

The Political Economy of Freedom:  
Revisiting Rousseau's Third *Discourse*

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The *Discourse on Political Economy* is likely the least studied of Rousseau's political works, as has been noted (Orwin 2000, 101). This is hardly surprising – as a contribution to the subject its title proclaims to be its focus it can only be regarded as a failure. Readers can indeed hardly help but be struck by the fact that the *Discourse on Political Economy* (or third *Discourse*) is almost entirely silent on – and indeed seems to have been written in almost total ignorance of – the mechanisms of exchange and trade, and the monetary and tariff policies which were the focus of a discourse then flourishing in France and Scotland and elsewhere. Yet the failure of the third *Discourse* to speak to the questions of political economy hardly justifies relegating the work to the dustbin. For as a contribution to political theory – and more specifically as a contribution to the study of the relationship of political institutions to the preservation of the liberty and dignity of the individual – it stands as one of Rousseau's greatest if least appreciated achievements.

In what follows I argue that the primary and unifying aim of the *Discourse on Political Economy* is to define the optimal form of government for the safeguarding of individual or negative liberty. More specifically, I argue that the thread that connects the seemingly disjointed and disparate elements of the text is its commitment to defining the institutions and administrative policies which best guarantee the preservation of property rights with the minimum degree of government infringement. My aim in so doing is not simply to claim Rousseau for modern libertarianism however; as will become clear below Rousseau advocates a number of normative proposals that would necessarily be anathema to contemporary libertarians. Rather in emphasizing Rousseau's focus on the relationship of political institutions to property rights I principally hope to contribute to a resolution of

the debate over how the text is best understood. The few studies of the third *Discourse* that we have in fact have reached strikingly divergent conclusions; where some – Judith Shklar most notably – have found in it a celebration of Sparta and a call for a return to the hard-line austerity consistent with his proposed economic reforms for Poland and Corsica (Shklar 1969), others have found in it a more forward-looking call for policies capable of promoting economic growth and expansion (e.g. Peled 1980; Kelly and McBrayer 2010, 25, 40). Yet as I hope to show, the aims of the third *Discourse* are cast less in terms of macroeconomic expansion or stagnation than in terms of the ways in which public policy and the administration of such policies impact the preservation of the individual liberties that Rousseau repeatedly insists are antecedent to government.

In this sense the third *Discourse* raises several questions for our understanding of Rousseau's broader political theory. In particular, how is the commitment to individual property rights that is so conspicuous a part of the third *Discourse* to be squared with his seeming privileging of positive liberty over negative liberty elsewhere, and especially his theory of the "general will" – a concept itself first introduced in the third *Discourse*? In a similar vein, how does Rousseau's defense of property rights here comport with his many well known discussions elsewhere of the ways in which the pursuit of property promotes both the corruption of our moral psychology through the liberation of *amour-propre*, and the corruption of the civic body through the exacerbation of inequality? Finally, how can Rousseau's insistence that private rights are antecedent to government be said to comport with his conception of virtue and the role of the state and of education in its cultivation? These are crucial questions, and it would be folly to suggest that any reading of the third *Discourse* that cares to remain faithful to its text could resolve all contradictions between

what is argued there and what is claimed in other parts of Rousseau's famously broad corpus. At the same time, careful attention to the arguments of the third *Discourse* can help us see that several of these seeming contradictions may be more apparent than real, and indeed that the solicitude and reverence for the sanctity of the rights and dignity of the individual that animates the third *Discourse* is both worthy of engagement in its own right in addition to animating to some degree the less obviously individualist politics of Rousseau's later practical works as well.

### **Property Rights and Government's Foundations**

Perhaps the most striking element of the *Discourse on Political Economy* – and certainly the most striking element of the text for readers who have a prior acquaintance with Rousseau's other practical works – is its steadfast insistence on the primacy and the sanctity of private property. Rousseau begins by positing this primacy and sanctity as a self-evident truth, and ends by elevating it to a maxim that ought properly to regulate all political activity. This is evident from the very opening of the text. Rousseau begins his study with a distinction between domestic economy and public or political economy. The former, he explains, is most emphatically not the subject of third *Discourse*; as has been long recognized, Rousseau largely saves his treatment of this topic for his studies of the household and its management in the *Nouvelle Héloïse* and elsewhere (e.g. Larrère 2007, 119). His stated focus here is rather “general” or “political” economy, which he in time comes to identify with “government” or political administration – that is, the subject of Book III of the *Social Contract* – rather than with “sovereignty” (DPE 3:140, 142; OC 3: 241, 244). In clarifying this distinction, Rousseau particularly concentrates on the chief

differences that separate the duties of the father as head of the household from the chief duties of the magistrates as heads of the government. Here the concept of property rights is first introduced:

Another even more important difference is that since the children have nothing except what they receive from the father, it is evident that all property rights belong to, or emanate from, him. It is just the opposite in the large family, where the general administration is established only in order to assure private property which is antecedent to it. The main object of the entire household's work is to preserve and increase the father's patrimony, so that someday he can divide it among his children without impoverishing them; whereas the wealth of the public treasury is only a means, often very badly understood, to maintain private individuals in peace and plenty. (DPE 3:140-141; OC 3:242)

