

JEAN JACQUES ROUSSEAU: OR IS A FREE SOCIETY POSSIBLE?

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Nothing could be more appropriate in a modern war than to consider the foundations of organized human community. A people who do not believe in their society and have not been taught to fight for it cannot ultimately win in total war. However wealthy they be; however humanitarian their institutions; however sophisticated their intellectual habits, they will finally break, or perhaps only bend too much, lose their identity and be relegated to second or third rank in history.

However, there is also another reason why my subject is congenial to the times. Political science is better understood during a great war than during the long stretches of peace. In war-time even the dumb and indifferent gain personal insight into the first postulate of social science which is the principle of survival. During a war it is evident that the behavior of the community as a whole is directed towards this one supreme end. In time of war that principle ranks as an absolute. To deny it means to deny the right of the community to exist. To refuse to accept it for one's person, means to dissociate one's self from the community. No judgment, no question of right or wrong is involved. It is possible to deny the right of the community to exist; there is logically nothing to prevent one. But it is not possible to do so without ceasing to be its member. It is possible to refuse to accept it for one's own person; there is logically nothing to prevent one. What is not possible, is to do so and not thereby dissociate one's self from one's community.

The law of survival then is self-evident; it is the postulate governing the life of any community. In terms of our example; to say that the American nation is a community, is to say that it has the will to survive; that he who negates this will negates the community; and that he who rejects the behavior involved in this acceptance, rejects the American community. These are identical statements.

I am, of course, making use of the war in order to establish my starting point which is precisely this:

Every human society stands under the law of survival - it behaves in such a fashion as to ensure its survival, irrespective of the will of the individuals composing it.

Yet every free or legitimate society bases its behavior on the wills of the persons constituting it.

If this is to be more than a piece of sophistry or make-believe, we are faced with the crucial problem of political science: How is a free or legitimate society possible?

Yet neither of these two postulates can be invalidated. The first is borrowed from sociology, or whatever one wishes to call the general science of society. It is regarded by sociologists as the unassailable starting point for the understanding of the behavior of social bodies or groups. The second postulate is that under which political science is established. It runs: Legitimate or free society bases its behavior on the wills of the persons constituting it. To relinquish it, means to give up the claim to the possibility of political science as the science of the body politic, dealing with the principles of political right and the sources of political obligation (taking "political" in the broad classic sense of the way of life of the members of the polis).

The question was first put by Aristotle. His answer was simplified - and made from a Christian point of view less relevant - by the limitations of a slave society. He believed slavery to be inevitable and thus avoided the crux of the question.

After the great intermezzo of the Church world which knew neither City nor State independent of the Christian Commonwealth, Rousseau was the first to raise again Aristotle's problem, but this time in the fullness of its import. For the Church world as a reality had disappeared and had become no more than a literary recollection; and Rousseau was not, like Aristotle, speaking as a member of a slave society. When he put the question How is legitimate society possible? he was confronted by our two postulates in all their rigor: the principle of survival and the principle of freedom.

Rousseau's answer is of startling realism:

First: The form of government in the state must conform to the geographical and other objectively given conditions. Unless they do, the community cannot survive.

Second: The customs and habits, the manners and morals of the population must be correspondingly adjusted. Unless they are, individuals cannot be expected to will that which makes the community survive.

In other words: 1. There is no "best form of government"; 2. There is no spontaneous spontaneity, no natural freedom which can make a society survive; human society is an artefact, though of an art natural to man. Freedom is possible only if the dispositions of the people are such that they will spontaneously work their institutions in such a way as to allow society to survive. This demands that education

be provided by the community, and that all the moral and psychological influences emanating from the community should tend to evoke such a disposition in the people.

With this answer Rousseau reached the highest point yet attained by political science. Or rather, with these theses he became the founder of modern political science. Like every true answer in science, it raises more questions than it answers, but no insoluble ones.

### I.

First among the moral problems stands that of the double quality of every individual in a free society.

In a free society, by definition, the people are the sovereign. They are the rulers. That which serves the survival of the people is right. Every member of the community is part of that ruling body. As a member of that ruling body no other will is possible to any person than to will the survival of the community. If, for instance, the decision between war and peace is put, the question means this: What will at the present juncture serve my country's survival better, war or peace? This defines one aspect of the individual's situation.

At the same time every individual is also ruled; he is subject to the law. As subject to the law, it is he who will have to work, serve, fight, perhaps be maimed or killed, if he votes for war. This is the other aspect of his position. How should he vote?

