

ROUSSEAU ON HUMAN EQUALITY

Rousseau's *Discourse on the Origins of Inequality Amongst Men* is patently a work of social criticism. The title of the book implies that inequality is at the root of our problems, that what is fundamentally wrong with our civilization is its tolerance of inequality. Artificial inequality (what he calls 'moral or political inequality' (SD 131)) does indeed play a crucial role in Rousseau's diagnosis of our social ills; furthermore its replacement with an artificial equality is, for him, the way to avoid them. But a number of writers have gone well beyond these points, ascribing to Rousseau the idea that prior to any social convention human beings are already of equal worth or else naturally desire to be treated as if they are of equal worth. I shall argue that this supposition does no work in Rousseau's argument and that there is little reason to attribute it to him.

To make my case, we need to examine Rousseau's critique of civil society, as presented in the *Second Discourse*, *Emile* and in *The Social Contract*. The first section distinguishes a psychological from a moralistic social critique, one focused on human happiness, the other on questions of justice. I'll expound these two lines of thought over the next two sections, arguing that they neither attribute to us a natural desire for equality which civilization frustrates nor postulate that human beings have 'equal moral value'. In the final section we shall ask why Rousseau thinks that human beings can live well together in developed societies only if they treat each other as equals.

1. Two Social Criticisms

For expository purposes I'm going to distinguish two criticisms Rousseau makes of developed societies. These criticisms need not be in competition with each other and perhaps, in Rousseau's own mind, they are no more than two sides of the same coin but clarity is served by presenting them separately.

Misery: As man grows more civilized he becomes unhappy.

Misery is about the typical man and the normal life. Rousseau tells us that social man is miserable whilst man in the state of nature is not (SD 149-50). An unfortunate community of savages might be miserable and perhaps there are contented individuals amongst the civilized but these possibilities are not relevant to the assessment of human social forms. Some less obvious points should also be noted.

First the issue here is whether civilization as we have it makes us unhappy, not whether civilization is on the whole a good thing or even a good thing for us. For example, it might be that becoming more civilized is the only way to develop our skills and talents, the only way to perfect ourselves (SD 167 and 184). In that case, it *might* also be that civilization is on the whole better for us even though it makes us miserable (SD 141, 150-1 and Note IX). I shall say nothing about this. The truth of *Misery* would in any case constitute a major count against our civilization.

Rousseau says that happiness involves the satisfaction of our desires (E. 80-1). A desire is a psychological state that motivates us to pursue the object of desire and which manifests itself in feelings of regret when frustrated or in satisfaction when fulfilled. We should not infer that happiness is simply a matter of your getting whatever you happen to want. There is a difference between people's *natural* desires, desires that they already have or will develop provided others do not interfere and *artificial* or *instituted* desires that develop only as a result of the intentional activity of human beings. Rousseau assumes that people naturally desire the good and so getting what you *naturally* want will make you happy but he adds that our desires and passions may be perverted in various ways (E. 212-3). For example, society can make people servile, boasting 'of the peace and quiet they enjoy in their chains' (SD 177). Rousseau would not regard such contentment as genuine happiness for these people are deprived of freedom, a fundamental human good. Discussing people driven by 'factitious passions' (SD 186) to pursue various 'alleged goods' (E. 228) Rousseau says that success brings them 'pleasure without happiness' (SD 187) and that they are really 'suffering' (E 227). Happiness for Rousseau is the fulfillment of desires for things that both are

(and seem to be) worth desiring. A happy person need not be especially reflective or insightful – they might not consider the value of the things they pursue – but happiness is incompatible with pursuing worthless (or apparently worthless) things.

Second, *Misery* presupposes that unhappiness is not inevitable. A social criticism lacks bite if it simply highlights an unavoidable feature of the human condition. We should feel bad about our situation only if human life could take another form. The critical edge of *Misery* is also blunted if it implies that human beings would be unhappy in any society that was at all developed. The process of social development, however it goes, likely involves a rise in the level of pain and frustration if only because, as people's desires become more complex and sophisticated, they are less easily satisfied. Were Rousseau's point just that a simple life is, in this respect, a safer life (at least given the availability of basic necessities), it could be quickly conceded (E. 177) but *Misery* so understood should not make us doubt the worth of civilization.¹ A society need not be miserable, even though it contains a fair amount of pain and frustration, provided that a range of successes and satisfactions are also available. *Misery* should be read as claiming that our society produces a systematic mismatch between desire and reality while leaving open the possibility that we might have reached a comparable level of social development without entering a vale of tears.

Having clarified the content of *Misery*, how can we establish its truth? Given that unhappiness involves a systematic mismatch between desire and reality we must discover what human beings desire and whether the world as they find it is likely to satisfy them. Since we are in the business of social criticism, the social environment is especially relevant and the defence of *Misery* will involve a mixture of psychology and sociology. Rousseau is sensitive to the fact that your desires are shaped by your social environment and his defence of *Misery* rests on the idea that civilization leaves us with desires that are systematically

¹ For Rousseau's later and more Stoical view of desire and happiness, see RSW: 54-8.

unsatisfiable. The issue for Section 2 is whether a desire for equality is among them.

Let's introduce Rousseau's other line of social criticism:

Injustice: As society grows more civilized it becomes systematically unjust.

Like *Misery*, *Injustice* highlights a specific though fundamental flaw with our civilization. Like *Misery*, *Injustice* draws attention to a feature of civilization as we have it and is open to the possibility that things could have evolved differently, that a developed human society could exist without systemic injustice. Criminals will always be with us but the basic structures of society need not embody injustice.

Rousseau certainly thinks of our civilization as systematically unjust. The issue is whether the principles of justice Rousseau relies on to arrive at this conclusion presuppose natural human equality. Let me explain what I have in mind here. Human beings are admired for various attributes, for their natural excellences of body and mind, for skills and capacities that are developed through training and education, for where they stand in the social hierarchy or for the social role that they play. All three forms of esteem reflect some sort of personal value or worth that the beholder sees in the admired person and it is perfectly obvious that each of these sources of personal merit are distributed rather unevenly amongst us.

