Legitimacy or domination?
Making sense of Rousseau's theory of the social contract

By Maria Paula Saffon

The nature of Rousseau's political thought has been the subject of intense debate. He is perhaps one of the few authors who have been considered the epitome of almost every possible political stance. A democrat, a revolutionary, a pre-communist, a conservative, a skeptic, a cynic. All these labels seem to correspond at least in part to his theoretical and political stances. Yet, the trouble comes when one tries to characterize his entire political theory, and when contradictions between his progressive and conservative approaches, between his optimistic and pessimistic views, show up. Maybe it is hopeless to make sense of Rousseau's work as a coherent whole, especially since one can never be sure of what his *real* intentions were. However, it is also hard to believe that an author of his influence and sharpness did not have an intention when criticizing social inequality in the way he poignantly did, or when devising a normative theory of legitimacy of the relevance and endurance as the one he proposed.

In this paper, I attempt to offer a novel interpretation of Rousseau's political thought, and especially of his theory of legitimacy. My interpretation seeks to make sense of the rather puzzling fact that, even though the content of his theory was extremely progressive and laid the grounds for fundamental democratic ideas, it is very hard to find in Rousseau an explicit defender of revolution, or even of the radical transformation of power relations in society. In my view, such a puzzle can be explained by understanding Rousseau's theory of legitimacy (and illegitimacy), as presented mainly in the Second Discourse *On the Origins of Inequality*

and in *The Social Contract*[1], as a radical critique of domination, which offers a quite modern explanation of the insidious willing compliance of subordinate members of society to political regimes that enable and perpetuate their dependency, and thus preclude their freedom.

This interpretation requires reading Rousseau's Second Discourse and *The Social Contract* as an ensemble depicting his theory of legitimacy but also of the illegitimacy of political regimes, and understanding it mainly as an explanation of the way in which domination operates in the presence of the consent of those subdued to it.[2] As I will try to show, that explanation constitutes a clear antecedent of the notion of "false consciousness" as the mechanism by which people acquiesce to political regimes that institutionalize social inequality and oppression. This way of understanding Rousseau's theory makes his distrust of real-life revolutions intelligible. It indicates that he saw them as another instance of false consciousness by which in most cases revolutionaries would advance causes that would perpetuate their oppression instead of promoting their freedom.

Further, if my interpretation is plausible, then, contrary to mainstream readings, Rousseau's theory of the social contract should be understood as the relevant counterfactual necessary to prove domination in the presence of consent. This could explain the often-criticized utopian nature of his theory of legitimacy. Indeed, its main purpose would not be that of offering a feasible model for political regimes to become legitimate, but instead that of enabling the denunciation of domination in illegitimate political regimes.

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[1] Rousseau, Jean-Jacques. [1754]. "Discourse on the Origin of Inequality", in: Rousseau, Jean-Jacques. *The Basic Political Writings* (Indiannapolis: Hackett), pp. 23-109 [hereafter Second Discourse]; Rousseau, Jean-Jacques. [1762]. *The Social Contract* (New York: Penguin Books, Maurice Cranston trans. and ed., 2006).

[2] In interpreting *The Social Contract* in conjunction with the Second Discourse, I am following Derathé, who states that Rousseau's description of the state of nature contained in the Second Discourse "commands in reality all his conception of the state" and that, consequently, the Second Discourse "serves as introduction to the *Social contract* and should not be separated from it". As Derathé notes, Rousseau himself acknowledged that, when he asserted in his *Confessions* that "[a]ll that is bold in the *Social contract* was beforehand in the *Discourse on inequality*". Derathé, Robert. 1970. *Jean-Jacques Rousseau et la science politique de son temps* (Paris: Librairie Philosophique J. Vrin), p. 131 (my translation). Now, what is new in my interpretation is that I read both texts as a theory of domination, and not mainly as a normative theory of the state.

