mechanical and several understanding is called an aggregation. What does this mean? Under the heading “The ‘First Convention’”, which points to the act of association, Spector discusses this and what it is in marvellous pedagogic fashion:

In chapter 5, Rousseau establishes that political obedience can only be legitimate when it relies on a social contract: he refutes voluntary servitude that justifies absolute monarchy, promoted by the ‘proponents of despotism’, essentially Grotius and Hobbes. The social contract is not a pact of submission: ‘there will always be a great difference between subjugating a multitude and governing a society. If scattered men, however many there may be, are successively enslaved by one individual, I see only a master and slaves; I do not see a people and its leader. It is an aggregation, if you wish, but not an association’. (Spector, 2019, p. 49)

Here, Spector points out that Rousseau’s idea of association over aggregation is what separates him from other contract theorists. He proposes this idea of association as critical to the legitimacy of a social contract. A social contract is not legitimate if it simply establishes servitude of the masses. This would be a victory for Louis XV. Instead, Rousseau says that it must first of all be a voluntary act, and submission to a master is an act of necessity, not of will. The association, i.e., the social contract, is a voluntary grouping, and not a forced gathering. A contract must also be an exchange where both parties “win” something, and sacrifice something. So, how exactly is this “association” as opposed to an “aggregation”?

The distinction is crucial: an *aggregation* falls within the mechanical vocabulary, an *association* relates to a chemical context. Beyond the production of social unity (voluntary grouping/forced gathering), Rousseau intends to understand the nature of social union, considered as the most voluntary act in the world. (Spector, 2019, p. 49)

I wish to pause here, simply to underline the last sentence: “Rousseau intends to understand the nature of social union, *considered as the most voluntary act in the world.*” This

means, by inference, that there is not a shred of necessity with regards to the contracting parties of the social contract. Rousseau understands the social contract as legitimate *if and only if* no parties involved *need* to “sign” the social contract. The chemical vs. mechanical metaphor becomes even more meaningful in light of free will. The mechanical grouping is a forced one: The car does not assemble itself, but is assembled by the will of a mechanic. Whereas the chemical grouping is a voluntary one. Introduce chemicals that wish to associate to each other, and they will associate. She goes on to qualitatively distinguish the association and aggregation, which in turn leads us to why I understand LVG as being *emergent*.

Therefore, he contrasts the aggregation in which the whole is the sum of its parts with the association which includes the social bond that unites the elements of the whole, where the whole is greater than the sum of its parts. (Spector, 2019, p. 49)

With regards to will, this difference also describes the will of all and LVG by extension. The will of all is the will of an aggregation. LVG is the will of an association. The part about an association “where the whole is greater than the sum of its parts” strongly suggests that something emerges from this association. To use Aristotelian terms: the difference between the association and aggregation is not matter, but form: the chemical grouping which forms an association, and the mechanical gathering which makes an aggregation. And thus, given that LVG is emergent and the will of all is not, it is also qualitatively distinct. She then goes on to further clarify aggregation and association:

The chemical model suggests that the properties of the whole are irreducible to those of its parts. We may refer to the definition proposed by Rousseau in his *Chemical Institutions*: ‘The chemical *syncrèse* consists of new mixes so that two substances that unite, mingled and confused, combine to make up a third of a different nature from each of those which composed it and where neither of them is no longer recognizable.’ It is the chemical mixing which supports the understanding of association as a synthesis *sui generis*. The real contract is a pact of association by which a multitude becomes a people, not a pact of submission by which a people give themselves leaders: ‘Therefore, before examining the act by which a people elects a king, it would be well to examine the act by which a people becomes a people [*l’acte par lequel un peuple est un peuple*]. For this act, being necessarily prior to the other, is the true basis of society.’ (Spector, 2019, pp. 49–50)

In other words, only the act of association may be a true basis for society. The chemical model entails emergence, as opposed to the mechanical vocabulary. Not only does it describe emergence by two substances combining to make a third, which picks up the essence of emergence, it also uses a similar style of metaphor as O'Connor & Wong (O'Connor & Wong, 2005), whose work I am using as the basis for emergence with regards to LVG. The point is not simply to put a lot of humans together, that would be mechanical. The point is the social bond, unity, society, must be different from a bunch of women and men. There are many bonds, and Rousseau contrasts the ideal bond to the bond of necessity, a bond which is considered illegitimate. This bond, this “social knot”, partly formed in a chemical way by the act of association, which when formed cannot be reduced to the sum of its parts, is when the will of all aligns itself with LVG.

But when the social knot starts to let go and the State to weaken; when the individual interests start to make themselves felt and small societies start to influence the big society, the common interest changes itself and finds opponents, consensus no longer reigns in the voices, the general will is no longer the will of all, contradictions arise from debates, and the best view does not come without dispute. (CS, IV, I)¹⁸

The social knot and the strength of the State are here tied. Once the knot starts to let go, the State weakens. And, as mentioned, the social knot is the degree to which the will of all aligns with LVG. It must be the will of all that aligns itself, as LVG is fixed towards the common good, and cannot align itself with the will of all. We see then that LVG and individual will have a relationship, but that LVG does not meddle in the affairs of individual concern. It must “always be straight”, which simply means that it must have the common good as its object, lest it be LVG no more. Rousseau also tells us of a symptom for what is an unhealthy body politic, namely that the will of all is no longer LVG. Although such a State is feasible, i.e., it does not follow with necessity that a State in which the will of all does not align itself with LVG cannot persist, it is nevertheless a badly functioning body at this point. The inner conflict of a state is only sustainable to a certain degree, and a dissonance between LVG and the will of all cannot be said to be a “stylistic” or “cultural” choice, choices which Rousseau otherwise has

¹⁸ Mais quand le nœud social commence à se relâcher et l'État à s'affaiblir ; quand les intérêts particuliers commencent à se faire sentir et les petites sociétés à influencer sur la grande, l'intérêt commun s'altère et trouve des opposants, l'unanimité ne règne plus dans les voix, la volonté générale n'est plus la volonté de tous, il s'élève des contradictions des débats, et le meilleur avis ne passe point sans disputes.

encouraged States to make, in order to adapt themselves to both the people and the land. The Social Contract cannot be based upon a dissonance between the two big wills.

As to why the will of all cannot legitimately usurp LVG and claim the common good as its object, we have to look at the individual will's natural disposition to be free (which we have done in this chapter), and how this creates conflict in the masses (which is the chapter to follow). This is a move from the individual perspective to the plural perspective.

2.2 OUTER CONFLICTS

Having just discussed individual will, establishing its freedom among other things, we easily see that individuals often find themselves in conflict with each other. This sub-chapter is titled “Outer conflicts” as the conflicts we examine here are individual agents conflicting with each other. This stands in contrast to the later chapter “Inner conflicts”, in which the conflicts are not external, but internal. Returning to the issue at hand: It is the agents' similar objects of desire that directly cause them to conflict with one another. In addition, should there be a desire to expend as little effort possible, and should this desire be prioritised in the individuals, then it is also foreseeable that exploitation might take place. It is this problem of conflict in the masses that renders Rousseau's idea of association over aggregation even more susceptible to doubt. If even an aggregation causes conflict, then surely binding the individuals even tighter in an association must serve only to aggravate the problem? Indirectly, Rousseau concedes to this critique. In a situation such as the one described, an even tighter binding of an aggregation is not much of a solution to anything. However, Rousseau's idea is not simply to mechanically bind the individuals to one another. It is to create a body politic. A body politic with its own will. A will which does not conflict with individual wills by design. Such an association is not simply a “tighter aggregation”, it is qualitatively distinct from that. Now onto why such an association handles the problems of conflicting individual wills. Where does Rousseau start? He starts in the state of nature.

I suppose humans reached this point where the obstacles which hinder their conservation in the state of nature, outweigh, by their resistance, the forces that each individual may employ to maintain itself in that state. Thus, this primitive state may no longer persist, and humankind would perish if it did not change its manner of being. (CS, I, VI)¹⁹

¹⁹ Je suppose les hommes parvenus à ce point où les obstacles qui nuisent à leur conservation dans l'état de nature, l'emportent par leur résistance sur les forces que chaque individu peut employer pour se maintenir

First, he establishes the state of affairs in the state of nature. The state of nature is, if you will, the “theatre” where the emergence of LVG transpires. He takes for granted that nature resists the efforts of human self-preservation, its conservation, in such a way that humans are at a loss. This might seem like a bizarre supposition to make, but I believe this very much resembles climate-change. As such, it is rather familiar. The thought experiment is also an answer to an earlier deliberation on why the “noble savage”, seemingly content in the state of nature, would want to cross into the civil state. The problem being that it is the very “primitive state” that may no longer persist, as humankind would perish in it. This begs the question: what issue is it that suddenly makes humans no longer capable of residing in the state of nature? Enter: the problem of the common good, which is the problem Dent touched upon earlier in his demystification regarding “removing the less and the more”, namely procuring ample means with minimal effort, etc. Although Rousseau does not outright mention the common in this quote, we should pay attention to his wording. He points out that it is *humankind* that would perish, and not the human. The individual perspective, which is defining of the state of nature, is not the perspective taken to explain the crossing into the civil state. Notice the phrasing: Obstacles have hindered the conservation of each individual, and in order to counter this humankind must “change its manner of being”, i.e., transcend individuality. It is not a task for each individual to solve individually, as the problem is a common one. It is a task for all to solve collectively. So, how to do this?

However, as humans cannot create new forces, but only unite and direct those that exist, they have no longer any other alternative to preserve themselves, but to form by aggregation a sum of forces which could prevail over the resistance, to bring them into play by a single motive, and make them act in concert. (CS, I, VI)²⁰

This is a presentation of Rousseau’s act of association. He takes us into his idea of association very slowly. He pedagogically first presents the aggregation, and then describes this aggregation in such a way that it must become an association to fit the description. In other words, he first introduces the numerical perspective – that we need many persons: you, me, her, and him – and then leads us to see this is not just an aggregation of many persons, but as a

dans cet état. Alors cet état primitif ne peut plus subsister, et le genre humain périrait s’il ne changeait sa manière d’être.

²⁰ Or comme les hommes ne peuvent engendrer de nouvelles forces, mais seulement unir et diriger celles qui existent, ils n’ont plus d’autre moyen pour se conserver, que de former par agrégation une somme de forces qui puisse l’emporter sur la résistance, de les mettre en jeu par un seul mobile et de les faire agir de concert.

collective “we” that acts in concert. To transcend individuality is not an inventive process. Nor is it as fantastical as the wording might make it seem. It is to unite and direct forces already existing. And which forces are that? We already know one force: the one of will, and this is the force in focus here. What needs to be done is to create a common will, a general will, a common me, that has a fixed object, unlike individual will. This fixed object must then be the common good. This means that the will that must be united and directed must be unfree, unlike individual will. Why can we not just have a monarch whose will does have the common good as its object? Because unlike LVG, the monarch’s individual will is free, inconstant, alterable, and impure with regards to its object.

... it is always constant, inalterable, and pure; but it is subordinate to others who outweigh it. Each one, detaching his interest from the common interest, sees that he cannot separate it as such, but his part of the public evil seems like nothing to him next to the exclusive good which he claims to own. (CS, IV, I)²¹

What Rousseau tells us here is that there is no guarantee that the monarch will actually desire the common good all the time. Not only are we shown how LVG has a fixed object, we also see how our fictional monarch (or any individual for that matter) would judge the common good as a worse object compared to some exclusive good. Exclusive in the sense that this good is “mine” and not “ours”. To exemplify this concretely: A private hospital is much more tempting to the individual than a public one. Should I or any individual make the decision between using funds for a private hospital where I would be guaranteed to get exactly the care that I want, or a public hospital where the people would get the care that we need, I would not be inhuman to choose the private option. Our individual *will* pertains to our individual *desires*, not to the public *need*. What Rousseau has anticipated here is the game-theoretic problem known as “the tragedy of the commons”, a phrase coined by Garrett Hardin, where a group of individuals face “the difficulty associated with not being able to reach the social optimum” (Dixit, 2015, p. 423) due to the fact that their individual wills are always biased towards some exclusive good, and the common good/social optimum suffers because of it. It is the individual human’s tendency to act on egoistic intentions even when knowing and acknowledging that the common social intentions are overall better that Rousseau refers to when he says that LVG “is subordinate to others who outweigh it.” When making a decision, what ends up tipping the scale

²¹ ... elle est toujours constante, inaltérable, et pure ; mais elle est subordonnée à d’autres qui l’emportent sur elle. Chacun, détachant son intérêt de l’intérêt commun, voit bien qu’il ne put l’en séparer tout à fait, mais sa part du mal public ne lui paraît rien, auprès du bien exclusif qu’il prétend s’approprier.

in one direction or the other is often the answer to the question “what is in it for me?” and not “what is in it for us?” as the latter seems distant, estranged, and not pertaining to the self (Fox, 2008, pp. 143–147). On the note of game-theory, he anticipated another such problem, namely the problem of the free-rider, to which such iconic phrases as “the total alienation of each subject” (CS, I, VI) and “forcing one to be free” (CS, I, VII) replies. The free-rider is someone who lets others do all the work and reaps the benefits all the same (Dixit, 2015, p. 420). Spector phrases its relevance to Rousseau’s work eloquently, when speaking of what we might call “a citizen of the general will”.

Acting in accordance with the general will makes him free, namely safeguards him from personal dependence, as long as he obeys the law. Without any weakness of the will, the citizen should be forced not to let his private interests prevail. This problem known in game theory as the problem of the *free-rider* was anticipated by Rousseau. (Spector, 2019, p. 58)

To be concrete about transcending individuality: What happens is not that the savage suddenly turns to the common good in an act of altruism. Nor is it that several persons intersubjectively agree that the common good should be each one’s object. The solution is more wholistic than that. The persons intersubjectively agree that not only is the direction of the will a problem, but the subject which has said will also is. To transcend individuality is thus to form a people, that acts as a new subject, in which all the persons make themselves interdependent on each other, and this people is to be viewed as a collective political body, one with *its own will* which we call the general will. A will, because a body without a will is without direction and intention, and the body politic is no static monument. A general one, because unlike the free will of the human, the body politic’s general will has its essence determined by the object for which it was instituted. Which means simply that should LVG turn away from the common good, it would be LVG no more. The body politic would no longer be an association, but an aggregation. The common good would exist as an object like any other, simply pertaining to individuals and not to the common, and the private hospital would then be no different from the public one. Thus, when I say that LVG has a fixed object this is not to say that the body politic is unable to divert from the common good in practice, but that it is unable to do so and retain its essence.

There is a problem here that we have not tackled yet, namely that of the despot. The challenge Rousseau puts forth is solved by a multitude of persons submitting to a despot.

However, he has solved this problem in the two previous chapters of *Du Contrat Social*. In essence, the submission does not transcend individuality, but expands it. Instead of making an association which would make them all act in concert, i.e. in harmony, submitting to a despot is simply letting one will rule over all other wills. It is not harmony of the many, but a domination of the one. However, most crucially it does not protect liberty, which is a cornerstone in Rousseau's project: "To renounce one's liberty, is to renounce one's quality as a human, one's human rights, even one's duties." (CS, I, IV)²² As such, submitting to a despot is not something which brings humankind out of the state of nature, but which brings it deeper into the state of nature, and in a more vicious way. Unity²³ by generality is thus Rousseau's answer: the general will.