Many writers postulate another source of personal worth, one with two crucial features. First, it is a value possessed equally by all human beings simply in virtue of being human. Opinions differ over precisely which of our features give us this value (and over the extent to which it might be shared by others creatures) but the features in question are assumed to be natural or pre-conventional so that our possession of them does not depend on whether others acknowledge our possession of them.² Second, this value is the ground for

² It is crucial that the feature in question be one that is not constituted by and thus can explain our rights and obligations. Good candidates for this role are psychological capacities like

principles of justice, principles with a special weight in determining how we relate to other people, generating both our rights and our obligations. These principles require us to treat human beings in a way that shows respect for their equal value as humans and since that value does not depend society's recognition of it, the requirement to respect that value and the principles that rest on it are also independent of social recognition. This combination of features leads many authors to call this form of value 'moral' value, a value that lies at the foundations of 'morality'.³

Now Rousseau does seem to ground people's notions of what we owe one another, of how we are obliged to behave towards one another, in a sense of how much we are each worth. Speaking of a period of history in which people have begun to evaluate one another in terms of relative strength, beauty and intelligence, Rousseau comments:

As soon as men had begun to appreciate one another and the idea of consideration had taken shape in their mind, everyone claimed a right to it, and one could no longer deprive anyone of it with impunity. From here arose the first duties of civility even among Savages, and from it any intentional wrong became an affront because, together with the harm resulting from the injury, the offended party saw in it a contempt for his person, often more unbearable than the harm itself. Thus everyone punishing the contempt shown him in a manner proportionate to the stock he set by himself, vengeances became terrible and men bloodthirsty and cruel. (SD 166).⁴

rationality, free will, perfectibility and sentience. These are features of ourselves that we value but which are distinct from the rights and obligations they ground.

³ Kant postulates a value of this sort in the course of interpreting both Rousseau and Genesis (Kant 1983: 52-3). Kolodny says that such an equality of value is assumed by 'most modern theories of morality' (Kolodny 2010: 170) and he attributes that assumption to Rousseau at p. 193, whilst also expressing some doubts about the attribution (see n.9). Neuhaus reads Rousseau as separating an attitude of respect that is due to persons *qua* persons and is the foundation of morality from an attitude of personal esteem which aptly varies from individual to individual (Neuhaus 2008: 59-67), though he concedes that Rousseau does not 'explicitly distinguish' the two (p. 63).

⁴ Conversely amongst savage men without a sense of personal consideration, there can be no resentment at injury (SD 218).

Here the sense of having been wronged rests on one's 'setting a certain stock' on oneself. Now it would be mad for everyone to set the same stock on themselves in respect of their strength, beauty and intelligence, for human beings patently vary in this regard (SD 131). So must Rousseau be postulating another basis for consideration that does not vary between human beings, one that grounds these 'duties of civility'?⁵

In another passage Rousseau explains that though arational animals are not subject to the Natural Law, they are still beneficiaries of it for:

Since they in some measure partake in our nature through the sentience with which they are endowed, it will be concluded that they must also participate in natural right and that man is also subject to some kind of duties towards them. Indeed it would seem that if I am obliged not to harm another being like myself, this is so less because it is a rational being than because it is a sentient being (SD 127-8).

Now it sounds as if the duties of civility we owe to others of our *own* kind are in fact grounded in features that we share with the animals. Be that as it may, our attention is here drawn to the possibility that creatures of a higher 'moral worth' or standing may owe certain things to those who are lower down the moral hierarchy like the animals (SD 162).

Bearing that possibility in mind, let's return to the earlier passage. One might take the phrase 'everyone claimed a right to it' to imply that all felt entitled to equal consideration simply in virtue of being human but one might also interpret this phrase as meaning that everyone felt entitled to some consideration in virtue of being human (and perhaps more than the animals) but a degree of consideration that might well vary from person to person 'proportionate to the

⁵ (Neuhouser 2014: 67) initially suggests that the passage should be read in this way but when he returns to the passage again in note 26 p. 187, Neuhouser concedes that 'it is not unambiguously clear that 'duties of civility' refers to the respectful treatment that all persons as such deserve (equally).' See also (Neuhouser 2008: 114-5).

stock he set by himself' after taking other factors into account.⁶ On this reading, though a subset of our obligations towards one another is grounded in the features that make us all human, the points of difference between us, and the hierarchy of worth they imply, may still play the greater role in fixing our obligations. *Injustice* is the business of the third section; first let's consider why Rousseau endorses *Misery* and whether it presupposes thoughts about human equality.

2. Misery

For Rousseau, a fundamental problem with our society is that it encourages the development of what he calls amour-propre.

Amour-propre is a ... relative sentiment, factitious, and born in society, which inclines every individual to set greater store by himself than by anyone else, inspires all the evils men do to one another and is the genuine source of honor. (SD 218).

In the present section we shall consider how amour-propre generates the evil of misery, in the next the evil of injustice.

Rousseau introduces amour-propre by contrasting it with a form of self-love, namely amour de soi-meme (SD 218). Amour de soi-meme 'is a natural sentiment which inclines every animal to attend to its self-preservation' (*ibid.*). Animals are incapable of feeling amour-propre because, lacking reason, they cannot make the comparisons that amour-propre involves. Men, capable of comparing themselves with other men, develop this 'relative sentiment'.

The fact that amour-propre involves a desire to be superior to other humans together with Rousseau's assertion that it 'inspires all the evils men do to one another' might lead one to infer that what humans really want and what is really

⁶ I'm assuming that 'equal treatment' involves more than treating everyone in the way they deserve, or in a way appropriate to their nature.

good for them is to be, in some fundamental way, each other's equals. Perhaps civil society is a scene of misery because it frustrates this desire. Such a reading is suggested by a passage from Kant that has proved very influential amongst recent interpreters of Rousseau.⁷ In a section entitled 'The Original Pre-Dispositions of Human Nature' seemingly inspired by Rousseau, Kant postulates

A form of self love which is physical yet involves comparison (for which reason is required); that is only in comparison with others does one judge oneself happy or unhappy. Out of self-love originates the inclination to gain worth in the opinion of others, originally, of course, merely equal worth: not allowing anyone superiority over oneself, bound up with the constant anxiety that others might be striving for ascendancy; but from this arises gradually an unjust desire to acquire superiority for oneself over others. (Kant 1998: 51)

Kant leaves it rather unclear exactly how the desire to acquire superiority arises from that for equality.⁸ Why should everyone fear that others might strive to gain ascendancy over them if our original desire is simply for equality (Kolodny 2010: 178)? There may be an innate need for some form of recognition from one's fellow creatures, a need stimulated by regular social contact which then develops into Rousseau's 'inclination to set greater store by oneself' but why suppose that, for Rousseau, some original desire for *equality* of status with one's fellows plays a role in this process? I'll suggest that, in its fully developed form, amour-propre leads to misery not because it frustrates a natural desire for equality but for two other reasons. First, it has an internal logic that makes it insatiable. Second it frustrates the natural desire not to be under the control of other people. Thus the

⁷ Having quoting this passage, Rawls remarks that 'Kant is the best interpreter of Rousseau' (Rawls 2007: 199-200). The passage also catches the attention of (Cohen 2010: 116) for whom 'the fundamental idea is indistinguishable' from Rousseau's and Dent who says that in this passage Kant is drawing on ideas of Rousseau about 'the moral standing of humanity' (Dent 1998: 65).