The argument will be developed in 5 sections. In the first section I will present the puzzle that the paper seeks to address. In the second section, I will refer to the existing interpretations that have tried to explain the puzzle, and point at their insufficiencies. In the remaining sections I will develop the interpretation I offer as an alternative to them. Thus, in the third section I will argue that the account of the hypothetical origins of political regimes contained in the Second Discourse constitutes a clear antecedent of modern theories of domination, and especially of the notion of "false consciousness". In the fourth section I will show that Rousseau uses that notion not only for explaining the origin of states, but also the pervasiveness of political regimes that institutionalize oppression, as well as the futility of most revolutions for changing that state of affairs. In the fifth section I will argue that this interpretation allows us to understand the theory of *The Social Contract* as the relevant counterfactual for proving domination in the presence of willing compliance. In the sixth and last section I will offer some concluding remarks about the conservative effects of the (progressively intended) radical critique of domination that in my opinion Rousseau's theory embodies.

1. The puzzle: a revolutionary against revolution?

Rousseau is often identified as a radical democrat.[3] This is not surprising, given the demanding democratic requirements that his normative theory establishes for authority to be legitimate.[4] According to that theory, mainly depicted in *The Social Contract*, the principal

[3] See, for instance, Cohen, Joshua, Fung, Archon, "Radical Democracy", *Swiss Journal of Political Science* 10, 4 (2004).

[4] By arguing that Rousseau's theory of legitimacy imposes strong democratic requirements, I am not denying that such theory is not intended to defend democracy as the only legitimate or even the best form of government. Rousseau's theory is democratic in the sense of finding in democracy (and especially in citizens' participation in the making of laws, acting collectively as the sovereign power) the source of legitimacy of political authority, but not the only form of legitimate government. As such, it admits that other political regimes apart from democracy can be democratically legitimated in this way, particularly because the laws in the making of which Rousseau believes citizens should directly participate are only the general or founding rules of society –not all those issued by what we understand today as the legislative body, in charge of making everyday laws (see, for instance, the formulation in Rousseau, *The Social Contract*, *Ob. Cit.*, Book II, Chapter 7, p. 43). What is more, Rousseau even points at aristocracy as a better form of government than democracy, when he states that "it

condition with which political regimes must comply in order for their authority to be justified[5] is the preservation of freedom. The latter is conceived as the absence of dependence on others, and therefore as entailing the capacity of individuals to give themselves their own rules when living in society.[6] For Rousseau, the only way in which this condition can be satisfied is through a pact of association–his version of the social contract—by which individuals unanimously create a political community in which each has a vote, and at the same time submit their lives and goods to its sovereign authority.[7] Even though this authority is not limited by any law, the associates preserve their freedom while subduing to it because (and only in so far as) the community issues laws that express the general will as discerned through the democratic procedure, and the system of laws as a whole assures a degree of equality necessary for the exercise of freedom.

On the one hand, freedom is preserved if citizens acting as the sovereign community in the democratic procedure issue laws that express the general will because, in so doing, citizens discern or discover what is objectively required by the common good and enact it in the form of general, universal and impartial rules.[8] As such, those rules can be considered to

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is the best and most natural arrangement for the wisest to govern the multitude, if we are sure that they will govern it for its advantage (…)" (*Ibidem*, Book III, Chapter 5, p. 81). In spite of this, the general requirements that Rousseau imposes for the legitimacy of political regimes (especially those consistent in the assurance of the participation of all citizens in law-making and in the guarantee of a fair distribution of wealth that can make that participation truly free) are entirely applicable to theories of democracy as a form of government. Furthermore, without taking into account the specific conditions that, according to Rousseau, they imply (such as the utopian and problematic condition of non-representation of the sovereign power, or the idealist condition of absolute economic independence of members of society), conceived in the wide terms in which they are formulated (and thus still needing a specific theoretical formulation of what they entail), such requirements constitute essential conditions for the legitimacy of democratic governments, as they aim at fulfilling democracy's main goal, consistent in the participation of all members of society in the making of decisions that concern them. That is why I refer to such requirements as essentially democratic, even though I am aware that they do not lead to entirely democratic consequences in Rousseau's theory.

[5] Indeed, Rousseau's conception of legitimacy consists in authority being based on duty and not on sheer force. See Rousseau, *The Social Contract, Ob. Cit., Ob. Cit.*, Book I, Chapter 3, notably p. 5. As we will see in section 2, this conception is grounded on the Second Discourse, where he proves that obligation could have never existed without consent, that is, that force cannot transform into duty by itself.

[6] Rousseau, *The Social Contract, Ob. Cit.*, especially pp. 2, 14.