What leads Rousseau to an understanding of conflicts in society is what we today refer to (especially in game-theory) as a zero-sum game. "In simple games such as chess or football, there is a winner and a loser. One player's winnings are the others' losses, so the total is 0. This is why such situations are called zero-sum games." I use this term in a wide sense: land, food, or any other material are examples of possible economic gains for some which necessarily entails a loss for others. For example: If I should win 40 acres of land, then there are 40 acres less left for everyone else. Due to my gain, all else are at a deficit. Thus, all others are necessarily at a loss. There is a nuance to this. "Because the available gain need not always be exactly 0, the term constant-sum game is often substituted for zero-sum game." (Dixit, 2015, p. 21) The point of the nuance is simply that there is in such games a fixed amount of possible gain that is being distributed. Whether this be zero or two is not crucial: its constancy is.

All gains are thus distributed in some way, and it is in the way in which these gains are distributed – the rules of the distribution – that Rousseau steps in. The social contract is not intended to be a purely political document, nor purely descriptive, nor purely normative. It is a description, both from observations and arguments, but in addition to this it is a document with normative claims. It is a call to face responsibility via regulation. Not just in the sense of regulation of the state, but perhaps even more in the sense of the state being an agent in said regulation. Evidently, political rules follow from this. And another form of ruling is that of economy. So, what sort of principles should guide political and economic ruling? Rousseau has

²² Renoncer à sa liberté, c'est renoncer à sa qualité d'homme, aux droits de l'humanité, même à ses devoirs.

²³ Unity is perhaps a bad word, because it suggests "oneness", which is not really the point. The point is not for the whole to trample over the individual, but to set the whole and the individual in a contract: a mutually binding and beneficial relation.

answers to this, and right away we see the tendency towards the broader perspective. He sets two conditions for what may be considered as human goods, and not just individual ones: 1) universal satisfiability, and 2) compatibility with the human essence. The essence in question is freedom (Neuhouser, 2008, p. 50). The first condition “requires of an end that it be satisfiable in principle for all members of a society at once. If these were not the case, the basic happiness of some would necessarily be purchased at the expense of others’, and this Rousseau thinks is impermissible.” (Neuhouser, 2008, p. 51) The second condition is the requirement that none should be subject to someone else’s will. That, in essence, all should remain as free as before (Neuhouser, 2008, p. 51). We instantly see that with this, Rousseau wished to drive the common attention towards non-constant-sum games, to put it in economic terms. Or, to put it philosophically: he tries to direct common attention to common objects, hence forcing LVG to transcend individuality. But, are there that many non-constant-sum games for the state to rule on? “Most economic and social games are not zero-sum. Trade, or economic activity more generally, offers scope for deals that benefit everyone.” (Dixit, 2015, p. 21) So, it is not so that there are fewer instances fit for LVG to rule upon; on the contrary, the individual perspective, fitting for constant-sum games, does not have an area as widespread as that of LVG. Incidentally, this point also shows how one truly can be “forced to be free” under LVG: “Joint ventures can combine the participants’ different skills and generate synergy to produce more than the sum of what they could have produced separately.” (Dixit, 2015, p. 21) To paraphrase this using Rousseau’s vocabulary: “An association can combine the individuals’ (different skills) and generate synergy to produce more realisable actions (freedom) than the sum of what they could have produced separately.” What does this mean for freedom? If we imagine freedom as a list of realisable actions for an agent, then individuals of an association has a larger list than lone individuals. For example: If Socrates should be part of no association, and he wanted to lift a rock of 1000kg, he would not manage to do so. On the other hand, if he should be part of an association, and he managed to get this association to help him lift it, then he would manage to lift the rock. This is just one example of one instance where an association has granted a member a larger scope of freedom than if they had not been a part of this association. In this example association-Socrates’ possible actions are equal to individual-Socrates’ possible actions, plus one. We might say that he now has two agents working in his interest: Himself as an agent for his private desires, and the association as an agent for the common good. In the end, it is not Socrates, but the common good that determines whether or not moving that rock is LVG’s will. In any case, we see here that even in game-theory Rousseau’s idea of a general will makes great sense, especially with regards to individual

conflict, as well as the resolving of these conflicts without thwarting the freedom of the individuals. In this example we also see that even if the association should make restrictions, as long as the number of new realisable actions that the association grants the individuals is equal to the restrictions plus one, then it is true that following laws is “forcing one to be free”, as Rousseau so provocatively worded it.

There is something very sober, as opposed to utopian, about this sort of model of society. In imagining a legitimate and well-functioning society, one might quickly imagine one where all citizens are virtuous. This would be a utopia, and one which is hypothetically possible, but soul-crushingly implausible. “Rousseau is clearly pessimistic about the chances of virtue and therefore of well-ordered states existing at the time he was writing.” (Spector, 2019, p. 61) In addition, Rousseau answers the “overly utopian” critique when discussing a perfect legislator. He mentions that it takes gods to make laws, should the laws be of the highest standard (CS, II, VII). And it is in this sense that Rousseau’s project is more realistic. Instead of conceiving of a state in which all citizens are virtuous, he argues for the conception of a body politic that may act virtuously on common matters instead of humans. This is not to say that he wishes to trample the individual. With works like *Émile* – also titled *On education* – he shows that he cares deeply about the individual, and wants education to produce virtuous humans. However, an absolutely virtuous population is probably out of reach; it is implausible. In this sense, Rousseau defeats both the argument for the “wise dictator” as well as the argument against “mob-rule”. A wise dictator makes wise decisions, but is nevertheless free and can thus not be trusted, nor really be blamed should she act against the common good in the name of the sovereign; the sovereign being the role one fills to act on behalf of the state. And as for mob-rule and the vice of direct democracy, Rousseau also appeases this by not suggesting that an aggregation rule directly, but an association rule instead. Which is a new entity entirely. This is what I mean when I say that he “transcends individuality”. His idea is not just a product of both deep and logical thinking, but the core of his solution is a product of lateral, i.e., creative thinking. To conclude this chapter: The solution to individuals in conflict is the strong objective notion of the common good.

2.3 THE COMMON GOOD

Saying that the common good should be the object for a body politic is all well, but what is the common good? In the chapter called “On various systems of Legislation”²⁴ Rousseau reveals the “goods”.

If one searches for what everyone’s greatest good consists of, which should be the end of any system of legislation, one will find that it is reduced to these two principal objects, *liberty* and *equality*. Liberty, because any individual dependence is as much strength taken away from the body of the State; equality, because liberty cannot persist without it. (CS, II, XI)²⁵

The last two sentences need a bit of clearing up. Rousseau’s antithesis to liberty is dependence. So, what he means by this is that if we force people to be unfree, in the end the state has to pay for that in strength. Thus, the freer the people, the stronger the state. Finally, equality is here to support liberty. There is perhaps no clearer social inequality than the one between a master and a slave, and the slave-master example also shows that one of the parties is unfree, and the other keeps it this way at the cost of strength. He then goes on to clarify that by equality he does not mean absolute equality, and that in different countries these two general objects must be modified to fit the local situation and the character of the inhabitants. In a footnote in the same chapter, he explains why being too rich and too poor are both detriments to the common good.

Do you want to give the State consistency, then? Bring the extremes as close together as possible: suffer neither the rich nor the poor. These two states, which are naturally inseparable, are equally harmful to the common good; from the one come the instigators of tyranny, and from the other the tyrants; it is always between them that public liberty is trafficked; the one buys and the other sells it. (CS, II, XI)²⁶

It is worth noting here that these “two states”, namely that of being rich and poor, “are naturally inseparable”. For Rousseau then, to be rich and poor are both always relative

²⁴ Des divers systèmes de Législation

²⁵ Si l’on recherche en quoi consiste précisément le plus grand bien de tous, qui doit être la fin de tout système de législation, on trouvera qu’il se réduit à ces deux objets principaux, la *liberté* et l’*égalité*. La liberté, parce que toute dépendance particulière est autant de force ôtée au corps de l’État ; l’égalité, parce que la liberté ne peut subsister sans elle.

²⁶ Voulez-vous donc donner à l’État de la consistance ? rapprochez les degrés extrêmes autant qu’il est possible : ne souffrez ni des gens opulents ni des gueux. Ces deux états, naturellement inséparables, sont également funestes au bien commun ; de l’un sortent les fauteurs de la tyrannie, et de l’autre les tyrans ; C’est toujours entre eux que se fait le trafic de la liberté publique ; l’un achète et l’autre la vend.

judgements. Which is to say: one is always either rich or poor if and of only if one is richer or poorer than someone else. This nicely ties in with another one of Rousseau's concepts, *amour-propre*, which "is a desire for superiority, a disposition to care about one's relative position and about public esteem." (Spector, 2019, p. 28) We might say then that to be rich is not motivated by self-preservation, which he calls *amour de soi*, but by vanity. Or perhaps an even better term from Hobbes: *vainglory* (Skirbekk, 2007, p. 194). Hobbes even agrees with Rousseau that this is a cause of social distress, despite the former arguing for an absolutist state, and the latter for a republic. Seeking opulent wealth is also a phenomenon only found in the civil state, to the grand detriment of the common good. As such, the civil state as Rousseau sees it becomes an increasingly ambitious project in terms of cultivating virtue and happiness. It makes us sadder, more vicious, and often less free. And, in a short summary by Spector, it seems that we may have sacrificed all of this for knowledge: "More importantly, he wanted to argue that natural man – however stupid he was – was not unhappy and that nothing predisposed him to civil society." (Spector, 2019, p. 29) With this, I wish to convey the difficulty of raising a good civil state. And with this difficulty in mind, there arises an argument for Rousseau's specific view and terminology like the general will, the body politic, etc. The manner in which he chooses to tackle the project of a legitimate state is naturally subject to scrutiny. However, at the very least, the concepts he uses in his analysis of the state are familiar. We might contrast this with Hobbes' Leviathan. He conceives a state as well, but his metaphor is not something near nor dear, like will or bodies. He takes a most vicious beast from scripture and uses this as a model for the state. Regardless of correctness, I believe to safely be able to say that Rousseau's model is the one which is more familiar of these two. And this familiarity can render the immense difficulty regarding the project of civilisation more bearable. Should we, all of humanity, wish to create institutions, it would be nice if we were all virtuous as we have touched upon earlier. An absolutely virtuous population would be a utopia. However, as there exists no such perfect school of virtue, we may at least make the agent of sovereign power – which in Rousseau's case is the body politic – something familiar and intuitive. In other words, the republic should be conceived as "user-friendly" as possible in order to reduce the difficulty. And I claim that Rousseau's body politic is just that.

Having clarified what the "goods" are, let us look at the "common" part. Could we imagine LVG emerging without the problem of the common good? We may consider this question in two senses. The first one is simply that the persons involved do not really feel this as the motivating factor. Call this "the weak sense". The second sense is not so much pertaining

to the motivational factor of the common good, but rather to LVG itself. The common good is LVG's object. So, what would it be without it?

... that the general will, to be really such, must be so in its object as in its essence, that it most come from all in order to apply itself to all, and that it loses its natural rightness when it tends to some individual and determined object, because then we would judge that which is strange to us without any principle of equality to guide us. (CS, II, IV)²⁷

It becomes clear that without the object the general will loses its generality. The common good represents an ideal of equality, as the common good is good for all, not just for some. Returning to LVG, it must, as Rousseau says, “come from all (literally: “leave from all”) in order to apply itself to all.” However, must it have specifically this object, or would any object suffice?

In the same way that an individual will cannot represent the general will, the general will in turn changes nature by having an individual object, and cannot declare on matters of man nor facts. (CS, II, IV)²⁸

Thus, the common good being LVG's object is no trivial, ceremonial, redundant, nor accidental matter; it is a *necessary* matter²⁹ to the preservation of its generality. As mentioned earlier: it is not within the state of nature nor the natural human that we find the necessity for transition: it is the problem of the common good which makes the emergence of LVG and thus the transition into the state of civility that bears necessity. If the object would not be that of the *common* good, LVG loses its rectitude, its commonality, its standing, and indeed its very essence. As such, it would no longer be the general will, it would simply be an individual will, concerning itself with individual matters. An argument for this condition might look like this.

1. Any will is a general will if and only if it has the common good as its object.
2. The will of the people has the common good as its object.

²⁷ ... que la volonté générale pour être vraiment telle, doit l'être dans son objet ainsi que dans son essence, qu'elle doit partir de tous pour s'appliquer à tous, & qu'elle perd sa rectitude naturelle lorsqu'elle tend à quelque objet individuel & déterminé, parce qu'alors jugeant de ce qui nous est étranger, nous n'avons aucun vrai principe d'équité qui nous guide.

²⁸ Ainsi de même qu'une volonté particulière ne peut représenter la volonté générale, la volonté générale à son tour change de nature ayant un objet particulier, & ne peut comme générale prononcer ni sur un homme ni sur un fait.

²⁹ While this might seem like realist language, it is important to remember that LVG itself is conventional, and it is the fact that its object must be the common good that is necessary. Quasi-realism is better here because realism would refute the conventional nature of LVG, and anti-realism would only have LVG's object “strongly suggested for its practice”, rather than fixed to its essence.

3. ∴ The will of the people is a general will.

This way of displaying it as an argument could also be applied to the will of all, to show that the will of all and LVG are not the same. Keeping in mind that the will of all³⁰ is an accumulation of individual wills let us try to formulate a similar argument for the will of all being LVG.

1. Any will is a general will if and only if it has the common good as its object.
2. The will of all has the accumulation of all individual objects as its object.
3. ∴ The will of all is a general will.

The argument above is clearly false: it does not fulfil what we might call “the principle of generality” in order to be general. If we want to tackle it, we have to manipulate the first premise: that LVG’s object should not be the common good. However, if we did that, then the argument would start to become contradictory: we would argue for a general will with no true generality, a general will that is not different from an individual will. Here, once again, the distinction of the qualitatively different wills comes in: the difference between individual will and the will of all is only a quantitative one: it is only different in the amount, as Rousseau is also happy to point out, again also stressing the necessity of “commonness”, the necessity for everyone to submit themselves to the conditions they impose on all others:

One must devise from this that, that which generalises the will is less the number of people than the common interest which unites them, for in this institution each one necessarily submits himself to the conditions that he imposes on the others; an admirable agreement of interest and justice, which gives common deliberations a character of equity that one sees vanishing in the discussion of all individual affairs, a fault of a common interest which unites and identifies the rule of the judge with that of the party. (CS, II, IV)³¹

³⁰ Once an association is formed the will of all is easy to determine, but it is not so with an aggregation. As an aggregation has no binding force given that it is without a contract, “the will of all” in this sense is really only “the will of these selected persons for whatever arbitrary reason”. To be concrete: Only once a people is formed, e.g. the people of Poland, do we know who is included in “the will of all”, namely all Polish persons.