One thing is clear. He votes as a member of the ruling body, the body that lays down the law. He does not vote as a private individual subject to the law. If he has understood this fact, he has also grasped the meaning of the question he is expected to answer. It is, whether he as a ruler believes war or peace to be preferable in the interest of the country. It is not, whether he as a particular person wishes to take part in war. As a particular person, perhaps for most honorable reasons, he may wish otherwise. But this is emphatically not the question. The question put to him is, what does he believe to be, not his own particular interest, but the interest of the country. As long as he himself believes that war would serve the common good better at this juncture, he would lie if he answered the question with "no". The moral problem is unequivocally resolved.\*

The will to survive Rousseau calls the General Will (which, of course, it is); the particular wills of the individuals he calls the Will of All. If the voters are well informed on the issue they will be all found to will very nearly the same and proclaim the General Will, whether it be peace or war.

\*See Meiklejohn: Education between two worlds, Book III, 1942.

We have reached the important conclusion that as long as the individuals express their own particular will, and are informed, in a free society the Will of All must be fairly identical with the General Will.

In Rousseau's words "If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication with one another, the grand total of the small differences would always give the general will, and the decision always be good." (Bk. II, Ch. 3)

## II.

Obviously, an important problem arises. The Will of All will often not coincide with the General Will. A minority may vote differently from the majority. How does this affect political obligations?

Rousseau's answer is consistent. Only if every individual votes as an isolated independent person will it be true that the common denominator of their particular wishes will tend to eliminate small differences and produce the General Will. Chance divergences will cancel out and the common interest will prevail. But if the persons have coagulated into factions, groups, parties, "interests", then they are not voting any more as isolated individuals. Instead, they have developed group loyalties. They have a small general will of their own group and only one particular will in respect to the community as a whole. The number of voters is now really only as great as the number of the factions or groups. There is no reason any more to suppose that the differences will cancel out, and the Will of All approximate the General Will. Rousseau, therefore, deprecates the forming of pressure groups in a free society. Following this inspiration the French Revolution, in 1789, dissolved all corporations; in 1791 membership in trade unions was made punishable by law.

## III.

However, even in the absence of pressure groups representing sectional interests, views need not agree. Unanimity is not the rule, even if informed individuals vote each for themselves, as isolated persons. Actually, Rousseau argues merely that the voting will demonstrate the General Will, the will of the majority serving as an indicator.

The position, therefore, is this: Those who have voted for the law are conforming to what they have themselves decreed. But in what sense is the member of the community free who has not voted for the law?

The answer is supplied by a fundamental consideration based on the meaning of freedom. The opposite of freedom is slavery, the

condition of being forced or compelled by an alien will. He who obeys a law which he has himself ordained, is free. In following the rules of a game of baseball, in following the rules of a college we have joined, in following the laws of our country to which we adhere, in following the rules of our personality we have responsibly established, we are free. This is the meaning of moral liberty. When we do what we truly want, what we feel to be right, believe to be true, accept as our personality, we are free. For in each case we obey a law ordained by ourselves. To be able to do what we believe to be wrong, meaningless, chaotic, dictated to us by momentary moods or passions which we recognize ourselves as a shameful irruption into our true selves, is not freedom, but licence. It is not freedom to behave contrary to our own standards. There is no freedom to act despicably in one's own eyes; no freedom to be a coward; and above all, no freedom to escape freedom. The person who imagines that he is free, when he is free only to do what he likes, has never yet wished to do anything worthwhile in his life, because then he would know that once you wish for something worthwhile, you are not to do what you like.

I have digressed into a discussion of personal morality, where after all freedom can be defined on different levels. In society no other freedom than moral freedom is conceivable. Neither the liberty of the wild ass in the desert, nor the liberty of the freebooter on the high seas, nor the liberty of the small or big racketeer in the interstices of society, has anything to do with freedom in society. They are free from the law, which is either absent, or is not such as to hinder or hamper them; they are not free under the law. They are free because they are outside society, not free through society; they have liberty apart from society, not in society. They may have a romantic, a psychological or commercial appeal to an immature imagination; morally their freedom is of no value; it is irrelevant.

Even the problem of private enterprise has nothing to do with moral freedom. John Stuart Mill in his essay On Liberty - the locus classicus of true liberalism - laid it down that however strongly one may believe (as he himself did at that time) in free enterprise on its merits, one should not confuse free enterprise with a free society; what form of trading a people believe in has no bearing on freedom.