⁸ In Rousseau's text, amour-propre first enters Emile's mind in the form of a desire to be 'in the first position' (E. 235) and initially appears the *Second Discourse* as a desire to be esteemed more than others (SD 166) or else 'claim the first rank as an individual' (SD 161). Dent maintains that these are 'inflamed' forms of amour-propre to be contrasted with an 'equable amour-propre' that demands only recognition as a fellow person (Dent 1988: 60-1).

civilized man loses the 'repose and freedom' that ensures the happiness of the Savage (SD 187).

To see how this all works we must review the various forms that the sentiment of amour-propre takes in the course of its development.⁹ The first is what I'll call the *Concern for Natural Evaluation*. This is a desire to be evaluated favourably by the people around you and it generates emotions like pride and shame (SD 166). The phrase 'natural evaluation' alludes to the fact that the features for which you wish to be evaluated favourably are what Rousseau calls 'natural qualities' (SD 170) features whose positive value is independent of their being well regarded (or even noticed) by others. Rousseau has in mind excellences like strength, dexterity, intelligence, and he adds, physical beauty.

Rousseau clearly thinks that natural excellences are genuine goods, that those more excellent in these respects are more admirable people who should take pride in themselves; conversely shame and contempt are appropriate reactions to those who lack them.¹⁰ Now one motivated by the Concern for Natural Evaluation also wants to have their natural excellences recognized by others. They need have no interest in deceiving people about their personal merit – for them the good of being favourably evaluated is conditional on the appraisal being deserved – but they do want the good opinion of others.

Now what could be wrong with wanting other people to be aware of your real merits? Isn't my life genuinely enriched by a capacity to enjoy other people's recognition of my excellences? It is good for us to share with others the pleasure we take in the things around us and why not the pride we take in ourselves? I would argue that merited social recognition is indeed a genuine human good, though one dependent on other goods.¹¹ True some people are neither strong

⁹ (Kolodny 2010) and (Neuhouser 2008: Chapters 2 and 3) contain detailed and helpful discussion of the various forms taken by amour-propre.

¹⁰ On the pride side see the passage from (E. 62) quoted below. On the contempt side, Rousseau himself speaks of the 'useless lives' of 'sickly and ill-constituted' children (E. 53).

¹¹ See (Owens 2015: 3-6) and (Kolodny 2010: 174 and 197-8). Interestingly Neuhouser sees amour-propre, when interpreted along the lines of a Concern for Natural Evaluation, as a new a powerful source of human sociability, distinct from altruism (Neuhouser 2014: 69).

nor clever and once the Concern for Natural Evaluation gets going, they don't just miss out on the good of deserved pride and approbation but may also suffer the evils of shame and contempt, evils absent from the state of nature. Still we have yet to see why these costs should outweigh the corresponding benefits.

Rousseau's attitude to the Concern for Natural Evaluation may be ambivalent. In at least one passage he appears to endorse it when describing Emile's joy at the well-grounded approval of others (E. 339) but in many places his horror of social dependence gets the better of him. If you desire the good opinion of others then, to that extent, you put yourself into their power. The point is not just that new desires creates new possibilities of frustration and disappointment – the wish for a natural excellence can also be frustrated – it is that other people directly control whether this desire is going to be satisfied. Others do not directly control how strong or intelligent you are but, at least for Rousseau, they do directly control whether they judge you to be strong or intelligent.¹² Thus even where their admiration is merited, your desire for it means that your happiness now depends on whether others happen to be mistaken about you, are feeling uncharitable towards you or indeed simply ignore you.

Here we encounter one of Rousseau's most distinctive and recurring themes, namely the idea that dependence on others is intrinsically problematic and, in the end, fatal to our welfare (SD 159 and SD 176-7). Indeed he goes so far as to say that

In the relations between man and man, the worst that can happen to one is to find himself at the other's discretion (SD 176).¹³

¹² For Rousseau judgements of both value and fact are free acts over which we have direct control (E. 204-6). Here (and at E. 280) Rousseau adopts Descartes's doctrine of judgment and offers us similar advice about how error might be avoided. For this reason Rousseau tends to assimilate what look like rather different forms of social dependence. One might think that being subject to someone's command is not the same as wanting their good opinion or even as accepting their testimony on a matter of fact (E. 207) but Rousseau regards all three as objectionable forms of dependence (RSW: Third Walk).

¹³ See also (E. 84 and 244). Rousseau says the same about tamed animals (SD 177) and so it is unclear whether our need for freedom is meant to be a product of our possession of distinctively human features: reason and free will (SD 141). See (Neuhouser 2014: 153-4).

We shall consider this further below but two points to note for now. First the dependence generated by the Concern for Natural Evaluation is only partial. I may be frustrated that others don't recognise my strength or intelligence but this doesn't prevent me being pleased at my own natural qualities; after all their value does not depend on their social recognition.¹⁴ Secondly the unhappiness one feels when one's virtues go unrecognized is not caused by the frustration of some desire to have a certain standing relative to other people. As yet, comparisons of that sort are playing no role.

The second stage in the development of amour-propre is what I'll call the *Concern for Competitive Evaluation*. This also involves the social recognition of one's natural qualities but the Concern here is to be recognized as better than others. At a certain stage in history:

The one who sang or danced the best; the handsomest, the strongest, the most skillful, or the most eloquent came to be the most highly regarded, and this was the first step at once towards inequality and vice (SD 166).

Now it might be thought that this Concern is really implicit its predecessor because natural qualities like strength, intelligence and attractiveness are positional goods. What makes your life go well is not your absolute strength but your strength relative to the challenges you face, for the usefulness of your strength depends on whether it will enable you to control your natural and social environment. Perhaps that is so but I shan't attribute to Rousseau the view that my strength is any less admirable simply because I happy to be in a cave with an equally strong man or animal, that the worth of these traits depend on their usefulness in any particular context. Thus one animated purely by the Concern for Natural Evaluation need have no direct interest in such comparisons. By

¹⁴ Rousseau says of the state of nature: 'Every individual human being views himself as the only spectator to observe him, as the only being in the universe to take any interest in him, as the only judge of his own merit' (SD 218). For example, Man in the state of nature feels proud of his 'superiority over the other animals' (SD 162) and prior to entering society Emile is encouraged to be 'his own competitor' and to take pride in surpassing his own past self (E. 184).

contrast, the Concern for Competitive Evaluation can be satisfied only by socially recognized inequality, by being thought better.

For Rousseau, admiration felt for 'the handsomest, the strongest' and so forth is well grounded (Neuhouser 2008: 93-7). It is a genuine achievement to be better than others in these respects:

Each advances more or less according to his genius, his tastes, his needs, his talent, his zeal and the occasions he has to devote himself to them.... None of us has measured the distance that can exist between one man and another. What soul is so base that he has never been warmed by this idea and does not sometimes in his pride say to himself "How many men have I already surpassed? How many I can still reach? Why should my equal go further than I?" (E. 62)¹⁵

For Rousseau, your relative as much as your absolute strength, intelligence and beauty and so forth are suitable subjects of self-evaluation, of pride and shame (E. 339). Once more, Rousseau is worried only where you pine for other people's *recognition* of your relative merits for that makes you dependent on their acknowledgement of your victory and thereby puts your well-being under their direct control. On the contrary view I floated earlier, if it is a good thing to be best in some respect (as Rousseau allows) then it is also a good thing to be thought to be best in that regard but rather than adjudicating this dispute, let's ask whether the Concern for Competitive Evaluation is any *more* problematic than its predecessor.