A tremendous amount of work is being done here that is fundamental to all that follows. First, Rousseau clearly insists that property rights are both temporally and logically prior to the creation of government. Rousseau's conception of this primacy is confirmed later in the text in his claim that "it is certain that the right of property is the most sacred of all the rights of the citizens, and more important in certain respects than freedom itself" – a line as striking for its insistence on the superiority of property to freedom as for its claim that such superiority is self-evident (DPE 3:157; OC 3:262-63). And indeed many have been struck by this insistence; Fleischacker seems entirely justified to claim on the basis of such that the views on property rights to be found in the third *Discourse* are "more libertarian than those of David Hume or Adam Smith" (Fleischacker 2004, 58), and other commentators have also noted that private property rights play a foundational role in the work (e.g. Kelly and McBrayer 2010, 7, 9, 20, Fridén 1998, esp. 91; Peled 1980, 1036). But what has not been sufficiently recognized is the influence this claim has in organizing the entirety of the third *Discourse*. This influence is already apparent in the second point that emerges from the passage quoted above: namely the claim that not only is the aim of

government preservation of property rights, but that government has been established *only* to preserve private property (*l'administration générale n'est établie que pour assurer la propriété particulière*).

This second point is particularly important. In much of the remainder of the third *Discourse* Rousseau dedicates himself to describing the practical administrative policies and institutions necessary for guaranteeing such rights (as we shall see below). But at the same time – and indeed true to form – Rousseau's treatment is hardly prosaic. For while he dedicates his more technical discussions to explicating the policies and practices of the good society, he shifts from prosaic to polemical when he comes to describe the practices and policies of the polity that represents the *summum malum*. On this the third *Discourse* is particularly explicit. Rousseau forthrightly identifies “the worst possible condition for free men” as that in which citizens are deprived of “civil safety” and “their goods, life, or freedom” are “at the discretion of powerful men” without the guarantee of protection by laws (DPE 3:152; OC 3:255-56). Such a condition, Rousseau argues, constitutes grounds for government's immediate dissolution:

Private safety is so closely connected to the public confederation that were in not for the consideration owed to human weakness, this convention would be dissolved by right if a single citizen perished who could have been saved; if a single one were wrongly held in prison, and if a single suit were lost due to evident injustice. For when the fundamental conventions are violated, one can no longer see what right or what interest could maintain the people in the social union, unless it is restrained by force alone, in which case the civil state is dissolved. (DPE 3:152; OC 3:256)

In what follows it will be necessary to explain precisely what Rousseau has in mind when he speaks of concessions necessary due to “human weakness.” But here his central point is simply that infringement on property rights (and by extension invasion of related rights of self-ownership including freedom from unjust imprisonment) stands as grounds for the

immediate annulment of the social compact. All of this culminates in what is perhaps the most rhetorically forceful passage of the entire *Discourse*, in which Rousseau delivers his key statement on the inviolability of the individual and unambiguously rejects utilitarian and despotic justifications of force. He prefaces his remark with an egalitarian insistence on the equality of all persons in the state, reminding us that the nation is always “under an engagement to provide for the preservation of the humblest of its members (*du dernier de ses membres*) with as much care as for all the others.” And thus,

if someone tells us that it is good that a single man should perish for all, I shall admire this adage from the lips of a worthy and virtuous patriot who consecrates himself willingly and out of duty to die for the safety of his country. But if this means that the government is allowed to sacrifice an innocent man for the safety of the multitude, I hold this maxim to be one of the most execrable that tyranny ever invented, the most false that might be proposed, the most dangerous that might be accepted, and the most directly opposed to the fundamental laws of society. (DPE 3:152; OC 3:256).

Roger Masters appends to his translation of this passage a beautifully simple editorial note: “So much for the charge that Rousseau was a totalitarian” (Masters 1992, 203n20). Indeed: the rebuttal this passage offers to the long-standing charge of Berlin and Talmon and Crocker and others that Rousseau somehow intentionally or unintentionally laid the foundations for totalitarianism alone justifies the price of admission to the *Discourse on Political Economy*. But there is also something more at work here as well. In addition to providing evidence against the totalitarian charge, the passage establishes several further positive points. First, property right is antecedent to and indeed the necessary foundation of government. Second, only that government that defends the right to private property is legitimate. Third, the most vulnerable rights – and thus which demand greatest solicitude – are the negative freedoms of the poorest and humblest citizens. Taken collectively, it is

these three principles that will guide Rousseau's efforts in the remainder of the *Discourse* to define good government.

### **The Principles and Practice of Good Government**

Having described the true ends of good government – the preservation of private property rights and individual autonomy – it remains for Rousseau to define the optimal means to be taken to reach such ends. He at once recognizes the difficulty of the question and the particular challenge it poses. In his words:

Seek the motives that have brought men, united by their mutual needs in the great society (*la grande société*), to unite more closely by means of civil societies. You will find none other than that of assuring the goods, life, and freedom of each member by the protection of all. But how can men be forced to defend the freedom of one among them without infringing on that of the others? And how can the public needs be met without altering the private property of those who are forced to contribute to it? (DPE 145; OC 3:248)

Rousseau's problem is clear: the defense of private property rights by the state requires an infringement on private property by the state, as the public institutions necessary for such a defense – the judiciary, the police, the military – require the support afforded by a system of taxation that necessarily compromises any absolutist concept of a private right to property. Indeed we can say without exaggeration that for Rousseau the question of good government comes down precisely to the question of how this challenge is best navigated: “it is this cruel alternative of letting the state perish or attacking the sacred right of property that is its foundation that comprises the difficulty of a just and wise *economy*” (DPE 3:159; OC 3:264; translation changed).