³¹ On doit concevoir par-là, que ce qui généralise la volonté est moins le nombre des voix, que l’intérêt commun qui les unit, car dans cette institution chacun se soumet nécessairement aux conditions qu’il impose aux autres; accord admirable de l’intérêt et de la justice, qui donne aux délibérations communes un caractère d’équité qu’on voit évanouir dans la discussion de toute affaire particulière, faute d’un intérêt commun qui unisse & identifie la règle du juge avec celle de la partie.

The general will is qualitatively distinct from both the individual will and the will of all (at least partly) because of its object. It is however possible to imagine that they overlap, that the will of all should be identical to the general will in practice:

Indeed, if it is not impossible that an individual will agrees on some point with the general will; it is at least impossible that this agreement be durable and constant (CS, II, I)³²

However, this would be nothing but a coincidence, the reason being that there is no guarantee that the will of all would maintain the common good as its object, as any person is free to choose that object for themselves. It is not impossible in the logical sense, but it is extremely unlikely. Put shortly: there is no necessity for commonness. Given a human's non-cognitive physical drive and tendency towards impulsivity, the possibility for it to have the common good as its object exists, the guarantee that it will do so does not exist, and the chances are slim at best. Thus, it is not really the individual will alone which makes having a fixed object difficult, but also the fact that common and individual objects are not identical, and that individual will is in a human which is a rather complex structure, and is a body that affects its will in a more chaotic and impulsive manner than the body politic.

The general will and the common good have an intimate and exclusive relationship. The common good is the sole object of LVG, and LVG is the supreme way to tackle the problem of the common good³³. Thus, for this coming into being to truly be *the general will's* coming into being, and not any old will, it must have this as its object.

Allowing ourselves a small digression from metaphysics into empiricism: Naturally, this has practical consequences for the state and the women and men living in said state. The people expresses the general will, and it gives the task of making laws to the legislator³⁴. However, the laws' object is always general, and the legislator must consider all actions in the abstract, and all individuals in a universal fashion (Pezzillo, 2000, p. 92). The process of wording LVG as concrete laws is a long one, and questions of which laws to implement, as well

³² En effet, s'il n'est pas impossible qu'une volonté particulière s'accorde sur quelque point avec la volonté Générale; il est impossible au moins que cet accord soit durable et constant;

³³ On a note of precision: The common good is the object that is a universal good for all. The problem of the common good is the issue that Dent raises, namely that individual extravagant desires cancel each other out. Thus, when saying that "LVG is the supreme way to tackle the *problem*" this is not to say that it "tackles" the common good. It *directs itself* towards the common good, and tackles the *problem* of the common good.

³⁴ It should be noted that the legislator is no small figure in Rousseau's work. The legislator "is meant to shape a people culturally and to imbue them with the mores needed for a true political community." (Spector, 2019, p. 75) However, this figure is not in focus here.

as how to implement them arise. It is an immensely difficult task, but by putting the common good as the object of the body politic's will, Rousseau has taken some crucial steps towards revealing which states are legitimate and which are not. Here we start to see the real-life consequences of the inquiry at hand. The sort of thing we live in deeply affects us, even if it is not as concrete as a house. We now know that for there to be a true LVG, and not just an aggregation of individual will, the problem of the common good must be the object of the whole project; kingdom, democracy, or otherwise. I think Nicholas Dent, when discussing the opening of *Le Contrat Social*, and *Discours sur les sciences et les arts*, eloquently describes Rousseau's apparent motivation.

He is not interested simply in how regulation and order is actually at work in society, but with finding a morally and rationally justified basis for rule and organisation. And, second, we see at once Rousseau's preoccupation with freedom in society. His views on this are complex and many faceted (Dent, 2005, p. 126)

We may say then that Dent here points to Rousseau's political philosophy not being solely descriptive, but also prescriptive, as it concerns itself with legitimacy and not solely with actuality or functionality. His thesis is: "This is how humans are and this is how they could erect a legitimate state." As opposed to a more Hobbesian thesis: "This is how humans are and this is how they could erect a state that functions to keep them from destroying themselves." He then bases his political philosophy on the metaphysical thought experiment of the state of nature. As such, Rousseau's legitimacy sticks deep, and is not in the business of simply laying out the foundations for a state which would serve a purpose, like Hobbes' *Leviathan*. Rather, he finds that there is no metaphysically realist legitimate state in the state of nature, and that this must then be a convention, and then that this convention must be of a certain kind to be legitimate. It must be formed by an association, a people, be voluntary, etc.

2.4 THE GENERAL WILL – METAPHYSICS

I want start by giving an account as to why the proper ism for LVG is not Rousseauism. The account I present is that of Allan Bloom. I have mentioned this account earlier, in both *Method* and *Rousseau today*. I use this account, because it shows Rousseau's take to be properly diverse.

The schools that succeed him are all isms, intellectual forces that inform powerful political or social movements with more or less singleness of purpose. Rousseau resists

such limitation ... Therefore Rousseau did not produce an ism of his own, but he did provide the authentically modern perspective. His concern for a higher, nonmercenary morality is the foundation of Kant's idealism. His critique of modern economics and his questions about the legitimacy of private property are at the root of socialism, particularly Marxism. His emphasis on man's origins rather than his ends made anthropology a central discipline. And the history of the movement from the state of nature toward civil society came to seem more essential to man than his nature – hence historicism. (Dent, 2005, p. 211)

Needless to say, the *general will* makes a good example for the very general and broad touch that Rousseau possessed. And, although one could likely put together a Rousseauism from his works, history would not have it so. Instead, its force has been used to fuel other isms, such as Jacobinism during the French revolution (Pezillo, 2000). If one were to fashion a Rousseauism, I would hope that a central point in this is to capture his generality through his non-partisan polemical discourse. However, here I do not wish to build a new ism³⁵, but give an account of a central notion of LVG in this thesis. Namely that it is *emergent*.

Part of my basic description for the coming into being of LVG (*la volonté générale; the general will*) is that it is *emergent*. This is part of my original view of LVG. But what does it mean to be emergent? Although this thesis' term of emergence is applied to a will, and that of O'Connor & Wong (O'Connor & Wong, 2005) is applied to consciousness, I still base it on their view, as it seems to be robust. I will try to explain their term in three ways: first a simple and short summary which they give. Then a more complex example given by David Armstrong which they refer to in their paper. And finally, an even more complex and detailed view they present themselves.

To start with the shorter extract: “*It is the thesis of emergentism that some basic properties are had by composite individuals.*” (O'Connor & Wong, 2005, p. 665) What this means is that we have basic building blocks, and composite individuals which consist of these

³⁵ However, should I want to construct a Rousseauism I would immediately concentrate on two points. Firstly: The non-partisan polemical discourse. One way to practice this in discussing, is to do as Rousseau does and never view something as either simply “good” or “bad” in itself. This is exemplified well in his account of both the savage and amour-propre. In second-hand accounts, the former is often interpreted as “good” and the latter “bad”, but a closer reading of Rousseau reveals that he resists such partisanship. Secondly: What I like to call *the principle of generality*. In philosophy, we often focus and trace down ideas. This is an act of excluding some things in order to focus on some other thing. This would not be Rousseau's method. He does philosophy broadly, which does not allow for a “zooming in”. Hence, the principle of generality is a way to do philosophy in a broad perspective so as to capture a more wholistic thesis. I believe this thesis to be exercising that principle.

building blocks. It is these composite individuals which are emergent. It is also worth noting the use of the term “composite *individuals*”. There is, as we see, an individuality about the resulting emergent thing, even though it is described as “composite”. This is worth keeping in mind.

Secondly, onto the more complex example: “Consider Armstrong's favorite example of being a methane molecule, or CH₄. Let us pretend for example's sake that carbon and hydrogen atoms are mereological atoms and the properties of being a carbon atom and being a hydrogen atom are likewise basic. It will then be plausible to suppose that the property of being a methane molecule just consists in having as parts a carbon atom and four hydrogen atoms bound in the relationship characteristic of methane.” (O'Connor & Wong, 2005, p. 664) What this tells us is that we have three properties of being: carbon atoms, hydrogen atoms, and methane molecule. However, only the first two are basic. Although a methane molecule is indeed a being, it is not basic, but emergent. When they then mention “the relationship characteristic of methane”, this is the technicalities of the emergence: the inner workings of how methane comes into being from the basic beings of carbon and hydrogen.

Thirdly, the most detailed account which is their own: “Here is how we think of the matter. An emergent property of type E will appear only in physical systems achieving some specific threshold of organized complexity.” (O'Connor & Wong, 2005, p. 665) This threshold could be described as the sufficiency for emergence. They then go on to explain the difficulty in locating this sufficiency threshold: “From an empirical point of view, this threshold will be arbitrary, one that would not be anticipated by a theorist whose understanding of the world was derived from theories developed entirely from observations of physical systems below the requisite complexity.” (O'Connor & Wong, 2005, p. 665) These “physical systems of below the requisite complexity” is what I would refer to more simply as quantitative systems. Qualitative systems being more pertinent to the comprehension of emergence. They also explain here how emergence takes place in an unpredictable manner. Emergence is not as simple as physical cause and effect.

So how will this theory be used? To explain how LVG can come into being in the first place. To get proper insight into how LVG appears and determine the very action that forms LVG. To explain this more simply, let us take two examples by question: first a simple one, then a more complex one.

The first example is in two stages. Stage one: at what time when putting together planks and nails according to a specific set of instructions do these materials become a house? Locating the specific time where the house emerges is strangely difficult. Nevertheless, it seems that even the realist can have little trouble calling this mass of materials a house, and thus the quasi-realist should have no trouble either. Take the scientist's strong realist view: she looks at the built house on one side, and all the unbuilt materials on the other side, and agree that the physical matter is indeed the same. However, the physical form is not. This example might also apply to physics: while atoms are all neutrons, protons, and electrons, they are not all the same form, e.g., the quantity of the particles may differ. As such, the emergence of a house is no more difficult for a scientific realist to accept than the variety of atoms. However, it is in this example's second stage that the realist falls off. Stage two: at what point does this house become a home? The scientist now looks at the two houses, one of them being a home, and is forced to conclude that they are both only houses. Or, should one be a home, then the other must also be, as they are identical in the scientific realist's view. In themselves both matter and form are identical. Thus, the quasi-realist here leaves the realist behind. He is able to account for the quality of "home", as he starts from the anti-realist position, and the anti-realist, particularly nominalist, has little trouble calling the house a home. Where the quasi-realist differs, is in what we might call "meaningful objectivity", which is simply to say that the quasi-realist's view is less prone to flimsy subjectivism than the nominalist. For the anti-realist, there are not two instances of the universal "house", there are only two particulars. However, the quasi-realist has two instances of a meaningful universal "house" and one home in front of him. One might perhaps envision that the quasi-realist takes a kind of Aristotelian view and says that the quality of home is not a pre-existing universal, nor something only we prescribe to the house, but that it is *in* the house. This quality is not contingent on the world, nor the observer, but on the object in question. As such, the home truly emerges, comes into being, as it is revealed by the house. While this example is not exhausted, nor immune to critique, it both shows how emergence is used here, as well as how it relates to quasi-realism.

Secondly, a purer examination of emergence by example: When and by what reasons does a country appear? This question can be posed in much greater complexity. For example: how many people must be gathered within what kind of geographic area for which amount of time in order to qualify as a country? Must there be borders? Must they be enforced? Must there be culture? Must there be organisation? The list goes on. This shows that it is difficult to give a detailed theoretical explanation of a what country is. The transition from a group of people to

a country is blurred. Does that make it so that a country is not a real thing? That it is something we have conjured up? Yes and no. To give Rousseau's view: A country is not natural, which is why there exists no body politic in the state of nature, except the family: "The oldest of all societies and the only natural one is that of the family." (CS, I, II)³⁶ However, all other body politics are legitimised by LVG and only LVG, which is in a way something we have indeed conjured up. And like the house emerging from all and only all the materials of which it consists, so too does LVG emerge from all and only all individual wills which are put in common:

Thus, in the end for the social pact not to be a vain form, it implicitly encloses this commitment which alone can give force to the others, such that whoever refuses to obey the general will shall be obliged by the entire body to do so: which only means that one forces them to be free: for such is the condition which gives each citizen to the homeland, and guarantees him from all personal dependence; a condition which makes the device and game of the political machine, and which alone makes civil commitments legitimate, which would otherwise be absurd, tyrannical, and subject to the most enormous abuses. (CS, I, VIII)³⁷

This is a great insight: it shows that the real force backing up the social contract and not just making it a useless piece of paper is the condition that the agreement be voluntary, which leads to the emergence of LVG. Thus, when asking where countries come from, i.e., what is their constitution, Rousseau implies that instead of asking how a country is constituted historically, we should instead ask about LVG (the general will), as this reveals a truer genesis of the country. The constitution of a country is important, as it tells us a lot about the health and life of the organic body politic. However, it is really the emergence of LVG that we should look to, as the constitution of a country and the legitimacy of a state both supervene on LVG. Rousseau reveals here that he is not enchanted to blindness by his own idea: he sees that in practice such a construction could seem a lot like a tyranny; one will ruling over all others. This is why it is important to remember the "general" part, and the "common" part of the general will. But what does this really mean, in his words?

³⁶ La plus ancienne de toutes les sociétés & la seule naturelle est celle de la famille.

³⁷ Afin donc que le pacte social ne soit pas un vain formulaire, il renferme tacitement cet engagement qui seul peut donner de la force aux autres, que quiconque refusera d'obéir à la volonté générale y sera contraint par tout le corps: ce qui ne signifie autre chose, sinon qu'on le forcera d'être libre: car telle est la condition qui donnant chaque citoyen à la patrie le garantit de toute dépendance personnelle; condition qui fait l'artifice & le jeu de la machine politique, & qui seule rend légitimes les engagements civils, lesquels sans cela seraient absurdes, tyranniques, & sujets aux plus énormes abus.

To paraphrase Rousseau using the house/home-metaphor: “Each material puts itself in common under the supreme direction of the general will, and we receive in house each material as an indivisible part of the house.” This means that if you remove one single part of the house which co-constitutes either the house or the home, it is no longer the same house or home. The paraphrase is based on this extract: “Each one of us puts in common their person and all their power under the supreme direction of the general will; and we receive each member in body as an indivisible part of the whole.” (CS, I, VI)³⁸

Finally, to take the whole process of emergence step by step:

1. We start with a group of persons, who wish to become a people, in order to tackle the problem of the good. (Must they become a people? Yes, for it is a people, an association, which forms a body politic, and that politic is then given will, which is the general will. No aggregation would suffice.)
2. These members put their person and all their power, e.g. their individual will, in common: this is the act of association, and in a way, the “signing” of the contract.
3. By doing so, they create a body, namely the body politic, which is the people. This is the home. In this body, they now receive their individual member back, hence they remain free, but now it is also an indivisible part of the whole. They have exchanged their independent and absolute existence for a dependent and fractional one; from solitary individuals to members of a community.