The desire to be recognized as best is usually much harder to satisfy than the desire to be recognized as good and the latter desire can be satisfied only if the

¹⁵ This capacity for perfectibility is one of the things that distinguishes us from the other animals. It is something we can be proud of but also joins amour-propre as 'the source of all our miseries' (SD 141). Some might take the phrase 'my equal' towards the end of the passage as evidence that underlying the admitted inequality of personal worth deriving from different degrees of personal development is a more fundamental equality of value. As the paragraph that follows makes clear, Rousseau is instead expressing the rather optimistic view that you can make yourself better than others even if they have more learning or training.

same desire in others is frustrated. The possibilities of conflict multiply and of joint satisfaction diminish precisely because of the fixation on inequality. On the other hand competition need not be a zero sum game provided everyone can win at least some of the time; if I have the best voice for a while whilst you have the largest muscles, we both enjoy a reasonable amount of success. People generally desire to be best in some spheres not others and don't expect to prevail forever. True one may now be inclined to harm other people in order to make it the case that one is at least for a time the strongest or the most beautiful (SD 171) but this temptation is lessened by the natural human capacity for pity or compassion (SD 152-4 and 166). Furthermore, we can't gratify that Concern for Natural Evaluation by harming others. Collective misery still seems some way off.

The development of competitive desires is coeval with the irruption of romantic love. Such love involves a reciprocal desire to be regarded as being better, more attractive, and more desirable than anyone else (SD 154-6, 165 and E. 214). You may adore someone's looks or intelligence but romantic love seems to involve a kind of admiration that transcends any specific feature. You see this person as better than anyone else, perhaps because of their intelligence or looks though not just in respect of their intelligence or looks. The lover does not wish to win in only one sphere. Thus romantic love is more demanding than ordinary competitive desires but the social recognition it seeks is a local affair – most want the love of one or two people at a time. It remains possible for everyone to be loved by someone so the development of romance need not herald systematic frustration.

So long as amour-propre takes the form of a Concern for Natural or for Competitive Evaluation, it is unclear why it should lead to general misery and Rousseau appears inclined to agree. He says that the stage of history at which these two concerns appear on the scene 'must have been the happiest and most lasting epoch' being a point 'in the development of human faculties occupying a just mean between the indolence of the primitive state and the petulant activity of our amour-propre' (SD 167). Clearly some further evolution of amour-propre is needed to propel us towards misery.

The next step in the process is what I'll call the *Concern for Social Evaluation*. This differs from the Concern for Natural Evaluation in that the qualities for which you wish to be admired are in the following sense artificial: you have them just in so far as you are thought to have them. Now for Rousseau this category of artificial qualities contains two rather different phenomena. When amour-propre first becomes 'interested' we are still at a stage at which 'the only qualities that could attract consideration' are the natural qualities and so in order to satisfy their Concern for Social Evaluation people begin to 'affect' virtues of 'mind, beauty, strength and skill' (SD 170); they wish others to admire them for the appearance as well as the reality of natural excellence.

For Rousseau such 'deceitful cunning' (SD 170) even when successful brings 'pleasure without happiness' (SD 187): ill-grounded good opinion is not a genuine good. That seems plausible but is this pseudo-good any worse than a distraction from sources of genuine happiness? Rousseau thinks so on the now familiar grounds that 'man, who had previously been free and independent is now, so to speak, subjugated ... to those of his kind' (SD 170). Unlike with the Concern for Natural Evaluation, the good opinion of others is both necessary and sufficient to satisfy our Concern for Social Evaluation: our dependence on others for this pseudo-good is total. Still, even those who share Rousseau's horror of social dependence might think that the bad effects of this the Concern for Social Evaluation are limited in various ways. Firstly it will very often be either impossible or at least far too costly to deceive people about your natural qualities and so the temptation won't be there. Secondly, there is as yet nothing competitive about the Concern for Social Evaluation. Perhaps you just want a decent rating and do what is needed to get it. Emile for example takes pleasure in being admired both as a 'man of good sense' (E. 339) and as a good carpenter (E. 437).

Unfortunately we have yet to appreciate the full scope of the Concern for Social Evaluation. Events like the development of agriculture and metallurgy and the accompanying division of labour necessitate more complex forms of economic

and political organization and create a series of artificial goods, principally property, money, social status and political office (SD 167-73). I call them 'artificial' to contrast them with natural qualities that exist regardless of whether anyone recognizes their existence. No one is a landowner, an aristocrat or a ruler in the state of nature. Furthermore if everyone treats you as rich, noble, or in authority over others, then that treatment makes it so.

Whether or not these artificial goods are pseudo-goods, it is a fact that people are admired for the house they own, their wealth, their aristocratic lineage and their political power. We need not suppose that these artificial goods were created to satisfy the Concern for Social Evaluation but once they come to exist for other reasons that Concern acquires a new focus. People may want to be rich and socially powerful, as they want to be strong or clever, primarily in order to control the world around them but unlike strength and intelligence, wealth and authority yield such control only when recognized by those with whom we deal. And once they have been recognized, people may also want to be seen as rich and powerful in order to be admired for their riches and power. That further desire is no less intelligible than the desire to be admired for one's strength.

There are a number of problems Rousseau might see with this result. One is that the goods now being pursued are (like false impressions) pseudo-goods because their 'value' is the product of 'whim and convention' (E. 207). This charge raises difficult issues. Whilst agreeing that false impressions have no intrinsic worth, we may still wonder whether convention can't imbue things with a genuine value. Indeed it is arguable that the value of at least some of the things Rousseau regards as natural qualities in fact depend on their social recognition. Is there really such a thing as good singing or dancing which nobody can appreciate? And could people just be completely wrong about their merits? Be this as it may, we should look to construct an argument for *Misery* that does not depend on such a contentious metaphysical assumption.

We should also avoid relying on Rousseau's idea that the worst thing that can happen to one is to be under the control of others. Since the goods now in

question exist only when socially recognised, the pursuit of them puts you into the power of others in a deeper way than did previous forms of amour-propre. You possess them only in the opinion of others, a dependence that, for Rousseau, harms the rich powerful quite as much as the poor and powerless (SD 170) (E. 83-4 and 338). But, as already noted, the underlying assumption here is questionable. First it is at best unclear whether such dependence on the opinion of others puts you under their control in a problematic fashion: such dependence seems quite different from being subject to their commands for instance. And even if we concede for the sake of argument that this dependence is problematic, it is surely no more problematic than many other ills and further (perhaps connected) features of our civilization may provide adequate compensation for it.