Where then to look for guidance in navigating such waters? Here – as he so often does elsewhere – Rousseau turn to the ancients for a guide. Yet his focus here may well

surprise. For on his account, of all regimes ancient and modern that have attempted to chart such a path, the most successful and most worthy of our emulation is Rome:

The Romans stood out over all the peoples of the earth for the deference of the government toward private individuals and for its scrupulous attention to respecting the inviolable rights of all members of the state. Nothing was as sacred as the life of the simple citizens. No less than the assembly of the entire people was necessary to condemn one of them... Therefore, respect your fellow citizens, and you will make yourselves respectable. Respect freedom, and your power will be increased daily. Never exceed your rights, and soon they will be limitless. (DPE 3:153; OC 3:257-58)

What Rousseau finds most admirable in Rome is its dedication to the preservation of individual liberty and autonomy. In introducing this paragraph, he thus tells us that our turn to Rome is justified by the search for nothing less than the optimal examples “of the protection the state owes to its members, and of the respect it owes to their persons” – a protection and respect that can only be cultivated by “free peoples who know the worth of a man” (DPE 3:153; OC 3:257). In this sense, Rome can stand as a genuine model for modern states and particularly in their efforts to raise revenue needed to fund institutions that protect the individual. And Rousseau’s endorsement of Rome is as striking for what it is not as for what it is. Readers of Rousseau are accustomed to frequent celebrations of Sparta as the optimal ancient polity; Rousseau’s celebrations of Spartan austerity amidst his castigations of Parisian luxury is a familiar trope in his discussions of the corrupting effects of commercial modernity. But while Sparta is not absent from the third *Discourse* (or even from this passage) it seems too strong to say that its aim is to describe “the true” or “most complete and perfect Spartan utopia” (Shklar 1969, 176, 199, 208). Elsewhere – and especially in his works on Corsica and Poland – Rousseau will indeed advocate a “conservative, even reactionary” economic vision that may owe much to Sparta (see e.g. Peled 1980, 1038-1040). Yet his intentions in the third *Discourse* seem quite different,

and our appreciation of them may be compromised if we have Sparta too much in mind. Rousseau's aim, as I mean to show below, is much less to define the economic institutions that best promote the realization of republican austerity – as did Sparta – than to define the economic and political institutions that best promote the realization of the specifically modern goal of respecting individual autonomy and dignity.

The most prominent and most important of these institutions concerns taxation. Rousseau's discussion of taxation begins with the claim (already quoted) that the right to property is the “most sacred of all the rights of the citizens” for any one of three reasons: either because property is necessary for self-preservation, or because property is so easily stolen, or because property is “the true basis of civil society and the true guarantee of the citizens' engagements.” But whichever of these reasons is the true one, it is yet

no less certain that the maintenance of the state and the government requires costs and expenses. And since anyone who grants the end cannot refuse the means, it follows that the members of the society should contribute some of their goods to its upkeep. Moreover it is difficult to assure the private property of individuals on the one hand without attacking it on the other, and it is not possible for all the regulations concerning inheritance, wills and contracts not to constrain the citizens in certain respects regarding the disposition of their own goods, and consequently regarding their right to property. (DPE 3:157-58; OC 3:263)

Our familiar dilemma is back; the question, again, is how to raise public revenue without infringing on the private right to property. But at this point the question itself generates a practical maxim for the assessment and collection of taxes. For given that some form of taxation is necessary in order to establish security, the responsibility of government is to take all possible care to make sure that the assessment and collection of taxes infringes to the least possible degree the right of the individual to property. In Rousseau's language, this means that government must, in its efforts to “assure” private property, “attack” it as little as possible, and particularly that care must be taken to ensure that the “burdensome

obligations” (*charges onéreuses*) be as little burdensome as possible to the people (DPE 3:168; OC 3:275).

Rousseau’s concern to make taxation as little burdensome as possible is evident in his discussions of each stage of taxation. First he insists that the process of assessment be as little burdensome and as little arbitrary as possible by insisting that all *deliberations on taxation* require popular consent; thus his claim that “since personal taxation and taxes on absolute necessities directly attack the right of property, and consequently the true basis of political society, they are always subject to dangerous consequences if they are not established with the express consent of the people or its representatives” (DPE 3:170; OC 3:277-78) – an argument that reiterates his earlier claim that all tax contributions must be essentially voluntary insofar as they are determined by “a general will, by majority vote, and based on proportional rates that leave no room for an arbitrary assessment of taxes” (DPE 3:163; OC 3:270). Second, Rousseau insists that the *rate of taxation* be determined in such a manner that it is as little burdensome as possible; thus his claim that “as long as there are rich men, they will want to distinguish themselves from the poor; and the state could not create a less burdensome (*moins onéreux*) nor more secure revenue than one based on this distinction” (DPE 3:169; OC 3:277) – by which Rousseau aims not merely to tax *amour-propre*, but more fundamentally to insist that the least burdensome of all tax systems is that in which “the spirit of government is to place all taxation on the surplus of wealth.” In this, the example of China is held up for as a model for emulation, in which “the vital foodstuffs, such as rice and wheat, are absolutely exempt” from taxation, which enables the general populace which struggles for necessities to be free of a burden which “falls only on those who are well-to-do” (DPE 3:168; OC 3:276). Earlier China was