The same is true of so-called freedom of contract. On this subject one of America's eminent thinkers (and, incidentally, another strong believer in free enterprise), Professor F. H. Knight says there is "no more egregious confusion in the whole muddled science of politics than the confusion between 'freedom' and 'freedom of contract'. Freedom refers or should refer to the range of choices open to a person . . . Freedom of contract on the other hand, means simply absence of formal restraint in disposal of 'one's own'. It may mean in fact the perfect antithesis of freedom in the sense of power to order one's own life in accordance with one's desires and ideals."\*

\*F. H. Knight: Risk, Uncertainty and Profit, p. 351.

Now let us return to our question: In what way is an individual free in obeying a law he has not voted for? Rousseau answers the question in its whole breadth.

Every member of the state is a member of the Sovereign people, and also a member of the subject body. He is ruler and ruled; he is governor and governed. This is meant by the social tie which is the source of all political obligation. It may be thought of as coming into being in the following way:

"Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole". (Bk. I, Ch. 6)

In concrete terms: If the slightest part of the territory of our country is attacked, if the most modest man's property is threatened by enemy action, all the people of the country will in all their might rush to the support of that single man.

The social tie is the simple device which describes the double role of each adult citizen, as pledging his everything to the support of all, and receiving the same pledge from all, in exchange.

#### IV.

To talk about a Social Contract or Compact from which that tie originated does not mean that human beings ever actually existed outside society, and that society was founded by their coming together one day and deciding out of the plenitude of their wills that such a thing as society should exist. Of such naiveté Rousseau was innocent. He used the construct Social Compact or Social Contract as any scientist would use a hypothesis - and said so - merely in order to explain the facts. When a chemist describes molecules as constituted of atoms or atoms as being constituted of a nucleus and a number of electrons, he does not thereby imply that any of them existed before and apart from the system which he is attempting to describe. What the Social Compact device does for us is not to explain how society was created - Rousseau confesses he does not know - but what it is actually like. It does not show the origins of the thing, but it describes it as it is. It answers the chief question In what situation does a person in a free society find himself? The device of the Social Compact serves that purpose perfectly.

#### V.

But the theory of the social tie is also realistic in another way, namely in its assumptions in respect to man and laws; as Rousseau said in his famous preamble: "men being taken as they are and laws as they might be." Man, it is assumed, acts according to his interests,

but these interests are swayed by emotions, passions, customs and habits. Laws, it is assumed, might be good, but actually are often bad.

Yet these assumptions suffice to show that the social tie (which is the essence of political society) is according to reason, both in its origin and its content.

As to origin: According to the principle of self-preservation the existence of society is reasonable, if without it men would perish. Rousseau says: "I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. The primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence."

This, again, is not meant historically. Human beings have always lived in some kind of society, even though they may have been sometimes - we do not know for certain - restricted to small, more or less isolated families. But, then, it is doubtful whether we should call such sub-societies in which no division of labor other than between the sexes is present, societies. However, it makes but little difference to our argument whether we time the change earlier or later - earlier, when man moves from no-society to sub-society, or later, when he moves from sub-society to society. From the realistic point of view Rousseau's justification of society is rational, since it makes self-preservation the prime cause of society.

As to content: The social tie also is an outcome of man's reason or, to put it another way, of man's known nature. The chief characteristic of the social tie is its comprehensiveness. Now, it is reasonable that man who was a concrete and whole person before he entered the contract, should enter society completely and wholly. First, because otherwise he could not expect others to do alike. How could he expect every single person to risk his life, indeed, perhaps, even go to certain death, for his sake, if he himself, overtly or covertly, made reservations to the pact? This would be contrary to reason. Secondly, if reservations were made, they would disrupt society, for nobody would know how far anybody was committed. The members of society would be looking to some third power to decide between them and the others what the true limits of their obligations were. Such a condition of affairs would foil the whole purpose of the tie, and be, therefore, contrary to reason. As Rousseau puts it: "If the individuals retained certain rights, as there would be no common superior to decide between them and the public, each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical". (Bk. II, Ch. 6) This being so, the social tie as a source of political obligation would be contrary to reason unless, each insisted on mutuality, i.e. on everybody equally "putting his person and all his power in common under the supreme direction of the General Will . . ." for nobody would voluntarily alienate his rights to the

whole community unless others did so likewise. But "as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to all".