A stronger case for *Misery* may be built on the idea that amour-propre is all consuming and insatiable, an obvious recipe for misery. There is more than one element to this. Firstly, with the introduction of artificial goods, the objects of possible consideration expand indefinitely and so the potential scope of amour-propre becomes unlimited. One might quickly conclude that, possibility being the destruction of contentment, our amour-propre is inflamed and people devote themselves to assuaging it by the acquisition of social prestige but there is a gap in the argument for *Misery* here as the case of natural qualities shows. Rousseau holds that we desire to cultivate our natural excellences and in a passage I quoted earlier, he says that no one can know 'the limit of what man can attain and beyond which he cannot go' (E. 62). Yet Rousseau nowhere implies that we are driven into a state of misery by an insatiable and all consuming drive to perfect ourselves.

The additional element needed to make this part of argument work is the idea that unlike our desire to perfect ourselves, our amour-propre is intrinsically competitive, embroiling people in a zero-sum game (SD 171). Amour-propre in its final manifestation takes the form of the *Concern for Competitive Social Evaluation*. This last Concern is implicit in its predecessor given that the value of money, social status and political authority depends entirely on how much of it I

have relative to other people. I can buy this house with my money only if I am able to offer more than anyone else and I can order this person around on my own authority only if I am above them in the hierarchy. In this respect the artificial goods differ (in Rousseau's eyes) from the natural goods considered earlier which are not positional in the same way: we can have enough of the natural goods without having everything we might want. Here finally is a plausible account of why the desire for artificial goods is a source of endless frustration. It is not just that there is no limit to what we might want of them; rather to desire these goods at all just is to desire to have more of them than other people, a desire whose widespread gratification is impossible and a recipe for endless struggle (Kolodny 2010: 189 and 191-2).

In this section I've described several lines of thought, all of which lead Rousseau to believe that civilization is a scene of misery because it is an incubator of our amour-propre. Some of these strike me as more convincing than others but none rests on the idea that civilization frustrates some natural desire for equality. Rather the evolution of amour-propre leads to misery because it generates other desires that cannot be satisfied.

3. Injustice

So far we have taken Rousseau's problem with society to be that it makes us miserable but perhaps our starting point was mistaken, perhaps Rousseau's basic objection to society is that it is a scene of injustice because it fails to recognize the natural equality of human beings. Rousseau is reluctant to separate questions of justice from questions of interest (SC 41 and RSW 35-6) but we may get a better handle on what he thinks our basic interests are by considering questions of justice.

We can't infer much from Rousseau's use of the language of equality when describing human beings in the state of nature. Rousseau certainly maintains (e.g. SD 131) that social inequality as we have it 'cannot be explained as a direct or necessary consequence of natural inequalities' (Neuhouser 2014: 23) but it is

further move to claim human beings are naturally equal.¹⁶ Indeed as we shall see, Rousseau implies that there are natural inequalities that *would* justify forms of social inequality (SD 188).¹⁷ Hobbes, Locke and Hume all share the view that artificial inequalities of the sort that are to be found in virtually any human society are not to be found in a state of nature but neither Hobbes nor Hume would endorse the further idea that human beings in a state of nature owe each other various things out of respect for our equal worth. For them the absence of conventional inequality does not entail the presence of any pre-conventional equality, whether in the eyes of God or from the point of view of the Universe. Hume explicitly denies that our ‘importance to the universe’ might ground our obligations, see (Hume 1985: 582-3) and, in the one sense of personal value that Hobbes acknowledges (i.e. the possession of power), human beings in a state of nature are only approximately equal.¹⁸

Rousseau’s references to human equality in the state of nature usually do no more than indicate the absence of social inequality. For example in *Emile* Rousseau speaks of men being equal ‘in the natural order’ (E. 41-2) in a paragraph where he is clearly contrasting ‘man’s estate’ with the various social roles which men can occupy. Later on he says of pre-social Emile that ‘all men are still equal in his eyes’ (E. 160) to indicate the child’s ignorance of the *social* hierarchy, not his appreciation of the positive value of all men *qua* rational agents. Still later, in a discussion of the cultivation of pity, we are told to ‘Respect

¹⁶ Dent and Cohen both take various passages from *Emile* that pass skeptical comment on the social hierarchy to support the idea that there is an ‘equality in human standing’ (Dent 1998: 71) and an egalitarian form of self-regard that is ‘intrinsically reasonable because it conforms to a correct understanding of human beings, of our “true relations” as equals in virtue of our common human nature’ (Cohen 2010: 102). (Compare (Rawls 2007: 198-9)). Neither considers whether such social criticism might have some other basis. I deal with some of the relevant passages below

¹⁷ Thus Rousseau is not rejecting the natural elitism of Plato and Aristotle in quite the way that Neuhausser suggests (Neuhausser 2014: 7-8), though (like Plato) Rousseau does deny that actual social hierarchies reflect differences in natural worth.

¹⁸ For approximate equality see (Hobbes 1994: 74) and for the worth of a man as his social power, see (Hobbes 1994: 51). At one point Rousseau attributes to Hobbes the ‘Aristotelian’ view that our rulers are naturally superior to us (SC 43), ignoring Hobbes’s explicit rejection of this idea (Hobbes 1994: 96-7). Perhaps Rousseau wishes to obscure the fact that he in fact agreeing with Hobbes when he says that ‘in the state of nature there is a *de facto* equality that is real and indestructible, because it is impossible in that state for the difference between man and man by itself to be great enough to make one dependent on the other’ (E. 236).

your species' and 'not dishonor man' but the danger against which these maxims are directed is not that we will fail to recognise the equal worth of all humans but rather that we will empathise too much with the sufferings of those further up the social hierarchy who deserve less sympathy because they bring their troubles on themselves (E. 225-6). Finally, Rousseau warns us against allowing Emile 'to believe himself to be of a more excellent nature and more happily born than other men' but this is not because that such an attitude would overlook the natural equality of men. Rather though Emile is indeed 'happily placed' in respect of 'his rank in the human species', that is not because of his intrinsic natural merits (since he is in fact an 'ordinary mind') but rather because of his educator whose efforts provide a more suitable object for his admiration (E. 245). Great men, by contrast, feel their superiority and rightly so (ibid).¹⁹

It might be thought that in order to critique the social order as unjust one must have in hand principles of justice which apply regardless of whether they are socially recognized, principles systematically violated within our society but not in all possible societies nor in the state of nature. A problem with reading Rousseau in this way is that he seems (like Hobbes) to reject the whole idea of natural justice, the idea that people in the state of nature owe each other anything at all.²⁰ Unlike Hobbes, Rousseau maintains that natural man feels no inclination to harm other men and furthermore is sometimes led to help them by a natural pity felt at the sight of suffering. Still these un-Hobbesian inclinations

¹⁹ At (E. 277-8) the Savoyard Vicar claims that 'everything is made for me' because his intellectual superiority over the animals puts him in the 'first rank' of species. He continues that he is 'content with the place in which God has put me' because he sees 'nothing, except for Him, that is better than my species.' No comment is made about how we should compare ourselves with hypothetical beings of a superior species. The contrast with Kant is instructive. Kant starts with the claim that 'nothing living on earth can compete with us' and so men have dominion over the animals but he continues that we must 'regard all men as the equal recipients of nature's gifts', finally concluding that in man's rationality 'is to be found the basis of the unqualified equality of mankind with higher beings, whose natural endowments may otherwise surpass his beyond all comparison' (Kant 1983: 52-3), God (as well as superior species) presumably *not* excepted.