already celebrated for other of its policies – and particularly for its admirable precedent of legally establishing that in all disputes between governors and the governed it is the governors who are to be presumed wrong (DPE 3:148; OC 3:251) – but here it is specifically China’s predilection to tax superfluities rather than necessities that Rousseau celebrates. In this sense, China lives up to the standard set in Rousseau’s summary statement that “if all these things are carefully combined, it will be found that in order to impose taxation in an equitable and truly proportional way, assessment should not be made solely in proportion to the goods of taxpayers, but in a proportion composed of the difference between their condition and the superfluity of their goods” (DPE 3:166; OC 3:273). Finally, Rousseau insists that the *collection of taxes* be rendered as little burdensome as possible; hence he rejects personal taxation on the grounds that “it is felt as too heavy a burden and is levied too harshly” (*c’est de se faire trop sentir et d’être levée avec trop de dureté*) (DPE 3:166; OC 3:273), and the land tax on the grounds that it tends to be employed in those countries “where more consideration is given to amount of proceeds and the certainty of payment than to the least annoyance (*la moindre incommodité*) for the people” (DPE 3:166; OC 3:273).

These same considerations animate Rousseau’s other normative policy proposals in the third *Discourse*. When he treats inheritance taxes, he insists that it is best to go easy: “the spirit of these laws, which the government should follow in applying them, is that from father to son and kin to kin, the family’s goods should leave the family and be alienated as little as possible” (DPE 3:158; OC 3:263). When he treats military spending, he insists again on the grounds of public burdens that smaller states are better than large: “the larger the state, the heavier and more burdensome its expenses” (*plus état est grand,*

*et plus les dépenses y deviennent proportionnellement fortes et onéreuses*) (DPE 3:162; OC 3:268). And when he treats redistribution and sumptuary laws, he again chooses to fight his battles on grounds of burdensomeness. A chief concern throughout his political writings is of course less the amelioration of poverty than the mitigation of inequality – a difference that would distinguish him conspicuously from Adam Smith, among others. But the mechanisms that Rousseau proposes for such redistribution in the third *Discourse* deserve careful attention. Redistribution is itself justified on the grounds that it can help to protect the rights of the most vulnerable; thus Rousseau’s insistence that “what is most necessary and perhaps most difficult in the government is rigorous integrity in providing justice for all, and especially protecting the poor against the tyranny of the rich.” Yet he also realizes that an after-the-fact scheme is likely to be too little, too late as “the greatest harm is already done when there are poor people to protect and rich ones to restrain” and indeed “help that comes only after the harm is done, and more slowly, always leaves the state in distress” (DPE 3:154; OC 3:258 and DPE 3:160; OC 3:266). In light of this, if one hopes to “help the poor and burden the rich” (*soulagent la pauvreté et chargent la richesse*) it is necessary to “prevent the continual increase of inequality of fortunes” from the start (DPE 3:168; OC 3:276; and Fleischacker 2004, 61). The time for action is before rather than after the ill has emerged: “It is therefore one of the government’s most important tasks to prevent extreme inequality of wealth, not by taking treasures away from those who possess them, but by removing the means of accumulating them from everyone; nor by building poorhouses, but by protecting citizens from becoming poor,” for it is always the case that evils “are hard to cure once they make themselves felt,” but are nevertheless what a “wise administration should prevent” (DPE 3:154; OC 3:258-59).

Taken collectively it thus seems right to say that Rousseau's redistribution schemes are in fact "invariably characterized by a spirit of moderation" (O'Neal 1986, 458ff).

Rousseau's proposals with regard to revenue-generation thus emerge as the result of a single, consistent aim: to describe a means whereby the state might be provided with revenue and the people might bear as easily as possible the necessary burden of providing such revenue. This deserves particular emphasis not only because it helps to demonstrate the bond between Rousseau's theory of the origin of government and the conditions of its operation, but also because it can save us from an easy mistake. One of the most striking elements of the third *Discourse* is a seemingly ubiquitous antipathy to the wealthy and an equally ubiquitous solicitude for the poor; thus the third *Discourse*, much like the second *Discourse*, repeatedly insists "all the advantages of society" are enjoyed by "the powerful and the rich," and indeed that civil society itself is founded on little more than a swindle of the weak by the strong (DPE 3:164-66; OC 3:271-73). Yet it would, I think, be wrong to regard Rousseau's positions here as merely the manifestation of antipathy towards the rich (as nicely noted in Kelly and McBrayer 2010, 19). Instead, it seems more likely that Rousseau's conceptions of redistribution are better understood through the lens of minimizing burdens for those least equipped to bear them. That the poor already have more than their fair share of such is already evident to Rousseau; thus in his surveys of civil society Rousseau is continually struck by the fact that the poor man, "in addition to his own burden (*sa charge*)" also "always bears the one from which his neighbor has the influence to be exempted," and that moreover many yet regard such burdens as a positive good and "have even dared to say that the peasant must be burdened (*il falloit charger le paysan*) to rouse him from his laziness" (DPE 3:165-66; OC 3:272-73). Clearly,

Rousseau was loathe to further add to these burdens via taxation, which even at flat rates would be felt much more disproportionately by the poor insofar as their property is limited to necessities whereas the rich could absorb such costs through their superfluities. In this sense, Rousseau's practical fiscal proposals for progressive taxation and property redistribution have for their sole justification not the sentiments of egalitarianism but rather the a counter-intuitive libertarian foundation of a solicitude for the maximum possible protection of property – a conception well worth the attention of the contemporary left as well as the contemporary right.