So, what they are left with is their individual will and their person with no quantitative loss³⁹, and to tackle the problem of the good they now have the general will as well. Something has emerged. Note that the general will only concerns itself with common matters, i.e. matters which concern the people, and no single person, nor any smaller group of persons. This would be an individual interest, and should not be tackled by the general will (CS, III, XV). This does not mean that LVG *always must* touch upon every single member, but that it *must not* concern itself with individual interest. It is a restriction, and not a mandate.

³⁸ Chacun de nous met en commun sa personne & toute sa puissance sous la suprême direction de la volonté générale ; & nous recevons en corps chaque membre comme partie indivisible du tout.

³⁹ This claim might seem bold, but the quantitative aspect weighs heavily here. For example: They have lost the opportunity to rape at will, if the community disapproves of this act. However, they have gained the support and strength of this community, which both far outweigh the capacities of the solitary individual. Hence, the quantitative scope of their freedom, person, etc., is not at a loss, but at a gain.

3.0 THE GENERAL WILL'S BEING

3.1 THE GENERAL WILL – MORAL PSYCHOLOGY

We have now accounted for the metaphysics of Rousseau's narrative, and, continuing to follow the inner logic of the thought-experiment on the state of nature, we move from metaphysics towards a more empirical inquiry. What might be called “experimental philosophy”, i.e., turning away from principles and towards empiricism. Hence the title “The general will's being”. The account for its emergence is achieved. Why do we move away from metaphysics? The simple answer is: Because Rousseau's thought experiment also does so, and here we are following his logic (CS, II VI). Is this move justified? I believe so. In the beginning of *Du Contrat Social*, he wrote that he would take men as they are, and laws *as they can be* (CS, I, I). This is to say that his account of nature is descriptive, and that of civilisation is normative. This is a stoic point. Nature is governed by the hard law of necessity (Spector, 2019, p. 94), while civilisation is governed by no such laws of necessity. As humans are what make up the state then, we must understand how humans are, so as to make the body politic serve the humans, and not the other way around. Hence, an account of the citizen's and the savage's moral psychology. This is an attempt to take humans “as they are”. The inner logic of Rousseau's project leads here, and I shall endeavour to follow it until it concludes. To use Plato's allegory of the cave: Rousseau has stepped out of the cave. Now, he must step back in.

Amour de soi, amour-propre, and the faculty of perfectibility are the central psychological notions Rousseau operates with, which he developed substantially in the *Second Discourse* which was on the origins of the inequality of man. The two former work on an individual level, and the third works on both an individual level and at the level of the species (Spector, 2019, pp. 21–29). I shall now present an account of each concept, in order.

Amour de soi, meaning self-love, is the basic instinct for self-preservation that humans have in the state of nature. In keeping with his non-judgemental view of the savage, Rousseau describes amour de soi as an innocent and non-provocative motivation, and it exists alongside compassion⁴⁰ as “two principles prior to reason” which serves to move the natural human (Spector, 2019, p. 25). Amour de soi is not as narcissistic a motivation theory as it might seem *prima facie*. In fact, Rousseau considers it to be morally neutral. This is not because his actions are so (the savage's actions lack morals) but because the savage is ignorant of evil. The moral neutrality is not a practical point, but an epistemic one. This point is even better nuanced when

⁴⁰ In french: pitié.

comparing it with the views of Locke and Pufendorf. Whereas Locke “had argued that the fundamental law of nature dictates a duty to preserve one’s self, but also a duty to preserve others when it does not conflict with our self-preservation” (Spector, 2019, p. 25) Rousseau instead argued that there is no such fundamental law, and especially against the claim that the savage was socially inclined, as Spector recounts.

Pufendorf had an even stronger claim: on his view, the law of nature enjoins that humans must, inasmuch as they can, ‘cultivate and maintain toward tithers a peaceable sociality that is consistent with the native character and end of humankind in general.’ This is deeply objectionable for Rousseau: neither reason nor self-interest naturally unite men. (Spector, 2019, p. 25)

As she points out, Rousseau disagreed vehemently with Pufendorf’s strong claim, but interestingly he ends up at peace, which seems to be where Pufendorf also wants to end up. Although for Rousseau, peace in the state of nature was attained by the state of war reigning everywhere paired with the unsocial savage. This peace is thus not intentional, but accidental, and results from the qualities of the savages.

These barbarous times were the golden age; not because men were united, but because they were separated. Each, it is said, esteemed himself the master of everything; that might be so, but no one knew or desired anything other than what was at hand; his needs, far from bringing him together with his fellows, took him away from them. Men, if you like, attacked one another upon meeting, but they rarely met. Everywhere reigned the state of war, and the whole earth was at peace. (Spector, 2019, p. 25)

In Rousseau’s view then, amour de soi promotes only solitude and quiet preservation individually and peace by reserve generally. It concerns itself primarily with one’s physical reservation, which I believe once again to fit the individual perspective, as opposed to amour-propre, which is a relative and social sentiment. As Neuhouser points out when discussing the equality of status between amour de soi and amour-propre:

This equality of status is a reflection of the fact that in both forms of self-love what is at stake is, in some sense the very being of the self. This is obvious in the case of *amour de soi*, for which physical survival is the first and overriding concern, but it is no less true for *amour-propre*, which aims at what might be called the self’s moral, or spiritual, survival. (Neuhouser, 2008, p. 73)

In this comparison, we see that the moral and spiritual survival is not part of what makes up amour de soi. It is a more carnal concern than anything else. As mentioned in the beginning: instinct, physical drive, and appetite are what moves the savage, they make up amour de soi, along with the lack of morality in the savage's actions. These are non-cognitive features, and they lead to external conflicts.

However, the non-cognitive amour de soi does not suffice for Rousseau. He adds pity (*pitié*) to this, and explicitly says, when examining the differences of amour de soi and amour-propre, that pity serves to modify amour de soi (Neuhouser, 2008, p. 30; Spector, 2019, pp. 28–29). Pity, or compassion, is a spontaneous empathic sentiment. This is good, as it fits within the frame of non-cognitivism. I refer to Céline Spector's excellent account of it.

Inhibiting any temptation to harm another sentient being, pity is a spontaneous empathy, an 'innate repugnance' to see one's fellow suffer which does not require the mediation of representation. This primitive feeling is characterized by a spontaneous identification with our fellows, 'all the more universal'⁴¹ and useful to man because it precedes in him the use of all reflection; and so natural that even beasts sometimes give perceptible signs of it.' (Spector, 2019, p. 27)

Compassion seems to be a social sentiment, as it regulates the functions of self-preservation based on not harming others. It seems even more social when he forms a maxim in the spirit of the golden rule for amour de soi: "*Do what is good for you with the least possible harm to others.*" (Spector, 2019, p. 28) The social aspect seems apparent here, and this would be a problem for Rousseau as he insists that the savage is not social. However, it is in the pre-reflexivity and without any need for the mediation of representation where he keeps the savage uninclined to sociability. We may look at it like this: Even though the practical consequences end up possibly understood in a social setting, we should not look at the consequences, nor the reason for compassion, but at compassion itself. It is an innate, pre-reflexive sentiment which serves to modify amour de soi. The point is not to answer the question: "Why not be a narcissist?" to then end up with a sort of game-theoretical rational argument. Rousseau here simply describes a sentiment to a sentiment, and not reasons for pro-social behaviour. It is not so much an argument as an observation, and, to propose a very simple understanding: Compassion seems to have a lot in common with "the voice inside one's head" which does

⁴¹ On a swift metaphysical note, compassion described as "universal" tells us that the state of nature is to be considered as more realist than the civil state. This fits well with the civil state standing in contrast as artificial, which is Rousseau's way of underlining "not natural" (Neuhouser, 2008).

indeed regulate one's behaviour. In a stricter and perhaps stronger account: Compassion is not social as there is no form of bonding or association that would result from it. Compassion is the swift question "Are you ok?" and then leaving once the other suffers no longer. Social behaviour is to form a community, and since compassion does not lead to communities, it is not social. An unorthodox suggestion: Perhaps to understand this best, one should feel, and not rationalise. And it is because of this understanding of it as a "sentiment", not something rational, that the savage does not fall into conditions of enslavement, conflict, vice, misery, or self-estrangement, as these all require something rational and social. Frederick Neuhouser explains this well:

This view rests on two crucial claims: first, that humans naturally possess a sensitivity to the pains of other sentient creatures – pity – that tends to moderate their pursuit of their own well-being; and, second, that *amour de soi* by itself (without *amour-propre*) cannot explain the evils Rousseau thinks it necessary to account for. (Neuhouser, 2008, p. 57)

Much like the shy lynx is always in peace due to the ever-present state of war, so it is for the solitary savage. The lynx is not enslaved by other lynxes, nor is the savage enslaved by other savages. This is not to say that Rousseau claims the savage to be an animal, but simply to put this point in a practical comparison.

Having accounted for *amour de soi* partly in contrasting it with *amour-propre* we may already start to see what the latter is. *Amour-propre*, also meaning love of self, is more a "love of reputation" as opposed to a "love of preservation" (Spector, 2019, p. 30). I also cannot help but notice that "propre" hints to some sort of ownership, and immediately we see that this does not fit in the state of nature, as property is artificial, not natural. Indeed, *amour-propre* belongs in the civil state, and is a drive to seek esteem, and, in its corrupted form, perhaps even Hobbes' vainglory. In his introductory account of Rousseau's *amour-propre*, Neuhouser captures Rousseau's non-partisan discourse, and goes deeper and to derive a more profound insight which transcends the simple bad/good division.

... Rousseau is following the lead of both Augustine, for whom pride is the source of primal sin, and Hobbes, who regards 'glory' as one of the three causes of the state of war that constitutes the natural condition of humankind. Yet Rousseau's understanding of the role that *amour-propre* plays in human affairs goes significantly beyond the views of his predecessors: not only does he offer a more nuanced account of the many guises

an inflamed drive for recognition can take and of the diverse problems it poses for human well-being, he also argues that solving these problems – finding a way for humans to flourish that does not require divine transformation of their nature – depends not on suppressing or overcoming *amour-propre* but on *cultivating* it so that it contributes positively to the achievement of freedom, peace, virtue, happiness, and unalienated selfhood. (Neuhouser, 2008, p. 2)

Although the temptation to understand amour de soi as more innocent, and amour-propre as less so, Neuhouser here presents a convincing understanding of the two concepts where none are inherently bad or good, but rather parts of the human which merit mastery. To say the former is natural and the latter artificial (Neuhouser, 2008, p. 37) is not to be confused with saying that either is good or bad. One form of self-love may be understood as natural and therefore realist. The other is artificial, and therefore anti-realist. The theory that reconciles both these vies is quasi-realism. The realist is simply too strict in his view to be able to account for “the common good”, in the same way it can account for a mechanical “house” but not a chemical “home”. On the other hand, the anti-realist is too loose; he lacks the power of the realist’s objective notions. For the anti-realist, even a “house” is a weak concept, it is just one particular among all other particulars, and carries no “binding force” with it. Rousseau searched for a social contract which could carry the force of legitimacy. Not just to say, as the anti-realist could, that LVG is a will for a body politic, but to move towards the force of realism and claim: LVG is the proper will of the body politic. And perhaps more importantly, to claim that an individual will is *not* fit for a body politic, something an anti-realist could not do. To claim that there is a qualitative distinction between the individual will and LVG, without becoming so strict a realist to the point where the convention loses its force and meaning. Neuhouser also sees amour-propre as needing more than only particulars: “*amour-propre* impels those who possess it to perfect an innate capacity that would otherwise remain dormant in the human spirit – the ability to view oneself (and ultimately the world) from a perspective other than one’s own particular point of view.” (Neuhouser, 2008, p. 37) Again, the particular/individual view is plain and without difficulty, but one also needs the objective concept of “the world” to account for Rousseau’s theory. Quasi-realism picks up both forms of self-love very well, the one being natural and the other artificial, and this duality is also to be found in the next concept: the faculty of perfectibility.

Dent describes the faculty of perfectibility as “the capacity to learn about his environment and to acquire new skills to enable him the better to make use of it for his own

benefit” (Dent, 2005, p. 61). I find particularly interesting Dent’s stressing “for his *own* benefit”, as this highlights the individuality of the savage. However, the faculty of perfectibility is even more developed and present in the civil state. It is to be understood not as a static faculty, but a dynamic one, showing that the human’s essence is not fixed, and connecting the individual human to humanity. “Unlike freedom, perfectibility does not work only at the individual level but also at the level of the species: within the human race, all knowledge acquired may be retained, improved and transmitted.” (Spector, 2019, p. 21) It is what drives the savage towards the citizen, and as it works on both the individual level and the level of the species, it thus makes sense for not only the savage to become a citizen, but for the state of nature to “become”⁴² the civil state. It might seem like this is Rousseau’s one glorious concept, but once again Rousseau continues his non-partisan discourse by avoiding the branding of good or bad. “Perfectibility is a source of truths *and* errors, virtues *and* vices. Countering the tradition of *dignitas hominis* which makes man the master of Creation through his reason, Rousseau takes up the sceptical theme operated by Montaigne. In many ways, instinct is better than reason.” (Spector, 2019, p. 22) Thus, what non-cognitively drives the savage to become the citizen is perfectibility. This entails that it works in part non-cognitively and in part cognitively. Then, once the cognitive citizen is realised, the faculty of perfectibility’s cognitive and social aspects start to develop. The drive to create LVG is thus perfectibility. As Neuhouser points out in a footnote:

The capacity to view the world from an external perspective is one of many cognitive capacities that are latent in the original state of nature but awakened and developed when new circumstances make them useful. Capacities that fit this description make up ‘perfectibility’, one of the four elements of original (non-social) human nature. (Neuhouser, 2008, p. 37)

Here, Neuhouser agrees with Spector’s point on the human essence not being fixed according to Rousseau, but dynamic. The savage and the citizen are both essentially human. Moreover, with some interpretation, I believe his description of the “cognitive capacities that are latent in the original state of nature but awakened and developed when new circumstances make them useful” is what I would call the savage *metaphysically realising* (Ney, 2014, p. 56) the citizen.

⁴² This is in quotation marks, as the civil state does not replace the state of nature, but rather it supervenes on the state of nature. This means that a change in the state of nature will always be found in the civil state as well. For example: should the savage suddenly lose its freedom, so too would the citizen.

In this moral psychology presented, there seems to be something missing. When observing the natural amour de soi, Rousseau also observes something regulating it: compassion. When arguing for the artificial amour-propre, he makes no arguments for anything regulating it. So, in a society where people seek esteem, a description which I believe fits the societies in the occident, is there something regulating this search? Certainly! It is called *the law*. Does Rousseau have any thoughts about the law that might be understood as a regulator of amour-propre? To answer this question, the chapter “About the law” is a synchronised place to start. This is because we are now examining LVG’s being, and he is there examining the body politic, and the former is the will of the latter.