²⁰ Rousseau says that savages have no use for the notions of justice (SD 154), nor the ideas of virtue and vice (SD 150). Within the primitive family 'mutual attachment and freedom are its only bonds' (SD 164). Natural men (including young children) have no conception of property (SD 154 and 161), put no weight on promises (SD 163; E. 101-2). They feel no obligation to accede to the requests of others, however reasonable (SD 151) nor to reciprocate benefits received (E. 233-4). See also (SC 66). This is all very Hobbesian and Rousseau compliments Hobbes on spotting 'the defect of all modern definitions of natural right'. (SD 151).

operate as much in the savage's dealings with animals as in his interactions with his fellow men and involve no sense of obligation (SD 127-8; E. 222-3 and 225).

To understand Rousseau's view here we must distinguish three different phases of human evolution: the first is the stage of the *human animal* or *savage*, the second the stage of *man* or of *humanity* and the third the stage of the *moral person* or the *citizen*. The terminology is taken from Rousseau but, as he confesses, his use of terminology is not always consistent and he sometimes elides distinctions that are important to him. In particular, he uses 'state of nature' both narrowly to refer only to collections of savages and also more broadly to encompass all pre-civic men (Neuhouser 2014: 26 n.6). For example, in the *Social Contract* Rousseau initially says that the 'transition from the state of nature to the civil state ... out of a stupid and bounded animal made an intelligent being and a man' (SC 53) but he later distinguishes between 'moral persons' who are inside our social order and mere 'men' who have been expelled from it (SC 65). The latter category also includes people in societies different from our own: 'Every patriot is harsh to foreigners. They are only men.' (E. 39). 'Men' so understood are not 'stupid animals'; they are capable both of moral agency and of entering agreements, yet they are not part of (any relevant) civil society.

Let's begin with the stage of the human animal. The human animal or savage is free of obligation because they don't grasp what obligation is: 'savages are not wicked precisely because they do not know what it is to be good' (SD 151). Consequently they feel no resentment at injury (SD 154 and 218). The difference between human beings and the other animals is that the former are born with an inchoate sense of justice, one that first manifests itself in the resentment of infants when they think themselves intentionally harmed (E. 66, E. 97 and E. 289). Once this sense of justice is awakened, we enter the stage of man.

The principles of justice (which I'll call the 'principles of humanity') that apply at the stage of man impose what we earlier called the duties of civility forbidding one to gratuitously harm others and also those protecting what Rousseau calls their 'real property' (SC 54). All of these duties apply to us regardless of whether

we have in any sense agreed to them. At the third and final stage, legal personality is invented, creating persons who own 'artificial property' and inhabit political institutions as citizens. The appearance of these social phenomena and their associated obligations does require general agreement: the moral and political inequality they institute 'depends on a sort of convention, and is established or at least authorized by men's consent' (SD 131). Still not just any old set of social rules binds us, even once adhered to. Some social arrangements are without normative force because they systematically violate certain third stage principles that I'll call *principles of reciprocity* (SC 66).

If I have got Rousseau right here, there are in fact two forms of justice appearing at different stages of moral development. The principles of humanity directly govern the interactions between any human beings capable of recognizing them; the principles of reciprocity apply directly to those social norms that a sub-set of humanity have adopted to regulate their interactions with others in the set and only indirectly to those interactions themselves. Our question is whether either type of principle is to be grounded in the idea of that all human beings are naturally of equal value. We'll consider the principles of humanity in this section and the principles of reciprocity in the next.

Rousseau discerns two basic principles of humanity:

of which one interests us intensely in our well-being and our self-preservation, and the other inspires in us a natural repugnance to seeing any sentient Being, and especially any being like ourselves, perish or suffer. It is from the co-operation and from the combination that our mind is capable of making between these two principles, without it being necessary to introduce into it that of sociability, that all the rules of natural right seem to me to flow; rules which reason is subsequently forced to establish on other foundations, when by its successive development it has succeeded in stifling nature. (SD 127)

As we have seen, pity ensures that man is not simply indifferent to others. Yet even once duty enters his thoughts, preference for self is still there in the foundations:

His duties towards others are not dictated exclusively to him by the belated efforts of wisdom, and as long as he does not resist the internal impulsion of commiseration, he will never harm another man, or even any sentient being, except in the legitimate case when, his preservation being involved, he is obliged to give himself preference. (*ibid.*)

At this point 'morality is beginning to enter into human actions' (SD 167) and man becomes subject to the duties of civility. Those duties may, as previously indicated, be based on the idea of that we are each owed a certain consideration but the newly moralized man does not imagine that other humans matter as much as he does, a selfish bias Rousseau describes as 'legitimate'. This bias may have to be modified or eliminated at the third stage when social institutions are established but that is another matter.²¹

To a first approximation, the principles of humanity ask us to leave each other alone; they do not include positive requirements of 'sociability' like giving aid where needed nor reciprocating benefits received (E. 223-4).²² Still there is more to people than their bodies. Our obligation not to interfere with others extends to their 'real property' e.g. to the crops they have planted. The whole idea of 'real property' might look to be in tension with Rousseau's insistence that property is a creation of society and that originally 'the fruits [of the earth] are everyone's and the earth no one's' (SD 161) but we must distinguish the social institution of ownership as we have it from 'the origin of property' (E. 98) or 'the right of first occupancy' (SC 54-5). In several places Rousseau endorses the Lockean idea that people can, subject to certain conditions, acquire the right to possessions by

²¹ Is this selfish bias simply a feature of a primitive stage of moral development that we transcend once imagination gives wings to pity and introduces a general benevolence into our thoughts? That might seem to be foreshadowed in e.g. E. 252-3 until the passage concludes with a fatal qualification: 'This is the wise man's first interest, after his private interest'.

²² Thus when Rousseau says that, prior to convention, 'I owe nothing to those whom I have promised nothing' (SC 66) he is referring to positive duties, not to duties of forbearance.

manual labor prior to the establishment of any institution of property.²³ As soon as men acquire foresight and engage in agriculture ‘the first rules of justice necessarily follow’ dividing up the land amongst them (SD 169). For example, Emile cannot plant his beans where the farmer has already planted his melons (E. 98-9). This is consistent with the fact that the earth is given to all provided each is ‘able to have something’ (SD 169). Since some are more talented and hardworking than others, the process of division gives rise to what Rousseau calls, in a striking phrase, ‘natural inequality’ (SD 170).