### **From Political Practice to Political Theory**

Our focus to now has been on how Rousseau's insistence on the inviolability of the individual shapes his practical political proposals in the third *Discourse*. But at this point we might turn from practice to theory, and ask what implications this perspective might have for Rousseau's principal theoretical concepts – several of which, as has been long recognized, are first introduced in the third *Discourse* itself. In so doing, my main claim in what follows is that the same claim that undergirds the practical proposals of the third *Discourse* – namely the insistence that government must always respect the sanctity of the individual and strive for minimal infringement of this sanctity – also undergirds the principal theoretical concepts introduced in the third *Discourse*, and most particularly the concepts of law and the general will, and virtue and education.

We begin with Rousseau's conception of the law. For Rousseau, law is clearly a tool of coercion, and one indeed that works directly on private wills. As such, it seems to present itself on its face as a limit on private freedom. Yet Rousseau reconciles this view

with his commitment to maximizing the sphere of negative freedom of the individual via his insistence that the principal aim of the law is not to limit the interests or freedoms of private citizens, but to limit the private interests of public officials in such a manner that the interests of private individuals are least infringed upon. Rousseau in fact presents the chief challenge of government in this respect in a markedly liberal manner. Anticipating the claim expressed in its most classic form in the *Federalist* – that the first challenge of government is to restrain the governors – Rousseau argues that the original challenge to good governance is not the private interests of the citizens but the divide between these private interests and the private interests of public officials. In political society he insists, “far from the leader’s having a natural interest in the happiness of private individuals, is it not unusual for him to seek his own happiness in their misery.” The only remedy is law: “abuses are inevitable and their consequences disastrous in all societies, where the public interest and the laws have no natural force and are continuously assailed by the personal interest and passions of both leader and members” (DPE 3:141-42; OC 3:243). But what exactly does Rousseau mean by “law” here? Some hint is given by his seeming equation of law with public interest in the quote above. For not only is the law the tool of restraint that limits the private will of the magistrate, it is itself equivalent with public interest, or “public reason,” and hence Rousseau’s insistence that it is precisely the private interests or “natural inclinations” that “corrupt the magistrate,” and that the only remedy for such is to be found in “no other rule than the public reason, which is the law” (DPE 3:142; OC 3:243). All of this culminates in the central statement of the third *Discourse* concerning the law. Here Rousseau explains that it is to law, seemingly paradoxically, that we owe

our present degree of freedom, for under “what appears as subjugation, no one loses any of his freedom except what would harm the freedom of another”:

These marvels are the work of the law. It is to law alone that men owe justice and freedom. It is this healthy instrument of the will of all that reestablishes, as a right, the natural equality among men. It is this celestial voice that tells each citizen the precepts of public reason, and teaches him to act according the maxims of his own judgment and not to be in contradiction with himself. It is also through the law alone that leaders must speak when they command; for as soon as a man claims to subject another to his private will independently of the laws, he immediately leaves the civil state, and in relation to the other man places himself in the pure state of nature, where obedience is never prescribed except my necessity. (DPE 3:146; OC 3:248-49).

The law, as a principle of public reason, thus permits only that to which all parties to the social contract could reasonably submit, and specifically aims to restrain the governors who might otherwise seek to impose their private wills on the people (Orwin 2000, 106).

Rousseau’s comments on law help to usefully introduce his treatment of the key theoretical concept of the third *Discourse*, the general will. As is well known, Rousseau first treats the general will in this text, and the treatment of the concept to be found here differs markedly (at least on its face) from its treatment in the *Social Contract*. While in the *Social Contract* the general will is introduced as a tool of collectivization, in the third *Discourse*, the general will is presented primarily as a method of ensuring the safety and security of each individual member of the state, and particularly the safety and security of the weakest and most vulnerable members of the state. In this vein, Rousseau thus insists forthrightly that just as “it is not creditable that an arm can be harmed or cut off without pain being transmitted to the head,” it is “no more creditable that the general will would allow any member of the state, whoever he might be, to injure or destroy another, than it is that the fingers of a man using his reason would put out his own eyes” (DPE 3:152; OC 3:256). This claim itself draws upon Rousseau’s earlier and somewhat labored metaphor

of the civic body, which likewise insists that a pain felt by one is a pain necessarily felt by all, insofar as “the citizens are the body and members that make the machine move, live, and work” and which “cannot be harmed in any part without promptly sending a painful response to the brain” (DPE 3:143; OC 3:245).

The general will thus seems to occupy a somewhat different role in the *Discourse on Political Economy* than the one that we might be inclined to attribute to it based on the treatment given in the *Social Contract*. Where in the latter the primary suggestion seems to be that the general will ought to trump all private wills, in the former text the claim is more nuanced. The claim of the third *Discourse* is that the general will is an expression of the public interest, and as such it must necessarily trump the private wills of the chiefs or magistrates. But with regard to the private wills of private individuals, Rousseau’s claim seems to be that while the general will trumps all private wills or elements of those private wills which infringe upon other private wills, it stands in a position of neutrality towards all purely private wills which threaten neither the public interest nor the private interests of other individuals. Rousseau frequently reiterates the first part of this claim. Thus in insisting that “the most important maxim of legitimate or popular government” is “to follow the general will in all matters,” Rousseau explains that the justification for this claim lies in the need to restrict the private wills of the chiefs and magistrates and thus to forbid categorically any exemption from the law whatsoever; “the republic is on the brink of ruin as soon as someone can think it is a fine thing not to obey the laws” (DPE 3:145-46; OC 3:248-49). What distinguishes “popular” from “tyrannical” political economy is precisely whether “the people and the leaders have the same interest and the same will” or “different interests and consequently opposing wills” (DPE 3:145; OC 3:247).