We have given existence and life to the body politic by the social pact: it is now a matter of giving it movement and will by legislation. For the original act by which the body forms and unites itself determines nothing as of yet about what it must do to preserve itself. (CS, II, VI)⁴³

In this extract, we see that the clearest departure from metaphysics, and into something more concrete, as the original act determines nothing about what it must do. The original act is what we have accounted so far, and, referring to the omega in the Synopsis of this thesis, the logic has now reached the top of the omega, and we are descending away from metaphysics, but heading close to the point of departure.

Regarding the chapter on law, Rousseau starts it by clearing natural law out of the way. Natural law is for him God’s law, and we do not have access to it. “All justice comes from God, he is the lone source of it; but if we knew how to receive it from this high up we would not need neither government nor laws.” (CS, II, VI)⁴⁴ I think a fair interpretation of this is to say that he is an agnostic regarding natural law. He does not refute it, nor confirm it, but speaks of it in contrast to civil law. And even if we were to venture into metaphysics and perhaps even manage uncover the natural law despite all odds, it would tell us nothing about the State’s law. “As long as one settles for only attaching metaphysical ideas to this word, one will continue to reason without agreement, and when we will have said what a law of nature is one will not know any

⁴³ Par le pacte social nous avons donné l’existence et la vie au corps politique : il s’agit maintenant de lui donner le mouvement et la volonté par la législation. Car l’acte primitif par lequel ce corps se forme et s’unit ne détermine rien encore de ce qu’il doit faire pour se conserver.

⁴⁴ Toute justice vient de Dieu, lui seul en est la source ; mais si nous savions la recevoir de si haut nous n’aurions besoin ni de gouvernement ni de lois.

better what a law of the State is.” (CS, II, VI)⁴⁵ Once again this follows Leibniz’s law of identity, as a *natural* law cannot tell us about *civil* laws. What we see by this is that the law of the State does not follow from the law of nature. Rousseau here sketches secular law, an idea which did not sit well with powerful natural right theorists at his time, namely the royalty of Europe. Having cleared the naturalist temptation away, he then turns to LVG to describe what a law is. I believe that Rousseau’s imperative regarding law is that we must preserve generality, as stressed earlier for both the will and the object to which the will directs itself. The object must also be inside the State, as the general will is not truly general with regards to something which is not a part of it. For example: Denmark may not make laws for Estonia, as the latter is not a part of the former. However, Denmark may, via the European Union, affect the law for this very union, and then consequently for Estonia. Why? Because both Estonia and Denmark are parts of the whole known as the EU. Now turning to the inside of the body politic, he warns that a law must not consider its object in such a way that it makes a separate being out of it. Having concluded that the object of the will of the state must be part of the State, he says:

So, between the whole and its part there forms a relation which makes two separate beings out of them, of which the part is one, and the whole minus this very part is the other. But the whole minus one part is not the whole, and as long as this relationship persists there is no longer any whole but two unequal parts; from where it follows that the will of the one is not general in relation to the other. (CS, II, VI)⁴⁶

This is in part a reminder to maintain generality, especially when mentioning that “the whole minus one part is not the whole”. The temptations and ease to forget to maintain the generality in the state speaks to our amour de soi, i.e., our individual perspective. This maintaining of generality, what we might call “the principle of generality”, must be a strong maxim in the conception and exercise of the body politic. Should it not be so, then it would not be a legitimate body politic. At this point we see the practicality of keeping such a strict division between a people – being an association – and a multitude of persons – being an aggregation.

⁴⁵ Tant qu’on se contentera de n’attacher à ce mot que des idées métaphysiques, on continuera de raisonner sans s’entendre, et quand on aura dit ce que c’est qu’une loi de la nature on n’en saura pas mieux ce que c’est qu’une loi de l’État.

⁴⁶ Alors il se forme entre le tout et sa partie une relation qui en fait deux êtres séparés, dont la partie est l’un, et le tout moins cette même partie est l’autre. Mais le tout moins une partie n’est point le tout, et tant que ce rapport subsiste il n’y a plus de tout mais deux parties inégales ; d’où il suit que la volonté de l’une n’est point non plus générale par rapport à l’autre.

But when the whole people rules the whole people it only considers itself, and if there then forms a relation, it is of the whole object under a point of view to the whole object under another point of view, without any division at all. Therefore the matter which one rules is general like the will that rules. It is this act that I call a law. (CS, II, VI)⁴⁷

We should notice the use of “people” in singular, considering it as one agent. This one agent should always act upon itself wholly, and never partially. The different “points of view” is a consideration of the citizen: the minister and the baker have different points of view when they make decisions on behalf of the state. However, they must both always consider the entire state of which they are citizens, and never partials, when it comes to laws. This entails using their common LVG rather than their own and private individual will⁴⁸. So, returning to the question we posed when starting this reading of Rousseau’s law: might it be understood as a regulator to amour-propre? Yes, I think understanding it as such is very fitting. The law and amour-propre agree on at least two points: 1) that they are artificial, and 2) that they are social. The first point speaks to the civil state on a macro-level, and the citizen on a micro-level. The second point speaks to amour-propre’s inclining to sociability, and relative survival, which the law then regulates, as opposed to amour de soi’s inclination to solitude. I also think it is fitting to interpret the previous quote’s “points of view” of a body politic as a direct reference to the motivation of amour-propre. Should one create the State-relation which makes “the whole minus one part”, we end up with a vicious form of amour-propre, where the principle of generality is no longer maintained. In order to regulate amour-propre, we must have a law that is general in its will and object, much in the same way as compassion is general in its consequence. To compare these artificial notions with their natural counterparts: Compassion considers the other in light of selfish, carnal motivations, by taking pity on the other’s suffering. The law considers the other in light of a selfish quest for esteem, by not really accepting the other as truly another, but transcending this individuality an looking at both the considerer and the considered as one whole. A whole we call the people, the body politic, etc.

⁴⁷ Mais quand tout le peuple statue sur tout le peuple il ne considère que lui-même, et s’il se forme alors un rapport c’est de l’objet entier sous un point de vie à l’objet entier sous un autre point de vue, sans aucune division du tout. Alors la matière sur laquelle on statue est générale comme la volonté qui statue. C’est cet acte que j’appelle une loi.

⁴⁸ How does this work in practice? I am not sure, but here is a proposal: It is not you, I, she, or he who ratifies a law. It the body politic. Thus, to use Frankfurt’s (Frankfurt, 1988) vocabulary, the agent that makes the desired law into an effective law is the body politic. This does not prohibit voting as individuals, nor deliberating on the topics as individuals, but simply states that it is the body politic that should ratify a law, not a citizen.

What does all of this have to do with this thesis? If Rousseau's theory of moral psychology is a good one, then the theory he sketches of the civil state is also good. And if this second theory is good, then a legitimate state ought to ground its power in the people. There is immense power in this argument. To examine it further, I shall turn my attention away from LVG and to nuancing individual will. Because, while we have a solid account of the public person and its general will, we have as of yet only a rough account of a person and (individual) will. Having started with an abstract and metaphysical inquiry into individual will, we will now turn to a more practical inquiry of individual will, and develop the concept of a person.

3.2 FIRST & SECOND ORDER VOLITION

In order to make phronesis out of metaphysics, i.e., to make practical wisdom out of transcendent inquiry, I wish to turn to Harry Frankfurt and his account of will (Frankfurt, 1988). His concept of a will is essential to his concept of a person, and to the orders of volition, being first and second order volition. These are the concepts that are of interest to this thesis. Why? Both because of LVG and the public person. I am here positing that the best interpretation of Rousseau's LVG is that it is a qualitatively different will. This may seem very inventive and carrying of unnecessary ontological commitments until we look at Frankfurt's account of will. Briefly, his work shows that when examining will, a more expansive account is needed. His work is also relevant to the common good, as the common good and second order volition seem to have a relationship. The relationship is not particularly tightly bound, but nevertheless there is a relationship there.

First of all, I wish to establish a central agreement between Frankfurt and Rousseau⁴⁹. This agreement is that a key notion for someone being a person is will. Frankfurt reveals this clearly, even tying will to the essence of a person, but not will alone: "In maintaining that the essence of being a person lies not in reason but in will, I am far from suggesting that a creature without reason may be a person." (Frankfurt, 1988, p. 17) He is wonderfully clear: he ties will to the essence of a person. As for Rousseau, he does not give such a clear-cut account of what a person is. Much like with LVG, in order to get an account of what a person is for Rousseau, one has to gather the crumbs scattered around his work. Having done so, one will notice that something described as a person always has will. There are at least three persons for Rousseau. 1) The public person has the general will, (CS, I, VI) 2) the moral person has a will, (CS, I VII) and 3) the individual person has individual will. (CS, I, VI) There is no account where Rousseau

⁴⁹ The idea of will as something basic can also be found with Nietzsche (Skirbekk, 2007, p. 384).

describes a person not needing will. Thus, will is a necessary concept for both, though sufficient for neither with regards to the constitution of a person. One disagreement they have is that Frankfurt seems to think that someone *is* a person, whereas Rousseau clearly states that one *has* a person⁵⁰. Whereas Frankfurt's account of a person moves more in the direction of "personhood" into a title deserving of certain rights, Rousseau considers a person more as a role one may have and fill, where the goal is not to achieve any status per se. For him, status is tied more to amour-propre. This is likely due to Frankfurt's concept being more realist, and Rousseau's more quasi-realist. This is an important difference, but both their concepts fit the quasi-realist. And, when it comes to the concept of a will in the practical sense, Frankfurt is of immense help to Rousseau's work. To its understanding, its practice, and its argument.

Frankfurt starts by doing away with conflicting wills. Conflicting wills are not possible, but conflicting desires are. A conflicting desire is probably a common experience, it is the desire to want two things which exclude each other. For example: at a restaurant I may want a salad, but I may also want soup, and I have no appetite for both. This is a case of conflicting desires. To simplify Frankfurt's distinction of will and desire: Frankfurt solves this simply by saying that the desire that effectively moves you is your will (Frankfurt, 1988, pp. 13–16). Thus, will is an *effective desire*. So, if I choose to have soup, then my will is to have soup, and the salad is not of interest to my will, although it may remain a desire. Having established the first layer of the hierarchy, namely the first order volition, which is the will that actually moves an agent, he now turns to the second layer of the hierarchy.

His account of this is based on an observation. The observation is, roughly put, that sometimes when we say "Harry wants soup", what we really want to say is "Harry wants to want to have soup." To try and express it with different verbs: "Harry wishes it to be so that his immediate desire is to have soup." This last sentence is a third person account of someone wanting their will to point⁵¹ to some specific object. Then, he invokes a thought-experiment to point out that the second order desire is not satisfied by the first order desire's object. For

⁵⁰ Naturally, Frankfurt writes in English and Rousseau in French. However, I would not be so quick to dismiss this difference as different languages referring to exactly the same idea. I believe it would be unfair to simply appropriate the English wording into French, or vice versa. The different wordings may be trivial, but it is in the further development of their respective concepts where I believe to see that this wording carries some legitimate consequences. So, even if it was a trivial difference to begin with, the thesis that each of them develops has consequences where it would not be justified to let one view override the other.

⁵¹ I use the word point, because we may here imagine the will as an arrow starting from the subject and pointing to the object. For example: Harry → to have soup. This captures the fact that a will is dynamic, and that it is the relation between two things: the subject (the person who has the will) and the object (the thing which the person wants).

example: If Harry wants to desire soup, then having soup will not satisfy his second order desire of wanting to desire soup. The example Frankfurt uses is as follows.

Suppose that a physician engaged in psychotherapy with narcotics addicts believes that his ability to help his patients would be enhanced if he understood better what it is like for them to desire the drug to which they are addicted. Suppose that he is led in this way to want to have a desire for the drug. If it is a genuine desire that he wants, then what he wants is not merely to feel the sensations that addicts characteristically feel when they are gripped by their desires for the drug. What the physician wants (...) is to be inclined or moved to some extent to take the drug. (Frankfurt, 1988, p. 14)

Here we see that what the physician wants is for his desire to be directed towards drugs. He does not want to actually take the drug. So if he took it with the intention of satisfying his second-order desire of wanting drugs, his second-order desire would be left unsatisfied. To notice such sentences of whether it is of a second or first order more easily, notice the verbs. If the verb “to want” is followed by an action, such as “having soup” or “taking drugs”, then this is stating a first order desire. However, if the verb “to want” is followed by another verb that expresses desire, for example: “to desire”, then one is expressing a second order desire. And second order volitions are expressed in similar form, by exchanging “desire” for “volition” or “will”. Second order desires are never satisfied by some external object. They are always either satisfied or not satisfied by the first order desire. To take another example like the two previous ones, but perhaps this is even more common: On Friday afternoon, I really want to just lie on the couch, and eat a bag of crisps. However, I am fully aware that in the long term this is not healthy behaviour. It would be much better for me to first spend an hour exercising in the gym. So, I form a second order desire: “I want to desire to go to the gym.” Now, if I go to the gym, this is not evidence that I have satisfied my second order desire. What would be such evidence? That one of my first order desires *is* going to the gym. That, on Friday, I immediately want to go to the gym. Interestingly, if I want this desire also to be effective, then I form a second-order volition.

For Rousseau's work, it is here worth pointing out that in the gym-example the agent having such a second order desire must be a citizen. Why? Because this desire is formed rationally, and the citizen listens to reason before abiding by his tendencies, unlike the savage. It is also worth noting that the argument given for the gym, namely that it is healthier in the long run, is either true or false. Thus, this motivation is also cognitive.

At this point, we have to point out a critical nuance in Frankfurt's work. The nuance in question is that between *will* or *volition* (which are interchangeable terms), and *desires* or *wants* (which are also interchangeable terms). A desire is simply an inclination towards something, to no definitive degree. For Frankfurt's theory, there is no real difference between "wanting" and "really wanting", at least not in practice. He recognises that there probably is a difference in degree here, but this difference has no significant consequence for him. The significant consequence is this: when the desire is *effective* (Frankfurt, 1988, p. 15), because then it is no longer just a desire, but an actual *will*. This means that while first-order desires may be plentiful and contradictory at the same time, first-order will may not, as it is impossible for a will and its negation to be executed at the same time. For example: It is impossible for one and the same agent to both eat crisps and not eat crisps at the same time.

Once again returning to the citizen and the savage, this now shows us that the physical drive which drives the savage is likely not something containing a second order in the same way as that of the citizen. The cognitive motivation of the citizen lies in the assessment of first order desires, and then realising their inter-exclusivity. This assessment leads to the true claim that acting upon certain desires excludes certain other desires. And it is from here the rational and cognitive appraisal of those abstract desires start. For example: "Crisps are bad for me. Exercise is good for me." These claims are cognitive. The savage does not make such claims. He simply listens to his tendencies and instinct. For example: "I want to eat" does not in itself express any truth, it expresses a desire, hence it is non-cognitive⁵². To express it concretely: A savage would not consider which first order desire to be effective. Rather, he would simply follow the desire which physically drives him the strongest. Thus, he cares not about the truth that *effective* desires, i.e., *wills*, are mutually exclusive. However, I believe the "second order" appraisal for the savage to be compassion. This is not a rational appraisal, but a sentimental one, and one that the savage cares about. Thus, the savage cares about his will, just not rationally nor cognitively. On the other hand, the citizen does consider her first order desires, and thus she has a cognitive appraisal of them: That they are not able to coexist in effect. This claim bears truth value, whereas regarding the first order level, the claim "I desire to eat" does not entail any such appraisal.