I doubt Rousseau views these developments as problematic. On the contrary, he says that ‘moral inequality authorized by positive right alone, is contrary to Natural Right whenever it is not directly proportional to physical inequality’ (SD 188) with the clear implication that all would be well if only moral inequalities reflected pre-conventional inequalities like differential ability and effort. Respecting the fruit of other people’s labour involves acknowledging that some may deserve more than others. You need only agree that everyone should have a chance to stake a claim on the world proportionate to their differential deserts and that each must respect the claims of others, at least in so far as that is consistent with their self-preservation. Furthermore none of this threatens our interest in not being under the thumb of other people since each has the chance to establish a sphere of their own.

So why think that as society becomes more civilized it becomes systematically unjust? The problem comes ‘once inheritances had increased in number and size to the point where they covered all the land’ (SD 171). Now it is no longer the case that everyone has a chance to stake a claim on the world proportional to their deserts; some are being excluded from humanity’s common inheritance while others have more than they could ever need (SD 172). Unlike real property, this more extensive form of ownership requires the ‘consent of humankind’ (ibid.) and that agreement must satisfy various conditions (explored in the next section) to be valid. The agreement which the rich propose to the

²³ ((SD 169-70), (E. 97-9) and (SC Chapter 9)). See (Neuhouser 2014: 88-108) for a helpful discussion of the difference between these forms of property.

poor in the *Second Discourse* in order to protect their own holdings does not satisfy these conditions (SD 173). The landless are now forced to work for the landholders and so the process of subjugation begins, which renders life not just unfair but, in Rousseau's view, intolerable. We have entered an illegitimate version of stage three.

In this section I hope to have shown that the principles of humanity do not rest on any notion of natural human equality. On the contrary they seem to authorize systematic discrimination both between self and other and between men who are physically unequal, though Rousseau maintains that the effects of legitimizing these discriminations are for a long time rather modest due to the favourable conditions of life and our mutual independence in the state of nature. Once we have reached the crisis that brings the stage of man to a close, our society must be re-founded on new principles of justice if it is to become legitimate. Do those principles of reciprocity at least presuppose natural human equality?

4. Artificial Equality

Book One of the *Social Contract* ends with

a comment that should serve as the basis of the entire social system; it is that the fundamental pact, rather than destroying natural equality, on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men and that while they may be unequal in force or in genius, they all become equal by convention and by right. (SC 56) (Cf. (E. 189))

Consider the tantalizing phrase 'rather than destroying natural equality'. Is that an implicit acknowledgement or an implicit denial of a natural equality among humans? What is clear is that physical inequality is to be replaced by a conventional equality, that men must in this sense 'become equal' if they are to live well together. Yet from the fact that the course of social development

involves three inter-connected phenomena – misery, injustice and inequality – it does not follow that we can get rid of the first two by abolishing the third. We must ask how instituting an artificial equality will cure the ills of civilization.

Let's start with *Injustice*. The norms governing our interactions at this final stage of our social evolution, those defining artificial property and political authority, come into force only by agreement. That does not mean that we can agree to anything. The principles of reciprocity tell us which agreements bind and so we must examine what Rousseau says about the validity conditions of a promise. These principles of reciprocity form the bridge between the stage of man and the stage of the citizen: they apply to agreements made by men, agreements which turn men into a different kind of creature: a citizen.

Men should enter into an agreement only when the benefit they may expect from it is commensurate with the potential costs to them of keeping it (SC 64). People do seem to make unconscionable agreements but, for Rousseau, they do not bind. That might be because the nature of their content indicates that there must have been some procedural flaw which undermines the validity of the agreement: the person didn't understand what they were agreeing to, they were agreeing only under duress, they been tricked or didn't know some crucial fact and so forth. Rousseau finds all of these flaws in the contract that sets up the miserable and unjust Civil Society of the *Second Discourse* (SD 172-9). On the other hand, it might be that regardless of any such procedural flaw, an agreement binds only if it is reasonable for both parties to enter into it (perhaps regardless of their opinions). I don't think it matters for our purposes which line Rousseau takes on this. The crucial question is rather: when is it reasonable for me to enter into an agreement?

Here we must attend to the two features of human nature already noted (a) self-interestedness and (b) the desire not to be dominated. Men cannot bind themselves simply for the benefit of others nor to give up the thing which (in Rousseau's view) is worth most to them, namely their own freedom. Of course Rousseau is not saying that one is entitled to break a promise whenever it is in

one's interests to do so; that is the attitude of the savage or the child who does not understand what a promise is (SD 163 and E. 100-2). Rousseau's point is about the making of the promise: we can bind ourselves by means of a promise only in so far as it yields some benefit to both parties. Rousseau's discussion of why we can't sell ourselves into slavery nicely illustrates these points ((SD 176-9), (SC: Chap 4)). Man cannot 'give himself gratuitously' (SC 45) and that is exactly what a slavery contract would involve since it completely surrenders something for which there can be no adequate compensation, namely our freedom (ibid. and SD 176 and 179). Rousseau sometimes writes as if one can't even be understood as intending to make such a promise ('the right to slavery is null, not only because it is illegitimate but because it is absurd and meaningless' (SC 48)). However that may be, the promise's unconscionability ensures that does not bind (ibid.).²⁴

In explaining the validity conditions of agreements, we have yet to go beyond (a) and (b). In particular, we have yet to conclude that parties to any valid agreement must benefit equally from the agreement, a condition that many if not most actual agreements fail to satisfy; it often seems sensible to accept the lesser benefit if the alternative is that you both lose out. Yet Rousseau does appear to think that the agreement which sets up a legitimate Civil Society must treat the parties to the agreement as equals, that our self-interest and our yearning for freedom are consistent with this move only in so far as the social pact institutes an artificial equality between the parties (E. 189). And, it may be asked, why should that be so unless our self-interest and our yearning for freedom all along involved a desire (or a demand) to be recognized as the equal of our fellow human beings, just as Kant supposed, a need which grounds the principles of reciprocity? 'The remedy for our trouble consists in a social world properly arranged to cohere with our true nature and the natural state of our amour-

²⁴ Rousseau also says that he shall not 'pause to inquire' (SD 178) whether one lacks any right to divest oneself of the essential gifts of nature 'such as life and freedom' because one thereby 'debases one's being' ((SD 179). See also (SC 45-5)). This looks like a different line of thought, replacing the idea that the contract is invalid because unfair with the claim that you have no right to make it because of an obligation of self-respect grounded in the value of your humanity. Rousseau seems reluctant to rely on the latter idea and in any case, we are a long way short of the conclusion that our obligations may be grounded in the pre-conventionally *equal* value of men.

propre' i.e. one constructed on principles of reciprocity that ensure 'a just, happy and stable society' (Rawls 2007: 207).