It is the second part of the argument which is however at once more subtle and more crucial for our present discussion. On this front two key facts deserve notice. The first is negative – that is, the absence of any mention in the third *Discourse* of the notion that the general will requires what in the *Social Contract* is called a “total alienation of each associate with all of his rights to the whole community” (SC 1.6.6; OC 3:360), an alienation that clearly encompasses “he himself, with all his forces, of which the goods he possesses are a part” (SC 1.9.1; OC 3:365) (though even here qualification is necessary insofar as Rousseau also forthrightly insists that “what is remarkable about this alienation is that the community, far from despoiling individuals of their goods by accepting them, only secures to them their legitimate possession, changes usurpation into a genuine right, and use into property” (SC 1.9.6; OC 3:367)). In any case, the discussion of the general will in the third *Discourse* proceeds wholly without any suggestion that even remotely approximates such views. On the contrary, the consistent claim here is that the general will is not a limit on but the guarantor of individual rights to safety and security in both person and property. In this sense, the general will is not merely “the source of the laws” and “the rule of what is just or unjust,” but this standard and these laws are themselves a direct reflection of a “general will, which always tends toward the preservation and welfare of the whole and of each part” (DPE 3:143; OC 3:245). Given everything else that Rousseau has said elsewhere in the third *Discourse* concerning the centrality of the right to property and indeed its indispensability to our preservation and our welfare, it is impossible to imagine that the general will as here developed could justify any incursion on the pursuit or enjoyment of private rights which does not itself threaten others’ pursuit of enjoyment of private rights. In this sense, the public interest of which the general will

is the expression is itself intelligible as a form of public reason, for what is publicly – that is, universally and categorically – accepted as objectively valid is that standard which enables all to freely pursue the private interests subjectively and necessarily experienced by each individual while also constraining those pursuits which directly threaten the well being of any other individual. In this sense, the general will of the third *Discourse* seems indeed to be rightly said to be not “opposed to all particular wills” and “identical to the collective expression of these wills” (Wokler 1987, 72).

At this point an objection might naturally be raised. Even if it were to be granted that there is nothing in the general will that forbids the pursuit of private interests that are not directly harmful to others, surely a pursuit of these private interests would be limited by Rousseau’s theory of virtue – that is to say, in a moral if not a legal sense? Rousseau spends quite a bit of time discussing virtue in the third *Discourse*, and these discussions deserve our attention now. Rousseau offers a clear definition of virtue in the *Discourse*: “virtue is only this conformity of the private will to the general” (DPE 3:149; OC 3:252). The definition is repeated later in the text: “every man is virtuous when his private will conforms on all matters with the general will, and we willingly want what is wanted by the people we love” (*tout homme est vertueux quand sa volonté particuliere est conforme en tout à la volonté générale, et nous voulons volontiers ce que veulent les gens que nous aimons*) (DPE 3:151; OC 3:254; cf. FP 4:23). The key feature of this definition is clearly Rousseau’s emphasis on “conformity.” And indeed our interpretation of Rousseau’s very conception of virtue depends entirely on whether “conformity” is taken to imply absolute and total *equivalence* of private will and general will, or something rather more moderate: namely an *alignment* of private will and general will. The difference between the two we

might say is that in the former private will would contain nothing that is *not contained in* the general will (that is, the individual has in his private capacity no interests that are not also public interests) in the latter, private will would contain nothing that is *not in conflict with* the general will (that is, the individual might has in his private capacity interests that go beyond public concerns but yet none that conflict with such concerns). My own sense is that Rousseau's definition of virtue in the third *Discourse* better accords with the latter rather than the former of these two interpretations, and that this furthermore has decisive implications for how we ought to read the claims on education that have been rightly and persuasively described as such a prominent feature of the third *Discourse* as a whole and a point of connection with *Emile* (Kelly and McBrayer 2010, 22-24, 34).

Rousseau insists throughout the third *Discourse* that the primary task of popular and legitimate government is to “make virtue reign” (DPE 3:149; OC 3:252). He also is prone to identify public education as the necessary means to this end, calling education “the state’s most important business,” and “one of the fundamental maxims of popular or legitimate government” (DPE 3:156; OC 3:260-61). But what sort of education does he have in mind here, and exactly what sort of virtue does he mean to instill? If we think Rousseau has in mind the former of the two conceptions of virtue described above, it is tempting to imagine that his frequent calls in the third *Discourse* for a public education dedicated to virtue has as its end the recreation of Sparta within modernity – replete with abnegation of all self-interest and the extreme and austere politics which has subversion of self-interest as its primary end. Yet if Rousseau has in mind the latter conception of virtue, then his calls for public education in the third *Discourse* take on a very different and indeed more moderate cast. In particular, so far from leading Rousseau to advocate

the politics of “denaturing” that is so prominent a part of the *Social Contract* and *Emile*, the third *Discourse* describes an education dedicated not to renunciation of self-interest but rather to an appreciation of the necessary limits of self-interest in light of the respect owed to the dignity of other individuals.