Returning to the distinction between volition and desire, it lends a lot of clarity to the presentation given here of LVG. One difference between individual will and LVG is that the

⁵² We must not confuse the sentence "I want to eat" with *the fact that* I want to eat. The former is non-cognitive, and the latter is cognitive.

latter has one and only one desire: the common good, which we have previously referred to as its object. Once this is no longer the case, it is no longer LVG: its desire/object (the thing to which it directs itself) is essential to the will itself. This is not the case for individual will. Individuals are free, and so are their wills. Should an individual switch between desires, or have many of them, then this inflicts individual will in no essential way. Even if individuals desire something non-individual, such as the common good, nor does this affect it, as for the individuals the objects of their desires and wills are of no decisive importance to the actual will. On the other hand, should individuals not be free, then this undermines will. Rousseau exemplifies this when facing the decision between submitting to force, or facing death: “Yielding to force is an act of necessity, not of will.” (Spector, 2019, p. 47) Such an act of yielding might for example be a despot’s offer of slavery or death. “Choosing” slavery is not truly a choice at all, as it is yielding to force. Rousseau has a very physical understanding of this (Spector, 2019, p. 46) , and it is rather intuitive and seemingly fitting with the physicist’s view of things: the fact that gravity pulls us towards the earth is in no sense a choice, but simply a yielding to force (using Newtonian physics). Using Frankfurt’s vocabulary, we might say that although this act did indeed move the individual, it was not a desire, and hence it is not a will, as a will is an effective desire.

Frankfurt’s terms overlap. Thus, I wish to quickly recap and clarify: A volition is always an effective desire. A desire is not necessarily a volition. A second-order volition is always a second order desire which directs itself to the will. A second order desire is a desire of the second order which directs itself to a desire of the first order. Frankfurt now reveals the point of all this:

Now it is having second-order volitions, and not having second-order desires generally, that I regard as essential to being a person. It is logically possible, however unlikely, that there should be an agent with second-order desires but with no volitions of the second order. Such a creature, in my view, would not be a person. (Frankfurt, 1988, p. 16)

We see then that to desire a desire, i.e. having second order desires, is not the crux of the issue. The orders, first and second, is not in themselves Frankfurt’s point. The point is to desire one’s *will* to be a certain way. This makes it a lot more practical. He does not simply tell us about a kind of motivation solely in the abstract. He concerns himself with effective desires – the will – that ends up moving someone. It is not simply capacity for abstract consideration

of desires and to be able to desire those desires that makes up a person. It is the ability to direct the desire to the will: second order volition. This entails a lot in practice. Take a thought experiment: When considering whether to direct his desire to the desire for soup or salad, Harry both feels and reasons. He debates with himself extensively, making good arguments, and has complex emotions about the subject. He considers the soup and the salad in themselves, the nutritional value, the flavours of each meal, etc. After a while, he eats a burger. What is the point of this? To show that when considering desire and only desire, this has no consequences of action. It does not really matter. Now, redo the experiment, but with will instead of only desire. Now, his considerations and feelings do in fact matter. There is also another crucial element to his reasoning: Now, he will not simply consider the meals in themselves. He will consider the consequences of eating them: not only what nutritional value they pack, but how this nutrition would affect him. Not only how they taste, but what pleasure or sensations he derives from said taste. Frankfurt's point is the practical consequences of considering will binds one to reality, and neither a simple "impulse" in the abstract, nor just some reasoning in the abstract will suffice. This point is made even clearer when he discusses what a *wanton* is.

The essential characteristic of a wanton is that he does not care about his will. His desires move him to do certain things, without its being true of him either that he wants to be moved by those desires or that he prefers to be moved by other desires. (Frankfurt, 1988, p. 16)

The wanton is here opposed to the person. A wanton is thus not a person. This does not mean that the wanton is a machine of first input then output without any thoughts or emotions of his desires. As stated, a wanton may have second-order desires. He may consider his desires completely in the abstract. But a wanton has no desires regarding his will: no second order volitions. He does not *care* about his desires. The concept of a wanton is a precise one, and Frankfurt explains it excellently in the following paragraph.

The fact that a wanton has no second-order volitions does not mean that each of his first-order desires is translated heedlessly and at once into action. He may have no opportunity to act in accordance with some of his desires. Moreover, the translation of his desires into action may be delayed or precluded either by conflicting desires of the first order or by rational faculties of a high order. Nothing in the concept of a wanton implies that he cannot reason or that he cannot deliberate concerning how to do what he wants to do. What distinguishes the rational wanton from other rational agents is that he

is not concerned with the desirability of his desires themselves. He ignores the question of what his will is to be. Not only does he pursue whatever course of action he is most strongly inclined to pursue, but he does not care which of his inclinations is the strongest. (Frankfurt, 1988, p. 17)

Thus, in everyday life, a wanton is very difficult to spot. The quality of second order volitions is such a precise one that simply watching a human going about her or his day makes for a difficult examination of that human's capacity for second order volition. He goes on to say that the path to forming second order volitions is via rational consideration, rendering rationality a necessary piece in the forming of a person. However, his focal point is clearly will, and more precisely: second order volition.

It just so happens that *the public person*, also known as *the body politic* which we find in *Du Contrat Social*, is a person according to Frankfurt, keeping in mind that the body politic is the body in which LVG resides. So, how does this work? Frankfurt's crucial condition for a person is that it cares about its will, and the body politic does just that, although in a different way than humans. Because humans are free, they have faculties like second order volition and compassion to steer their freedom in a good direction. The body politic does not need such a faculty, as its LVG is fixed in the good direction, namely that of the common good. Thus, I believe it fair to say that the public person is a person. The body politic cares about its will by having the common good as an essential object. Thus, although there is a distinction here between *being* a person and *having* a person, Rousseau and Frankfurt are in agreement that the body politic is a person. And since the body politic is not a specific human, but an association, it is a public person. The distinction is yet again that Frankfurt's concept of a person is more realistic, whereas Rousseau's person is more quasi-realistic.

Applying Frankfurt's vocabulary to the act of association, we might say that what happens during the act of association is that through deliberation of second order volitions all individuals find the common good. To illustrate this in a simple example based on Dent's earlier demystification: Martha, Joan, and Harry each want chocolate ice cream, pistachio ice cream, and strawberry ice cream, respectively, but there is only enough ice-cream for one flavour. They cannot agree on which object to align all their wills toward. They are in conflict. It is only when they take a step back and realise that they all want ice cream, which is a more general object, that they realise that they may be in a broader agreement, despite not being in a specific agreement. This "taking a step back" is the same kind of consideration as that of a second order

desire or volition. One does not consider any first order object, but looks at the will itself, and this lends a more general perspective. This more general perspective then reveals the common good.

In the beginning of this part I mentioned that LVG and second order volition have a relationship. The relationship is one of reason. The process of assessing one's first order volition may be described as reasoning, and it is this process that was done during Dent's demystification of Rousseau's individual will and "the more and the less" of said wills cancelling each other out. We extracted the notion of the common good as a strong objective notion by a process of reason from this conflict of "the more and the less", namely by considering first order volitions. I believe to be touching upon something similar to a "Reasons fundamentalism" as developed by T. M. Scanlon (T. M. Scanlon, 2014). Similarities include a using of reasons as a base, and of considering reasons as cognitive. I only wish to point out this relationship hinting to reasons fundamentalism and will not develop it any further here.

To summarise then, if we use the "standard" version of person, which Frankfurt refers to as "the concept of a type of entity such that *both* predicates ascribing states of consciousness *and* predicates ascribing corporeal characteristics ... are equally applicable to a single individual of that single type." (Frankfurt, 1988, p. 11) which is a usage he finds in Strawson's *Individuals* (P.F. Strawson, 2002), then the body politic is not a person. However, should we use Frankfurt's concept, then the body politic is indeed a person: a public person. His account of second order volition also shows how a common good might be found by an aggregation of individuals, this then motivating them to become an association. And finally, it helps to point out a key distinction between LVG and individual will. Namely that while individual wills are free, LVG is not. In pointing out that wills are effective desires he also helps to bring the concept of a general will down to earth, as the will of a body that has consequences in practice, and not just in theory. Almost suddenly, LVG is a lot more concrete.

3.3 INNER CONFLICTS

There has now happened "a very noteworthy change in the human" in this inquiry. This is naturally the same noteworthy change mentioned in the Synopsis that Rousseau points to, as I am here following his logic. However, we are now able to phrase this change in what I believe to be a more revealing manner: The inquiry thus far shows that the outer conflicts have become inner conflicts. For the savage, the conflicts are external. Listening to one's tendencies is without inner conflict, and serves to deal with an outer conflict. For the citizen, they are internal.

Reason and justice are both great examples of an internal conflict, even if the problem is external. What does this mean? First of all: To clarify “conflicts”. Conflicts are here mainly conflicts of interest, e.g., Sophia and Socrates both wanting the same apple. In the state of nature, this conflict is an external one. Both have a physical drive to claim the apple, and the swiftest will prevail (I imagine the faculty of compassion to prevent fighting, at least over an apple, thus the swiftest and not the strongest). Both Sophia and Socrates consider the problem to be the other. Now, to repeat this example in the civil state. Given that both of them are members of the same body politic, the problem might still be the other, but the conflict is not external. Why? Because, as citizens, both of them will reason as to whether the other needs or simply wants the apple, and what the law says. By doing this sort of deliberation the conflict moves inwards. The conflict now is not just the problem, but in a way a conflict of *amour de soi* and *amour-propre*, i.e., a conflict between needs and will. The distinction is not of the classical “desires vs. reason”, but of needs and will. *Amour de soi*'s self-preservation aims to motivate the human to satisfy its needs. I.e., not to “advance” into a “surplus”, but to reach some state of equilibrium⁵³. To have eaten and drunk, to be warm and safe, etc. *Amour-propre* on the other hand serves to move the human in the same direction as *amour de soi*, but to also go past the equilibrium and this also with regards to matters beyond needs. If this interpretation is correct, then I believe that Rousseau has here anticipated Maslow's hierarchy of needs (Fox, 2008, p. 70). However, for Rousseau everything is not a need. Some things are desires, and a question of will. For the two savages in conflict, it is an outer conflict of needs. For the two citizens, it is an inner conflict of desires, sparked by an external problem, namely “the other”. For a single citizen, the inner conflict is of needs and desires. The citizen is restrained by not being able to “will away” his needs, he cannot get rid of his inner savage. Humans may be 100% savage, but never 100% citizen. This follows from the civil state supervening of the state of nature.

Such an inner conflict is not even dependent on another agent posing a problem. We have already taken the example of the packet of crisps vs. going to the gym. This is also an inner conflict in the civil state, and not a conflict at all in the state of nature. To express it in terms of desire: The savage asks himself: “What do I want?” then answers by listening to his tendencies and satisfies the desire. However, the citizen continues with the follow-up question:

⁵³ On a scientific note, the object of *amour de soi* may be what Barrett refers to as a “body-budget”, which is in essence a process of physiological balancing of resources and needs (Barrett, 2017). A version of Barret's “body-budget” in a stricter scientific view called “homeostasis” which is still useful in philosophy is presented by Damasio (Damasio, 2018, 1999) and an even stricter scientific view by Cannon (Cannon, 1967).

“Is this what I *really* want?” This is a second order appraisal. He may then proceed to ask: “What do I *really* want?” I would consider this is an act of self-examination. Moreover, I believe it is here where we see the depth of Rousseau’s reference to the inscription “Know Thyself” on the Temple of Delphi (Spector, 2019, p. 15) which I previously mentioned in “Individual will”.

To understand the conflict further: The figure of the quasi-realist is of great help here. The movement from savage to citizen which makes outer conflicts into inner conflicts is something the quasi-realist can do, whereas a strong realist would have troubles seeing conflicts as capable of being internalised. At this point, Rousseau’s *having* a person leaves Frankfurt’s *being* a person behind, as the former better fits the quasi-realist human that is natural and artificial, i.e., savage and citizen. The quasi-realist can be serious about the role of the citizen (for much the same reasons as he can be serious about the state), whereas the realist cannot.

LVG’s role in all of this is to give the body politic direction. It is the will that moves the state towards the common good, as already stated. I repeat it, because although the current topic of inner conflict might seem a distant one to the being of LVG, it is not. This account of LVG has not been an exclusive one, because in order for LVG to work, one must have two things: its object and its body. For its object, one needs an aggregation of persons who reason their way to the common good. One such way might be via outer conflicts. To have the body, this very aggregation must become a people. It is in this act where an actual social contract would be made. It is a constitution, a baseline law, making all the naturally independent individuals now partials of a greater *moi commun*. Though, their natural independence is only to be understood as a social independence. We must not forget: “Man is born free, and everywhere he is in chains.” (CS, I, I) Humans are dependent by nature. We have *needs*, and these needs cannot be willed away. The state is, among other things, an effort to deal with these needs more efficiently together. I think Rousseau describes the state very well when he says it is an effort to “unite and direct those [forces] that exist” (CS, I, VI) in order to satisfy the needs of humans.

On a closing note for this part, I wish to mention contemporary philosopher Chantal Mouffe and her *agonisme*. Pluralistic agonism refers to what we might rephrase as a fellowship of disagreement (MOUFFE, 1999). Mouffe intends this as a solution to democracy, but here I simply wish to use it in order to outline this inner conflict. In a way, Mouffe brilliantly describes the agony of being a citizen in agonism. As mentioned earlier, citizens have a duty to give their reasons and be realistic about them in the spirit of Scanlon (T. M. Scanlon, 2014). This is a pluralism of reasons and citizens as givers of reasons, and as such it becomes an agonism, i.e.,

a fellowship of disagreement. But not simply a disagreement between citizens, but rather an internal disagreement. In a way, the trade from savage to citizen is, among other things mentioned earlier, also a trade from physical and outer distress to rational and inner distress. The tragic outcome of the former is death of the agent, and the tragic outcome of the latter is a descent into an abuse of power, i.e., an illegitimate state. There are also lines to be drawn to Nietzsche's "inner hell" in this pluralistic agonism, the agony of being a citizen and having to give one's reasons. And perhaps also to Sartre's "hell is the other" (Daigle, 2010, p. 76). A mastery of this conflict is needed, and I think this is similar or parallel to a mastery of amour-propre. Thus, the public education is of immense importance. And there is perhaps no coincidence that in 1762 Rousseau published *Du Contrat Social* in April and his book on education *Émile* in May (Dent, 2005, p. xviii). It follows logically that if the former leads to the challenge of the inner conflict, then the latter may wish to resolve said conflict.