As should by now be obvious, it is no easy matter to formulate a clear and plausible account of the desire for non-domination (or natural freedom) that Rousseau attributes to pre-civic man. Furthermore the more obvious suggestions struggle to make a connection with any desire for equality. Suppose, for example, that we take the desire for non-domination to involve a strong aversion to intentional coercion by other human beings. That desire could be satisfied in a world in which human beings placed little value on their fellows. If I help myself to all the goodies while you starve, I am not seeking to dominate you (I don't care about you at all and may consistently avoid you) but I'm hardly treating your needs as being of equal significance to my own. Conversely, we might all be subject to a great deal of intentional control and yet our desire for equality with others be satisfied because we are all subject to the same amount. The two desires seem independent of one another.²⁵

For my purposes it is unnecessary to reconstruct the reasoning behind Rousseau's idea that the principles of reciprocity must establish equality because only in a society of equals are we both happy and free. We need only recall Rousseau's insistence that entry into such a society requires a radical transformation both in the workings of human self-interest and in the kind of freedom that matters to us. However we understand the connection Rousseau makes between equality, freedom and self-interest within a just society, the presence of that connection tells us nothing about how things were before the social contract, in the ages of man and the human animal. It establishes no link between pre-conventional forms of human freedom and self-interest and, on the other hand, some natural equality amongst human beings.

Rousseau's exposition here is somewhat clouded by the ambiguity of the term 'state of nature' (SC 53). As already noted, that phrase could refer to a primitive

²⁵ In his critique of Rousseau, Williams also makes the point that the desire for freedom and the desires for justice are independent (Williams 2005: Chapters 7 and 9).

amoral phase in human life or else could include all of human life before the appearance of a legitimate social order. Now the entry of morality as such into the world surely involves major psychological as well as normative developments and if notions of human equality appeared at the same time as morality as such, it would be tempting to see the one as being grounded in the other. What we are about to discuss is a later and largely hypothetical development, a development laid out in *The Social Contract* that replaces the pre-conventional morality of man with the conventional morality of the citizen. Only then does equality come to play a role at the foundation of our social life.

The radical transformation involved in entering a just society was signaled in the passage quoted earlier from the *Second Discourse* where Rousseau speaks of the need for reason to re-establish the rules of natural right 'on other foundations' (SD 127). The rules of 'natural right' here refer to what I call the principles of humanity applying to the interactions of men *qua* men. These are to be replaced with laws, with conventions of much narrow scope, covering only the members of a given society. Our dealings with 'foreigners' are not constrained by such laws but only by the principles of humanity e.g. those defining real property (SC 54).

Discussing the role of the Legislator in the *Social Contract*, Rousseau comments

Anyone who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were receive his life and his being. (SC 69).²⁶

The creation of 'moral persons' and their psychology is coeval with the institution of the social structures in which they are to live, changing one's relations both with those inside and those outside the social net.²⁷ As to the

²⁶ Compare Rousseau's remark in *Emile* that 'one must choose between making a man and a citizen, for one cannot make both at the same time' (E. 39). The above passage from the *Social Contract* is quoted approvingly by Marx (Marx 2000: 64).

²⁷ For a helpful discussion of this transformation and of the role of the Legislator in effecting it, see (Gauthier 1990: 91-109).

outsiders, 'natural commiseration ... lives on only in a few great Cosmopolitan Souls who cross the imaginary boundaries that separate Peoples and ... embrace the whole of mankind in their benevolence' (SD 174).²⁸ As to the insiders, the end of their solitary existence transforms their sense of both self and freedom.

The transformation of self-interest occurs as we enter a social structure governed by the principles of reciprocity:

The commitments which bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. Why is the general will always upright, and why do all consistently will each other's happiness, if only because there is no one who does not appropriate the word *each* to himself, and think of himself as he votes for all. Which proves that the equality of right and the notion of justice which it produces follows from each one's preference for itself. (SC 61)

Similarly: 'since each gives himself entirely, the condition is equal for all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest.' (SC 50). True each citizen retains a 'particular will' which might tempt him to free ride etc. but the good citizen is ruled by a general will which takes the common interest alone as its object (SC 52-3).

The parallel movement from natural freedom to a quite different conventional freedom (SC 50 and SC 53-4) also occurs when one establishes

a convention which is legitimate because it is based on the social contract, equitable because it is common to all, and secure because the public force and the supreme power are its guarantors. So long as subjects are

²⁸ In *Emile*, Rousseau expresses ambivalence about such cosmopolitans, fearing they might neglect their civic duties (E. 39). He does recommend inducing a generalized benevolence in Emile but at this stage Emile is associating with other men as men rather than as fellow citizens (E. 252-3). The general will is a will that constitutes us as fellow citizens rather than a will 'each of us has out of our being and rank as persons to one another' (Dent 1988: 70).

subjected only to conventions such as these, they obey no one but only their own will (SC 63); cf (E. 85).

Unlike natural freedom, such civil freedom cannot subsist without equality (SC 78). In a just society, there is no danger of being dominated by the particular will of another or as Rousseau puts the point elsewhere 'each, by giving himself to all, gives himself to no one' (SC 54). Rousseau goes on to imply that civil freedom is not merely different from natural freedom but actually superior to it and 'alone makes man truly the master of himself' (ibid. and E. 461)

Having first invoked Kant's authority as 'the best interpreter of Rousseau', Rawls offers us a second reason for attributing to Rousseau the belief that human beings naturally desire equality:

The reason is that if amour-propre is not at first, as Kant says, a desire merely for equality, and if it is not ready, assured of that equality by societies' institutions, to grant in reciprocity the same equality to others, what psychological basis is there in human nature, as Rousseau conceives it, to make such a society possible? (Rawls 2007: 200).

It is outside our remit to settle whether the only viable answer to Rawls's question imports Kantian elements into Rousseau's story; we should just refrain from attributing that conclusion to Rousseau. Rousseau is explicit both that the principles of a just social order have a foundation dissimilar from anything that preceded them (SD 127) and that it needs the particular genius of the Legislator, not just the normal course of human evolution, to bring these new resources to bear on the task of constructing an order that is 'just, happy and stable'. Society must have its origins in human nature but what lies at the end of that process is utterly different from what was there at the start.²⁹

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²⁹ Many thanks to Felix Koch for comments.

Abbreviations

Works by Rousseau frequently cited have been identified by the following abbreviations:

2D: Discourse on the Origin and Foundations of Inequality among Men, in *The Discourses and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

E: Emile, trans. Allan Bloom (New York: Basic Books, 1979).

RSW: Reveries of the Solitary Walker (Oxford: Oxford University Press, 2011)

SC: The Social Contract, in *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

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