But how burdensome exactly will they make them? In giving ourselves up to society, must we expect society to swallow us up altogether? What about the "natural rights" of men which are at the basis of Rousseau's system? What about the private person whose life and liberty, in Rousseau's phrase, "are naturally independent" of the public person, the all powerful Sovereign, the people? Here we come to the laws which we should regard as they might be, not forgetting that often they are bad.

Rousseau's answer goes down to the root. "Each man alienates, I admit, by the social compact, only such part of his powers, goods and liberty" he says "as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important." (The Sovereign, of course, is the people.) "Every service a citizen can render the State he ought to render as soon as the Sovereign demands it; but the Sovereign, for its part cannot impose upon its subjects any fetters that are useless to the community, nor can it even wish to do so; for no more by the law of reason than by the law of nature can anything occur without cause". (Bk. II, Ch. 4)

In this answer to the question What limits are set to the powers of the state? three points should be distinguished.

First: The social tie is basic. Nothing remains outside of society. Otherwise the state of nature would continue to exist, and society would be in permanent danger of dissolving into chaos and anarchy.

Secondly: The social tie is governed by reason. It has a purpose. Only that which is needed for its purpose is involved. No unnecessary fetters should be put by the Sovereign, the people, on the members of society, and none will be, since they would be doing it unto themselves.

Thirdly: Only the General Will itself can be judge of what is and what is not important for the community to control. That may change according to technological conditions, according to new needs and wants, new dangers and perils, new social aims and purposes.

The answer is realistic. It allows every and any reservation in the laws or constitutions without inducing the erroneous notion that the reservations limit the social tie itself and weaken it, making non-society out of society.

Take the instance of the so-called Bill of Rights safeguarded under some constitutions. Have the individuals joined society under the reservation that they remain outside the jurisdiction of the General Will in respect to the freedom of the press, speech, assembly, petition and so on? That they so to speak, reserve themselves

the right to commune with Nature, hold their assemblies in the primeval forest, make speeches at the birds in the trees, and petition the sky for rain? Not at all. They have laid down these rules of government as the rulers of the community, as members of the Sovereign body, which ordained the Constitution, thereby creating the good life for which they covenanted. The "natural rights" of man are not rights of man in the state of Nature, they are conditions of the good life for the safeguarding of which society was devised, and which may moreover be deemed necessary in order to prevent government from deteriorating and the General Will from becoming inoperative. Laws exist only in society; they cannot come into existence outside society. Constitutions like other laws are binding only if we acknowledge a source of political obligation. Safeguards included in Constitutions are positive acts of the General Will organizing life in a definite way; they are acts of the ruler, not of the ruled; they are acts of the general will of the people as governor, not of the particular wills of individuals as governed - as witnessed in these memorable words, which I invite you now to read as if you had never seen them before, and ask yourselves whether they would carry any meaning and conviction, apart from the fundamental principles of political right discussed above? They were solemnly adopted on July 4th, 1776, in Philadelphia, and run: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain unalienable rights . . . That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness."

It is this people who laid down the foundations of its government in 1787. The obstacle to the clear realization of this is that there is still too much of the eighteenth century subject mentality about, and too little of that of the democratic Sovereign. We must learn to think of the people as rulers, not as ruled, as governors not as governed. We will then not mistake the Bill of Rights for reservations made by panicky and cowed subjects, but recognize them for what they are: the safeguards of free institutions declared by the Sovereign people.

## VII.

Thus has Jean Jacques Rousseau established the principles of political right and obligation.

In political science society is conceived of in the dual terms of power and law, interest and right, survival and freedom, exigency and morality, utility and justice. Rousseau declared: "In this inquiry I shall endeavor always to unite what right sanctions with

what is prescribed by interest, in order that justice and utility may in no case be divided". A theory of society which cannot stand the test of these dual terms has failed. In producing a system that stands the test - imperfect though it otherwise be - Rousseau established political science as distinct from sociology, which deals with society in other terms than those of right, law, freedom, morality, and justice.

Such a delimitation of political science excludes the sociologicistic or anthropological approach. The latter might accept as "legitimate power" other power than that based on the will of the persons constituting society, as long as it is "recognized as legitimate" by a substantial part of the population. Moral freedom a term derived from ethics, does not enter into this definition of legitimate power.

In recognizing political society as real, i.e. subject to laws independent of our whims and wishes, Rousseau set limits to wishful thinking and illusions. A recognition of utmost significance emerged: It is an illusion to believe that freedom is a principle on which society can be naturally safely based. The conditions which Rousseau established for a free society are on three different levels:

First, the institutions themselves must be adjusted to conditions. Small and large, populous and unpopulous, tropical and non-tropical, poor and rich countries demand different institutions, different forms of government; only small and poor countries, e.g., can have an ideal - simple and direct - democracy.