To try and summarise: Listening to tendencies in the civil state is like following the rules of a sprint in a marathon: while it is still running, it misses the point. Which is to say, while amour de soi is still self-love, it is not playing by the rules of the civil state. The civil state is more complex for humans than that of nature, especially considering that amour-propre lends itself so readily to decadence. The conflict is thus between listening to needs or will.

3.4 SUMMARY

Chapters two "The coming into being" and three "The general will's being" have concluded Rousseau's thought experiment on the state of nature. It has been "taking humans as they are, and the laws as they might be" (CS, I, I)⁵⁴ as he said he would. In this chapter, I have examined the first part of the previous quote: how humans are. In this examination we have found a duality of the human. In civilisation we all play two roles: the first as natural women and men, and the second as citizens, social and artificial. We have accounted for the two theories of moral psychology, amour de soi and amour-propre, in order to better understand the savage and the citizen, and I conclude as Neuhausser that these two require mastery rather than suppression (Neuhausser, 2008). We have then seen how this enormous process leads to an inner conflict in the citizen, which seems to be the unavoidable price the citizen has to pay. It might seem like a kind of torture to be a citizen, but I would claim it worse to face the challenges of the savage, not to mention the loneliness. And it is in this whole account where I believe to see Rousseau's body politic and LVG, not just as another alternative model of the state, but one

⁵⁴ en prenant les hommes tels qu'ils sont, et les lois telles qu'elles peuvent être

which is legitimate. LVG is artificial, and so is the body politic. It is “as they might be”, because a fault of the human is that our wills may wander from the common good. We may be fooled, tempted, or simply misguided. Luckily, we can set up another entity, a body politic, whose essence lies in always desiring the common good. Following that up by stressing the principle of generality ensures that the sovereign does not trample upon the people and usurp its power. And the fine and precise work is done when he mentions that classes of citizens may be made, but only on abstract and general principles. This makes it possible to stagnate inequality, not by targeting those specific individuals purporting inequality, but by making a law entirely worded in the abstract which deals with such a class of citizen. It should also be mentioned that Rousseau's law is not simply a decree, a distinction which he draws himself. It is based on the object being either individual and exclusive, or general and common.

One sees again that since the law unites the universality of the will with that of the object, that which a man, whoever he might be, orders in his own right is not a law; what the Sovereign orders with regards to a particular object is not a law, but a decree, nor is it an act of sovereignty, but of magistracy. (CS, II, VI)⁵⁵

As such, it is not the author of the magistracy that is the deciding factor in whether the act of magistracy is a decree or the law, but the object to which it pertains itself. This decrease in emphasis on the role of the individual means that any citizen is in theory equally able to declare the law. They are not able to draft laws, as this task belongs to the legislator, but the president or king declaring a law is no different from a citizen doing so in Rousseau's republic. Here we see once again some real-world consequences of his focus on theory.

As for the citizen, I believe the citizen to be at a quest for virtues, as opposed to the savage who is avoiding such a disposition. This quest would also explain the decadence of citizens, as the disposition to undertake such a quest for virtues entails the possibility of failing, and adopting a vice instead. The savage is not more virtuous in relation to the decadent citizen, he is less vicious. Indeed, the savage's triumph is not one of brilliance, but of innocence. However, while the task of the citizen is far more difficult, I believe it to be worth undertaking, especially in a virtuous and moral understanding. Thus, perhaps the virtue of the citizen is phronesis, known as the virtue of virtues, as the citizen is at a disposition for virtues.

⁵⁵ On voit encore que la loi réunissant l'universalité de la volonté & celle de l'objet, ce qu'un homme, quel qu'il puisse être, ordonne de son chef n'est point une loi; ce qu'ordonne même le Souverain sur un objet particulier n'est pas non plus une loi mais un décret, ni un acte de souveraineté mais de magistrature.

4.0 SUMMARY & CONCLUSION

4.1 GENERAL SUMMARY

In summary, I have here viewed *Du Contrat Social* through the prism of quasi-realism, and argued that this is a good way to interpret Rousseau's work. This leads to the state of nature being more realist, and the civil state more nominalist, but with objective notions such as "the common good", and the theory able to account for this seeming paradox is quasi-realism. This is all in the name of legitimacy, and differentiates Rousseau's project from his contemporaries.

The metaphysical journey then continued by accounting for the coming into being of LVG. This is done largely through the thought-experiment of "the state of nature". This further established and differentiated such notions as individual will, conflicts, the general will, and the common good metaphysically, and once accounted for concluded the metaphysical part and made it possible to do a legitimate and "down-to-earth" inquiry of LVG and what it entails.

Then followed an analysis of Rousseau's moral psychology, and a nuancing of the concept of "will" as well as "person" by Frankfurt's theories. These two together then bring up a previous item, namely "outer conflicts", and shows that the civil state makes it into "inner conflicts". From here, ties can be made to science between such concept as scientific homeostasis and philosophic common good, and I consider this as a "scientific explosion" to the benefit of Rousseau's theory. The conclusion after this is that the citizen is at a quest for virtues, and this also explains the citizens' decadence, and Rousseau's urging a return to nature. Not because the savage was virtuous, but because it was a less complex disposition with regards to virtues.

What now follows are some critiques to Rousseau's project, some comments on today's politics in light of these findings, and lastly I will try to conclude.

4.2 CRITIQUES

Here I wish to try and answer some short but very revealing critiques about *Du Contrat Social*. I shall try to be balanced, although I will consider myself as Rousseau's advocate. The source of these critiques are from only four pages of Anthony Kenny's *The Oxford History of Western Philosophy* (Kenny, 2000, pp. 351–354). While the pages are few, his critiques are very enlightening when discussed, and, judging by the way he writes, he is sympathetic to the boost that Rousseau gave democracy, but not that sympathetic towards *Du Contrat Social*, nor towards Rousseau himself. To ground these two points: As for Rousseau's political influence

“there is no doubt that he is the most influential and explicit proponent of democracy.” (Kenny, 2000, p. 353) And as for his person, “Rousseau was almost certifiably paranoid, a hopelessly unsociable human being” (Kenny, 2000, p. 351). This provides the frame of Kenny being motivated to do good philosophy, and not prone to sugar-coat his opinion on the matters discussed. I shall now discuss and try to answer some of the critiques and remarks that he makes.

There is a distinction we have already made, namely that of the social contract itself, and Rousseau's work which is about said contract. Kenny writes: “Rousseau's main work on political theory is called *The Social Contract*, but the contract plays no significant part in it, nor do natural rights and the law of nature, although the state of nature is constantly adverted to.” (Kenny, 2000, p. 351) Already, in the first sentence of his account, the translation of the title has deceived him. Neither is the true name of the work in question *The Social Contract* nor is the social contract meant to play any part in *Du Contrat Social*, which is correctly translated as *On The Social Contract*, or *About The Social Contract*. Bruno Bernardi addresses this important nuance right away in a footnote in his introduction to *Du Contrat Social*: “In order to distinguish the work from the concept, one should write *About the social contract*.”⁵⁶ (Rousseau, 2012, p. 5) Bernardi goes on to say that this is in order to avoid confusion⁵⁷, and was how Rousseau himself employed the distinction, also using italic letters to further underline it. This shows how an overly simple translation of the title has deceived the reader as to what the work at hand really is. Rousseau's work is not the social contract itself. A social contract would resemble a constitution more than a philosophical document, with the tone of “we the people”, as Spector points out (Spector, 2019, p. 56). As for the last three observations about natural rights, the law of nature, and the state of nature: they are correct.

Further down, Kenny talks about LVG, and nuances Rousseau's point of bringing LVG into existence by all submitting one's *powers*, as opposed to Locke's wording of *rights*. He then writes: “what appears to be the general will, that which is agreed upon by all or by the majority, may be deceived.” (Kenny, 2000, p. 351) It is not so that LVG is “that which is agreed upon by all or by the majority”, as such an understanding would lead the body politic devoid of any will. LVG is as much a proper will as any person's will, here used in Frankfurt's sense (Frankfurt, 1988). The public person is a person, and it has its own will, namely the general will. We call it general, because it essentially concerns itself with the common good. As such, it is distinct

⁵⁶ Pour distinguer l'ouvrage et le concept, on devrait écrire *Du contrat social*.

⁵⁷ The French word he uses is “cacophonie”, or “cacophony” in English, which is Greek for “bad-voice”.

from human will, which is free. As for LVG being deceived, the will itself cannot really be deceived as it is not an intelligence. The charitable interpretation here would be to say that the Sovereign, namely the person acting in the interest of LVG, could be deceived. Kenny then goes on: “The general will is not identical with the will of all. On the other hand, the will of the majority can be an indication of it, if certain conditions are complied with.” (Kenny, 2000, p. 351) While he technically is not wrong here, he is touching upon a relation between LVG and the will of all/the majority which demands a high degree of precision, and this rough account will simply not do. The “certain conditions” that must be complied with are complex and plentiful, and more often than not the will of all is in no way any reliable indicator of LVG. However, the contrasting of the will of all with LVG is a clever one, and here I would suggest to instead mention that a “healthy” body politic, one with a strong social knot, is one in which the will of all/the majority aligns itself with LVG.

Kenny goes on to mention the workings of Rousseau's state in practice: how the government, also called the prince, is not to occupy itself with particularity, that the sovereignty of LVG is inalienable, and that partial bodies within the main body politic are only pseudo-general, or simply just particular. He then comments on its consistency: “Commentators have seen this entirely consistent view as reflecting Rousseau's loyalty to his home town, the city-state of Geneva.” (Kenny, 2000, p. 352) There is no need here for commentators, Rousseau himself reveals right away in book one before chapter one that as he was meditating in order to write *Du Contrat Social* he grew fonder of his own Geneva: “Happy, every time that I meditate on the Governments, to always find new reasons in my research to love my country's Government!” (CS, I)⁵⁸ The self-revealing author who wrote *Rousseau, judge of Jean-Jacques* felt no need to hide the fact that his own Geneva inspired him in his research. Clearly, commentators may draw even stronger connections between the political workings of Geneva at the time and Rousseau's ideas. This would be no crime. The reason I bring this up to is help the reader avoid the possibly implied and rather uncharitable interpretation that Rousseau felt the need to hide his Genevan influence. An interpretation that would not be correct.

The next account we will take a look at is not so much a reply to a critique, but a refining of the account. “The general will expresses the real will of the citizens who combine to form it.” (Kenny, 2000, p. 352) Strictly speaking, this is correct, although one has to read him very literally here. The possible confusion is that the general will might be interpreted as some proper

⁵⁸ Heureux, toutes les fois que je médite sur les Gouvernements, de trouver toujours dans mes recherches de nouvelles raisons d'aimer celui de mon pays !

replacement for the individual will of the citizens, and this is not correct. However, in a very strict sense, it is true that LVG is the real will of the *citizen*, however, not as in replacing that of any *person*. To paraphrase the sentence so as to reveal my point: “The individual will expresses the real will of the cells that combine to form it.” One could speak of an individual will as pertaining to the cells of said individual, which is in a way what Kenny does when speaking of LVG pertaining to citizens. But a more precise wording would be to point out that the individual will pertains to the body as a whole. To rephrase it in this manner: “The general will is the will of the body politic, which is in turn formed by the citizens.” Now we avoid the possible confusion that LVG is here to usurp individual will. LVG is not conceived with this in mind. Something like this would resemble the will of a despot.

The second to last remark I wish to comment on is as follows: When speaking of how Rousseau wants citizens to convene regularly in order to consider both if the constitution needs reform, and “whether the office-holders under it should be confirmed or replaced. The second of these provisions, at any rate, seems to conflict the requirement that the general will should confine itself only to general objects. Office-holders are particular people.” (Kenny, 2000, pp. 352–353) There are two ways we could reply to this critique. First of all, if the sovereign people are to consider “office-holders” and not “Christina and Gary”, such a consideration of a class is permitted.

When I say that the object of the laws is always general, I mean that the law considers the subjects in body and the actions in the abstract, never a man as an individual nor a particular action. Thus, the law may well rule that there will be privileges, but it can never give them by name to no one; the law may make several Classes of Citizens, (...) but it cannot name such and such to be admitted in said class. (CS, II, VI)⁵⁹

This passage I believe rather directly answers Kenny’s critique. “Office-holders” is a class of citizens, they are not really individuals. Should we have considered “Christina and Gary”, and they happened to be office-holders, then this would indeed be a problem. However, as we are not considering the individual but holders of a certain role, a certain class, there is no need to here view this as going against what I would call “the principle of generality”, namely that the object of the law is always general. The second way, which is my own way of resolving

⁵⁹ Quand je dis que l’objet des lois est toujours général, j’entends que la loi considère les sujets en corps et les actions comme abstraites, jamais un homme comme individu ni une action particulière. Ainsi la loi peut bien statuer qu’il y aura des privilèges, mais elle n’en peut donner nommément à personne ; la loi peut faire plusieurs Classes de Citoyens, (...) mais elle ne peut nommer tels et tels pour y être admis.

this critique simply based on the logic of Rousseau's state, is to say that considering these holders of office is not really an expression of sovereignty, but an evaluation of whether or not these people actual act in the role which they are supposed to, or are acting as private individuals. It is a "meta-sovereignty", if you will, that is being exercised. This reply is not as strong as Rousseau's, but I believe it reveals and uses the logic in the system he has set up here. In the next critique, Kenny points out what he believes to be a serious difficulty for Rousseau's project.

A more substantial difficulty is that the only community whose common interest can plausibly be identified with what is morally correct is the whole human race (perhaps the whole sentient creation). In the context of mankind as a whole, one of Rousseau's small populist states is no more than a partial association. (Kenny, 2000, p. 353)

There are two points here. The first one is on the body politic being immoral in the context of the whole human race, or perhaps the whole sentient creation, but we will limit ourselves to the human race for the sake of argument (although I do believe Kenny is onto something here: drawing the line at humans is rather trivial, animals should perhaps be considered as well). The second is on the body politic being a partial association in the context of mankind.

To answer the first comment, and I will reword some of his phrasing in the interest of strengthening his argument: it is not perfectly clear why the only community whose common good is also morally good is mankind as a whole. This is my suggested interpretation: LVG is the will of a body politic, and a body politic is a state. There may exist several states, thus there may exist several LVGs. Now, it is easy to envision that these many LVGs conflict with one another, just like what happened on an individual plane in the chapter called "Conflicts". However, is this plausible? Remember, we are not just talking about any political organisation conflicting with any other. Rousseau's project is not just to set up any state which may work in practice, this is rather the project of Hobbes in his *Leviathan*. Rousseau is here to seek a *legitimate* state. So, it seems that in order for Kenny's critique to undermine Rousseau's state, two criteria must be met. 1) Common goods of different states must overlap in a constant-sum manner. 2) The common good must have within it a desire for war, either as a mean, or an end. As for the first criterion, we have already discussed that LVG does not tend to constant-sum games. The problem here is that the very nature of the conflict is individual, and should LVG tend towards something like that, it would be LVG no more.

The second criterion demands more attention. It states that the common good must have some desire for war, as LVG is exclusively directed towards the common good, and should the common good not contain a desire for war, then it would be impossible for the legitimate state to go to war. But not only must it desire war, it must desire to be the aggressor. For, if all common goods contain the desire for defensive war, there would be no aggressor, thus no war would break out. Rousseau shows an understanding of defensive war through what a soldier is.