To effect this, Rousseau dedicates the education described in the third *Discourse* not to teaching the virtues of martial bravery or austere self-abnegation, but to something very different: namely to instilling a love of the laws (Orwin 2000, 107-109). “The most pressing interest of the leader, as well as his most indispensable duty” is “to attend to the observation of the laws of which he is the minister and on which all of his authority is based” (DPE 3:146; OC 3:249). And it is this that is the aim of all of the educational measures here proposed, which consistently aim to teach the love of the law: “Form men, therefore, if you want to command men. If you want the laws to be obeyed, make them beloved, so that for men to do what they should, they need only think they ought to do it” (DPE 3:148; OC 3:251-52). On these grounds it seems fair to say that the education proposed in the *Discourse* is dedicated to instilling not hatred of interest but love of the law, and that it is precisely this love that Rousseau has in mind when he insists that “although men cannot be taught to love nothing, it is not impossible to teach them to love one object rather than another, and what is truly beautiful rather than what is deformed” (DPE 3:155; OC 3:259). Indeed the “talent of reigning consists in nothing else” than to be the “guarantor” of the laws “and to dispose of a thousand ways of making it beloved” (DPE 3:147; OC 3:249).

Two implications follow from this emphasis on education’s end as the love of the laws. First, the education proposed in the third *Discourse* does not chiefly aim at any sort

of “denaturing” – however familiar such a project might be from Rousseau’s other works. In those works the assumption seems to be that in order to make private interests conform with general or public interests, the former must give way to the latter, and education will thus need to be dedicated to limiting or transforming private interests themselves. In the third *Discourse*, however, a different assumption seems to be at work; that is, for private will to conform to general will it is necessary to define the general will in such a way that it in fact contains within itself only what is also in the genuine interests of all individuals in their private capacities. This is important insofar the more seemingly thoroughgoing descriptions of public education in the *Discourse*, and in particular its insistence that “the most absolute authority is that which penetrates to the inner man and is exerted no less on his will than on his actions” – a claim Rousseau introduces with the suggestion that “if it is good to know how to use men as they are, it is better still to make them what one needs them to be” (DPE 3:148; OC 3:251). So too Rousseau later suggests that a central aim of his education is to transform the perspective of the individual so that he no longer regards himself as “isolated man” and will “never to consider their persons except as related to the body of the State” (DPE 3:155; OC 3:259). The immediate context of this discussion is Rousseau’s defense of patriotism as love of fatherland and transformed *amour-propre*. Yet it is crucial to see what is and what is not being asked here. In asking us never to consider ourselves except as related to the state, Rousseau seems less to say that we ought to have no private interests at all than to say that *we must never consider our private interests without also and at once considering how these bear on the whole*. Put differently, it is not the self but the detached self that most troubles Rousseau, and hence his aim is not to curtail all self-interest but to curtail detached self-interests. It is for this

reason that Rousseau prefers to the politics of thoroughgoing transformation of the self an education that aims at cultivating a love of the laws, defined as principles of public reason, which will guarantee that our considerations of our private interests will never be pursued independently of consideration of the effects of such on others.

A second implication that follows from the above interpretation is that however sympathetic Rousseau might be elsewhere to the cloak-and-dagger politics of subversion (such as in his account of the legislator at SC 2.7), the third *Discourse* tends to be more skeptical towards than supporting of such methods. It is certainly true that Rousseau in the third *Discourse* calls prominent attention to the political arts of manipulation, telling us quite openly that “the greatest talent of leaders is to disguise their power to make it less odious” (DPE 3:147; OC 3:250). But on the whole, the third *Discourse* criticizes such arts more than it celebrates them, insisting that they are “small, despicable tricks” of chiefs against citizens, which aim merely “to hypnotize those whose help they need [so] that each person believes he is working for his own interest while working for *theirs*” (Orwin 2000, 100). Indeed so far from praising or recommending such methods, one of Rousseau’s aims in the third *Discourse* is to expose them so that citizens can recognize them and thus best be on guard against all who would use “the cry of terror or the lure of an apparent interest” in order to “deceive their creatures” – a trick here derided as a “shady art whose baseness produces all of its secrecy” (DPE 3:150; OC 3:253). Indeed one of Rousseau’s primary educational goals in the third *Discourse* seems to be precisely to teach readers to recognize such tricks, and to be on our guard when we hear any policy defended in the name of security before terror, for the “genuine motive” of such calls “is not so much the apparent desire for the growth of the nation as the hidden desire to

increase the internal authority of the leaders, with the help of an increased number of troops and by means of the diversion that the war's objectives create in the minds of the citizens" (DPE 3:162; OC 3:268). Thus in the same way that Machiavelli's *Prince* is "the book of republicans" (SC 3.6), Rousseau's third *Discourse* may well be the book of those suspicious of claims to unilateral executive authority.

The primary theoretical concepts of the third *Discourse* – the law, the general will, and virtue – are thus intelligible as manifestations of Rousseau's commitment to the maximization of individual liberty. But one other point deserves to be made on this front. Kant is well known to have regarded Rousseau as a principal influence in his pre-critical period, as his well-known comment in his *Remarks on the Observations on the Feeling of the Beautiful and Sublime* attests: "Es war eine Zeit da ich glaubte dieses [philosophical inquiry] allein könnte die Ehre der Menschheit machen und ich verachtete den Pöbel der von nichts weis. Rousseau hat mich zurecht gebracht" (Kant 1991, 38). It is generally presumed that in making this comment Kant had in mind his engagement with the major works of 1761-62, the *Social Contract* and *Emile*. Yet in many ways, it seems fair to say that it may be the *Discourse on Political Economy* which is the most decidedly "Kantian" of Rousseau's works. And this for at least two reasons. First, the discussion of law and the general will in the third *Discourse* – and particularly its insistence that the "precepts of public reason" teach the individual to act in accord with both "the maxims of his own judgment" and "not to be in contradiction with himself" directly anticipates Kant's own presentation of the categorical imperative as a formula of universal law, with its emphasis on harmonizing subjective maxims and objective and universal law (see esp. Kant 1996, 73; see also Williams 2007, 221). So too, I think, Rousseau's conception of the general