Second, men must be educated, trained and inured to the kind of life their forms of government require; the notion that any wish, whim, fashion, mood, spontaneity, emotional pattern can find its vent in a "free society" is an illusion.

Third, given the first two conditions, a free society can exist only if its citizens are public spirited, disinterested, given to civic virtues and prepared to sacrifice all and everything in the service of their country and its free institutions.

Some writers have described such a doctrine as romantic, sentimental and illusionistic. It is in every respect the opposite. One of the sources of its effectiveness lay precisely in the ruthless realism by which it was inspired.

## VIII.

Yet nothing might have ever been heard of Rousseau as a political scientist outside of a circle of scholars and students, but for another side of his oeuvre which was not concept, not thought, but intuitive discovery of an unique kind. He had a vision which nobody had before. He identified himself with something nobody else cared to touch. He had become the germ of a movement of surpassing

importance. I have in mind Rousseau's discovery of the people. Not as a political term, meaning the multitude. Not as an economic term, meaning the poor, but as the valid representatives of mankind. Nothing exactly alike had ever happened in the Western world before.

The Contrat Social proclaimed the sovereignty of the people. Now just as the Contrat Social itself was an old idea, so was the sovereignty of the people. If you will, Hobbes - counterpole to Rousseau and defender of despotism - had stood for both. But such constructions meant very little. The simple reason being, that whatever the political régime would be, nobody thought of the human race in any other terms than those of a hierarchy, the best being at the top, and the weakest and most numerous at the bottom. That did not mean, that the people had been overlooked. The Church undertook to care for their souls, and, occasionally, one of their ranks might even become a pope. The schoolmen might think of educating them and one or another might rise to be a prince among scholars. The manufacturers might make productive use of them and once and again they might become rich men themselves. But they were invariably thought of as matériel out of which something different from themselves should be made; a level from which to elevate; a darkness which was to be illuminated; maybe a rough diamond to be polished. But as for what they were, namely the common people, they were to Voltaire "the source of all fanaticism, and suspicion", "the canaille", to Holbach the "stupid populace", to Diderot "the most dense and vicious of all human beings"; to "unpeople" the people, he said, "or to improve them, is one and the same thing . . .". Thus the leaders of the Enlightenment.

Rousseau made a breathtaking recognition: What the people - the people as they were - felt, thought and did; the way they worked and lived; their traditions, their loyalties - all this was valid, genuine, sound. That their faiths and beliefs were deep and inspired; that their native vigor and moral sense, their patriotism and natural religion made them the very stuff of God's creation, and above all, the only solid foundation of politics. Such was his immortal discovery.

What we call his romanticism as well as the new concept of political man which emerged from his oeuvre was due to this vision. He had not only seen man in the abstract (that had happened before); he showed him up in the flesh. Man - that was the people. He had found a hero who could make history. The French Revolution was made possible, as well as the greatest contribution America has made to the history of human civilization. For what American democracy means to the world at large is nothing else but a way of life in which the people themselves, and not their betters or superiors, are the actors.

Rousseau's political philosophy together with the discovery of the people in the flesh transformed the history of the race. And as long as this country exists, the stature to which Rousseau raised the people will not easily be banished from history. The idea of a free society was indissolubly linked by him with the government of the people and with the highest forms of patriotism. No more need be said to show what Rousseau means to Americans today.

Reading

- Rousseau: Contrat Social. Part I. Part II. Ch. 1-7. 1762 (required)  
Discourse on Political Economy. 1758.
- G. H. Sabine: History of Political Theory. Ch. XXVIII, 1937.
- G. D. H. Cole: 'Introduction' to Everyman edition of Contrat Social. 1913.
- Vaughan: The Political Writings of J. J. Rousseau. 2 vols. 1915 (for study)
- Meiklejohn: Education Between Two Worlds. Book III. 1942.
- Maritain: Trois Réformateurs. Part III. 1925. (for an opposite view)
- Hendell: Jean Jacques Rousseau, Moraliste. 1919.
- Hoffding: Rousseau and his Philosophy. 1930.
- Morley: Rousseau. 1873.
- Josephson: Jean Jacques Rousseau. 1931.
- Mowat: Jean Jacques Rousseau. 1938.