War is thus not a relation from man to man, but from State to State, in which the individuals are enemies only accidentally, not as men nor even as citizens, but as soldiers; not as members of the fatherland, but as its defenders. (I, IV)⁶⁰

Thus, a proper war-cry for Rousseau is never “In the name of the country!” but instead “In defence of the country!” as the first could be an aggressor, but soldiers are always defenders. Rousseau’s understanding of war is thus that it is a conflict of states, not of people, and it ends once one of the states are dead, not when one of its armies are dead. “Sometimes one may kill the State without killing a single one of its members.” (CS, I, IV)⁶¹ As Spector brilliantly phrases it: “Waging war is therefore attacking the social contract and everything that maintains it (government, laws, morals, men, goods).” (Spector, 2019, p. 160) Knowing what war is and what its goal is, she then explains Rousseau’s condition for war:

But on Rousseau’s view, these attacks are permitted if and only if they are the necessary means for the destruction of the state, which implies that a war could be won without a single man dying. (...) In this regard, it is sufficient that the political enemy ceases to exist as a united political body for the defensive war to have reached its goal. (Spector, 2019, p. 161)

Thus, keeping in mind that a war is a conquest for the destruction of social contracts, should a wager of war start to destroy its own social contract, it would be the suicide of the body politic, and, unless the war then ended, what would continue would not be a body politic waging war, but a despot or some such-like illegitimate political aggregation. It is in this sense, when the body politic “falls from grace” and descends into despotism via war, where we see the limitations of aggressive war.

⁶⁰ La guerre n’est donc point une relation d’homme à homme, mais une relation d’État à État, dans laquelle les particuliers ne sont ennemis qu’accidentellement, non point comme hommes ni même comme citoyens, mais comme soldats ; non point comme membres de la patrie, mais comme ses défenseurs.

⁶¹ Quelquefois on peut tuer l’État sans tuer un seul de ses membres.

Having talked about Kenny's point on morality of LVG, we now turn to his point of city-states being a partial association in a larger context. This is not really as substantial a critique as it may seem. Remember: we are talking about the *general* will, not the *absolute* will, nor the *absolutely general* will. Just because there are other and bigger states, this does not entail that all states fall away from generality, and into particularity. I do not think further comments are needed here.

The final critique I wish to discuss is that Rousseau's project is vulnerable to John Stuart Mill's "tyranny of the majority": "in saying that the decision of a well-informed and public-spirited majority is a reliable indication of the general will, he supplies no protection against the tyranny of the majority that was to exercise John Stuart Mill." (Kenny, 2000, p. 353) I believe Kenny is wrong here. As far as I can see it, the act of association, which renders all citizens equally and totally inter-dependent, takes care of the tyranny of the majority by making the majority dependent on the minority. This is because all individuals are part of either the minority or the majority, and all individuals are inter-dependent. Moreover, should a very strong majority emerge, then this would be, as Kenny put it, "a quasi-general will" that forms within the body politic. Thus, rulings at the expense of the minority does not fit within Rousseau's system: it would be a case of the social contract eating away at itself, and should be considered self-hostile. And self-hostility is not a part of the common good. Rousseau already dealt with this when he discussed the relation of "the whole and a part" which is illegitimate, as a state should never look upon its members as anything but itself.

This concludes my ripostes to Kenny on behalf of Rousseau's *Du Contrat Social*. Many of these comments focus on the practical workings of Rousseau's legitimate state, and I believe Kenny is right to critique this side to it. *Du Contrat Social* is not an exhausted work, and the parts that need an expansive account in order to be exhausted are, in my view, the practical areas of politics and economy, i.e., the day-to-day reality of the state. As it often is with theory and practice, the first may be light while the second is necessarily fat. However, the beauty which I believe to be displayed in this section is that Rousseau has created just enough theory that there is a logic one may follow. It remains for good philosophers to exhaust this logic, and to reveal the practice that follows more clearly. To use the metaphor of the tree: With *Du Contrat Social* Rousseau is a philosopher sprouting roots. What is now needed is for philosophers' work to sprout leaves.

4.3 POLITICAL PHILOSOPHY & AUTHOR'S COMMENTS

I wish to take a moment to reflect on a real-world case, and try to apply some of the wisdom derived from Rousseau, in order to see if I may arrive at something enlightening.

The case I wish to examine is the Greek Spring of 2015, and particularly the referendum resulting in the “Oxi”, i.e., “no” in English. This was a public vote whether or not to sign the third bailout from the European Commission (EC), the European Central Bank (ECB), and the International Monetary Fund (IMF), collectively dubbed the Troika (Engelstad, 2016).

The situation is rather enormous, and I will only give a necessarily brief but hopefully sufficient summary here before conducting my analysis in light of the findings in this thesis. Briefly: The economic climate in the early 2000s changed. What changed was a certain “banker’s virtue”. Banks have never been forced by law or otherwise to withhold loans. The creditor, whose job is to evaluate loaners, is one based on a duty to virtue. However, in the early 2000s, that stopped. After pressure from the European Commission, banks freed up these restraints of virtue (Varoufakis, 2016, pp. 147–152). The reason being that the EC believed this would boost the economy at large (Engelstad, 2016). With this new policy, Greece became the prime target. Why? Due to the culture in Greece to own rather than rent (Varoufakis, 2016, pp. 146–150). Thus, almost all Greeks had collateral, and therefore all loans were relatively safe. Needless to say, the attempt to change the culture was an astounding success. Greeks took loans left and right, and this on top of the national loans that the government had taken during the 70s and 80s to build the Greek welfare-state (Engelstad, 2016, p. 20). And then, crisis. The economic recession of 2008 hit the world like a mine-explosion hits mineworkers. And Greece was furthest down the mineshaft.

Fast forward to July 5th, 2015, and the newly elected majority-government of Syriza puts the third bailout to the people in a historic referendum. The people voted a resounding no to the third bailout with 61% opposed to signing the bill. Within a week of this historic majority for a no, the government, elected almost in the guise of revolutionaries in order to put an end to a tradition of corruption and democratic clientism (Engelstad, 2016, pp. 29–34), suddenly capitulated to the Troika, and turned the democratic “no” into a capitulate “yes”. The third bailout was signed, and today, 6 years later, all may see with ease that the quality of life in Greece has not yet improved. Or, to put it more bluntly: It has yet to stop deteriorating.

The question this thesis begs of the aforementioned case is the following: Was the general will of Greece directing itself towards a yes or a no with regards to this referendum? We know the will of the people, as they voted no. Was this “no” an act for the common good? And did LVG of Greece also desire a “no”? I believe that this was the case, and that the people of Greece voted in unison with Greece’s LVG. I will argue that signing the third bailout was not an act of the common good. The consequences of this are dire. This act threw the government into illegitimacy, as they firstly did not manage to move the state towards the common good, and secondly tried to ground the state power in something that was not the people.

The first thing we should notice is that this was the *third* bailout. It naturally came with strings attached. Or perhaps it would be better to say chains. The two former bailouts entailed the toughest austerity-measures any country had ever seen (Varoufakis, 2016). The third was no different. And during the measure imposed by the Troika during the first two bailouts, the quality of life of Greek citizens had been steadily declining. So, naturally, when the third bailout came along, Greek citizens wanted no more of it. However, the critique “the bailout did not work” is not what should be derived from this. This critique is too imprecise. The proper wording is: “The bailouts did not work to enhance the quality of life for the majority of Greek citizens.” Why is this precise wording necessary? Because the Greeks did not eat the money, contrary to what Theodoros Pangolos insisted (Engelstad, 2016, p. 29). The words did indeed bail out someone, but it was not Greece, nor the Greek citizens. It was the banks that were bailed out (Varoufakis, 2016, p. 244). The bankers who had caused the 2008 crisis now managed to make tax-payers all across the world pay. As such, since a banker is no legitimate class of citizen, this act of a third bailout was not a general decision. Even worse: It was not a decision in favour of the common good. Some argument could possibly have been made in favour of the bankers if they should have restored some peace and quality of life, should they have restored equality and liberty. However, this is not the case. The deal came with harsh conditions to be imposed. Thus, the wording of what the bailout actually did is: “The bailout bailed out the bankers.” Or, to continue being blunt: “The Troika bailed out the bankers by shifting the burden onto the shoulders of European tax-payers.”

Thus, by not moving the state towards the common good, and violating the principle of generality, Prime Minister Tsipras who just a week after the referendum signed the bailout and thus went against it (Engelstad, 2016, p. 90) not only committed the less serious sin of going against the will of all in Greece, but also violated Greece’s general will. As such, by Rousseau’s

measure, if Greece was a legitimate state, he threw at least the government into illegitimacy. Perhaps one could even argue that he threw the whole state into illegitimacy, but I will not argue for such a strong claim here.

The lesson to take away from this case is that LVG, while it might be the root of sovereign power, which is “the final authority on this earth, beyond which there is no further appeal” (Dent, 2005, p. 130) it nevertheless is a fragile one. The legitimate state is not strong as a mountain is strong. The legitimate state is more like a glass-cannon: incredibly powerful, but ready to shatter. And its institutions are ripe for the taking once legitimacy is off the table. This leads to corruption, and descends the locals into some poorer form of rule, be that despotism, clientism, dictatorship, etc.

I believe this case is also an argument for quasi-realism with regards to the state, as opposed to a stronger theory such as realism. Quasi-realism allows for states not to be forever tied to their rules. Contrast this with the rules of physics, which are meant as definitive descriptions of the universe with no exceptions. Quasi-realism lets the state change when necessary. Call this ability *morphability*. (Morphability follows from quasi-realism, as states are not how they are by necessity, but by the condition of legitimacy.) When discussing a write-down of Greece's national debt, what is referred to as “a haircut”, the EU kept insisting that the rules of the EU forbid such a thing (Engelstad, 2016, p. 87). As Varoufakis phrases it: “the rules are the rules are the rules!” (Varoufakis, 2016, p. 163) Meaning that the rules were there, and they were not to be bent. This sort of approach suggests a realist approach to a body politic such as the EU, where the laws become comparable to the laws of physics. However, as history shows, economic haircuts of debt has been done in the past, e.g. Germany's post-war debt which was cut in half when it reached 25% (Engelstad, 2016, p. 86). This was not done out of grace, but rather out of economical common sense: when a debt becomes unmanageable and thwarts economic growth, better to reduce it than to see a whole nation crumble. Greece's debt had reached 180% (Engelstad, 2016, p. 86) in 2015 and nevertheless the EU's negotiators remained strong realists about its rules, refusing any write-off. Here, quasi-realism completely outshines realism for body politics. Its morphability which would allow the EU's representatives to regard its laws as less absolute and more in serving of the common good deals with this transnational economic issue which has caused suffering for millions. Quasi-realism's slightly softer position in comparison with realism allows for body politics to live and change, rather than to be static and absolute monuments. It also refrains from requiring citizens to “go down with the ship”, but rather enables them to change the course.

On an ethical note, this leads to real-life damage. In Greece, children were fainting in school as a result of malnourishment (Engelstad, 2016) which in turn was a result of the economic crisis. The fascist party “Golden Dawn” is growing almost inversely proportional with the quality of life of Greek citizens. In the beginning of this thesis I mentioned V-Dems report on the decline of democracy not just in poorer areas of the world, but within developed Europe (Lührmann et al., 2020). I believe this brief case-study of Greece in the light of Rousseau and his *Du Contrat Social* gives an argument worth consideration as to the severity of this democratic decline. When sovereign power is usurped, and LVG is dethroned, the shift away from the common good is not simply an abstract or trivial matter. It causes real harm to millions, and swiftly sets historic progress for the common good back by decades, if not centuries. Wounds on this scale do not heal fast, as we know and respect by putting the second world war in our children’s curriculum. Rousseau’s call to “grow up” and take responsibility is not a call to live up to personal responsibility, but to live up to collective responsibility. Responsibility, not to stop Marc from starving, but to stop citizens from starving. Not to maintain Sophia’s rights, but to maintain *human* rights.

As for Europe’s democratic decline, there are likely one of two lines of action that will take place to avoid the total doom of the common good. One such way is to stop the European project and retreat back into the nation state. Brexit is an example of just this. While I believe this to be alleviating the symptoms rather than treating the diagnose, it does at least not contribute to states moving further away from the common good. In a way it is “damage control”. The second way is to face Rousseau’s call, to accept the challenge, and to move all of Europe towards the common good. This would be treating the diagnose, and this would be a proper historical milestone. Such a move would probably look like the EU making politics usurp the current holder of Sovereign power: the Euro. The EU we have today still shows that it takes its politics less serious than its economy, and this entails that it is not truly a republic, but more of a technocracy of the euro, its currency and dearest child.

4.4 CONCLUSION

Having studied *Du Contrat Social* as well as other works of Rousseau, the glaring conclusion is: “There is more work to be done in order to exhaust the logic of *Du Contrat Social*.” Another conclusion is that this work of Rousseau is a real contender for what he set out to do, namely to find some legitimate basis for a state. He is transparent about his intentions, and while there seems to be paradoxes in his theories, these are not paradoxes between the author’s agenda, and the text’s logic. Rather, they are usually only weak hermeneutical paradoxes, as I hope to have shown in this thesis. And, when they are analysed carefully, they are resolved. Thus, they are not truly paradoxes, but problems.

There are two original items in this thesis that I would like to highlight in concluding. The first is “The principle of generality.” I do not believe that Rousseau himself explicitly mentions such a principle, but I have argued that he implicitly does. This principle could be a philosophical tool in politics to keep ministers in check, and make sure that they do act in the interest of the common good, and not for any exclusive good. It applies mostly to the drafting of laws, but could also be applied in crucial referendums such as the Greek referendum of 2015.

The second original item is “state *morphability*”, which has its basis in quasi-realism and Rousseau’s maxim of “taking men as they are, and laws as they can be”. A state’s morphability simply speaks to its ability to transform itself to fit the people, and not the other way around. People are as they are partly due to necessity, while any such necessity does not apply to the state, only the condition of legitimacy does. Hence, the state must morph to fit the necessary requirement: the people. This seems to be a virtue for the state in the Aristotelian sense of being the golden middle between two vices. An insufficiently morphable state is exemplified well in the case of the Greek spring shown above, where the EU refuses to officially morph its rules. An overly morphable state would be something like a tax haven, where the rules are so accustomed to the particular and individual that they have nothing to do with the principle of generality, nor the common good. A virtuously morphable state is well exemplified by the attitude of the quasi-realist. It takes its laws seriously but does not regard them as laws of physics. The state’s laws are breakable, but this does not mean that they are illegitimate.

To close the thesis, I wish to dub *Du Contrat Social* as a work of deliberation. This simply means that Rousseau is submitting himself to the logic of the project, without bending it to his will. He is unfree, i.e., deliberating. His work is thus not just another agenda. Rather, it is a serious delve into the question of the legitimate state. And his findings withstand scrutiny.

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