will in the third *Discourse* as limiting those expressions of private will that infringe upon other private wills while still retaining the widest possible sphere of freedom for the expression of non-injurious wills is intelligible as an incipient version of Kant's efforts to harmonize subjective maxims and objective law in the categorical imperative. Second, Rousseau's insistence that the aim of education is to teach a love and reverence for the law strikingly anticipates Kant's normative ambitions to instill respect or reverence (*Achtung*) for universal objective law (Kant 1996, 76; and cf. the excellent development of this theme in Satkunanandan 2011.) Whether Kant himself knew the *Discourse on Political Economy* I do not know, though it is certainly at least possible that he could have known it as published in the *Encyclopédie*. But the historical point is ultimately of less significance than the theoretical point: that the concept of the general will developed in the third *Discourse* may well be even more obviously "Kantian" than the version, so often identified with Kant, developed in the *Social Contract*.

### **Conclusion**

Rousseau's *Discourse on Political Economy* has been largely neglected, and the little attention it has received has been widely disparate. My aim above has been to offer an interpretation that demonstrates the internal consistency of the work by tracing out the way in which both its practical and its theoretical proposals follow directly from a single foundational claim regarding the sanctity and inviolability of the individual. By so doing I hope to have contributed to efforts to recover the third *Discourse* itself from its relative neglect, and to have demonstrated the nuanced sophistication of the work as a whole. At the same time, much work remains to be done. Most importantly, the interpretation given

here has said very little about how the Rousseau of the third *Discourse* comports with the Rousseau of the *Social Contract*. This project is however of real significance. Scholars have long recognized that elements of the third *Discourse* – and especially its conception of individual property rights – seems to sit uneasily against several of Rousseau’s claims elsewhere (e.g. Fleischacker 2004, 58-61; Fridén 1998, 120-22; Wokler 1987, 77n89; and Peled 1980, 1035-1038). Yet if the interpretation of the third *Discourse* offered here is at all accurate, the fundamental challenge it poses extends well beyond the simple question of private property per se and necessarily raises the question: if indeed the motivating center of the third *Discourse*, and especially its conception of the general will, is to establish the limits of government from the inviolability of the individual, to what degree is this conception retained or abandoned in the *Social Contract*? Ultimately I suspect that what holds for the third *Discourse* also holds for the *Social Contract*, with relatively few qualifications – but that is an argument to be pursued at much greater length on a separate occasion!

## WORKS CITED

- Fleischacker, Samuel. 2004. *A Short History of Distributive Justice*. Cambridge, MA: Harvard University Press.
- Fridén, Bertil. 1998. *Rousseau's Economic Philosophy: Beyond the Market of Innocents*. Dordrecht: Kluwer.
- Kant, Immanuel. 1996. *Practical Philosophy*, ed. Mary J. Gregor. Cambridge: Cambridge University Press.
- Kant, Immanuel. 1991. *Bemerkungen in den Beobachtungen über das Gefühl des Schönen und Erhabenen*, ed. Marie Rischmüller. Hamburg: Felix Meiner.
- Kelly, Gary M. and Gregory A. McBrayer. 2010. "The Implicit Rousseauan Market Place: Discerning the Economy in Rousseau's *Discourse on Political Economy*." Paper delivered at the 2010 Annual Meeting of the American Political Science Association.
- Larrère, Catherine. 2007. "Pourquoi faudrait-il faire de Rousseau un économiste?" *Cahiers d'Economie Politique* 53: 115-32.
- O'Neal, John. 1986. "Rousseau's Theory of Wealth." *History of European Ideas* 7:453-67.
- Orwin, Clifford. 2000. "Rousseau on the Problem of Invisible Government: The *Discours sur l'économie politique*." In *Educating the Prince: Essays in Honor of Harvey Mansfield*. Lanham, MD: Rowman and Littlefield.
- Peled, Yoav. 1980. "Rousseau's Inhibited Radicalism: An Analysis of His Political Thought in Light of His Economic Ideas." *American Political Science Review* 74: 1034-1045.

Rousseau, Jean-Jacques. 1959-95. *Oeuvres complètes*, ed. Bernard Gagnebin and Marcel Raymond, 5 vols. Paris: Gallimard [OC].

Rousseau, Jean-Jacques. 1990-2010. *The Collected Writings of Rousseau*, ed. Roger D. Masters and Christopher Kelly, 13 vols. Hanover, NH: University of New England Press [individual titles cited by abbreviation; DPE = *Discourse on Political Economy*, trans. Masters].

Rousseau, Jean-Jacques. 1997. *The Social Contract and Later Political Writings*, trans. Victor Gourevitch. Cambridge: Cambridge University Press [SC].

Satkunanandan, Shalini. 2011. "The Extraordinary Categorical Imperative." Forthcoming in *Political Theory* (as available online).

Shklar, Judith N. 1969. *Men and Citizens: A Study of Rousseau's Social Theory*. Cambridge: Cambridge University Press.

Williams, David L. 2007. *Rousseau's Platonic Enlightenment*. University Park, PA: Penn State University Press.

Wokler, Robert. 1987. *Rousseau on Society, Politics, Music and Language*. New York: Garland.