[7] Rousseau, *The Social Contract, Ob. Cit.*, Book I, Chapters 5, 6 and 7, especially pp. 13-8. The Rousseaunian social contract thus creates two types of obligations for the associates or members: "first as a member of the sovereign body in relation to individuals, and secondly as a member of the state in relation to the sovereign". *Ibidem*, p. 17.

[8] According to Rousseau, the general will is always rightful and can never err. This implies that there exist objectively correct or just decisions, which can be "discerned" or "discovered" through reason. *Ibidem*, Book II, Chapter 3, p. 30; Book II, Chapter 7, p. 43.

be true laws that citizens give themselves through the use of reason, whose obedience enables their moral and political freedom.[9] On the other hand, the system of laws as a whole can only preserve freedom if it assures a level of equality sufficient to impede the possibility that individuals' differences in power and wealth translate into relations of dependence in the political realm.[10] The type of equality that, according to Rousseau, is required for freedom to be preserved within the political association has a political and an economic dimension.

Politically, it implies that power should only be exercised by virtue of law, and therefore requires the formal equality of all citizens under the law.[11] Economically, it entails that wealth should be distributed in such a way that all citizens have enough for their subsistence and none have too much, so that no one is "rich enough to buy another and none so poor as to be forced to sell himself".[12] The assumption behind the latter requirement is that, unless wealth is distributed moderately, public decisions will not express the general will, but rather the private interests of the rich and powerful, thereby allowing for dependency.[13] The requirement of assuring a moderate distribution of wealth in society necessarily has implications for Rousseau's conception of property rights: the latter should be allocated by the sovereign community in a way that it assures that all individuals have access

[9] As mentioned in footnote 4 above, it is evident that the laws to which Rousseau refers do not consist in every decision of an assembly in which the community or the people is gathered; instead, laws seem to constitute the most fundamental principles of justice of a society or, as he puts it, "the rules of society that are best suited to nations" (*Ibidem*, Book II, Chapter 7, p. 43). Only that kind of rules can aspire to the common interest and universality traits that the general will requires. And any law that is not general in this sense is, for Rousseau, an "act of administration", not a real law (*Ibidem*).

[10] *Ibidem*, Book II, Chapter 2, pp. 58-9.

[11] *Ibidem*, p. 58.

[12] *Ibidem*, pp. 58-9. As can be seen, Rousseau's conception of material equality does not imply the distribution of identical shares of wealth among all members of society, but rather a fair or proportional distribution, chiefly aimed at assuring the absence of economic dependence, but also the political domination that can be derived from the latter. Rousseau characterizes this type of equality as moderation, when saying it "implies that the more exalted persons need moderation in goods and influence and the humbler persons moderation in avarice and covetousness" (Rousseau, *Ibidem*, p. 59). For the importance of the idea of moderation, "interpreted as 'nothing in excess'", in Rousseau's work, see Viroli, *Ob. Cit.*, p. 106.

[13] Indeed, in accordance with the ideas contained both in *The Social Contract* and the Second Discourse, those in profound need will not be able to truly answer the question of what the common good is because their condition of dependence will not allow them to autonomously reflect on it, but will rather be directly or indirectly influenced by those who subordinate them. And the latter will attempt to use their disproportionate power to influence political decision-making so that it reflects their interests, instead of those of the entire community.

to some property, but none have any more than what they need for subsistence, mainly proved by the productive use given to it.[14]

Thus, Rousseau's theory demands that political regimes assure the participation of all members of society as citizens in the polity, and more precisely as lawmakers.[15] And it indicates that such participation entails a particular distribution of wealth in society that can guarantee its truly free exercise.[16] These requirements appear to offer strong grounds for the democratic transformation of power relations in society. Indeed, they condition the legitimacy of political regimes to their capacity to satisfy important equality requirements, and particularly to distribute property rights in a way that can preserve the political freedom of all citizens. As such, they indicate that political regimes that do not comply with such requirements should be considered illegitimate in the sense of not imposing real duties of obedience on their subjects, but merely obliging them by virtue of force.[17]

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[14] As I argued in Saffon, MP, "The Rousseaunian theory of property: A democratic foundation of property rights" (Draft), Rousseau indicates that in the social contract property should be allocated on the basis of the principles of first occupancy, need and merit (*Ibidem*, Book I, Chapter 9, pp. 21-5). However, interpreted in the light of the Second Discourse's notion of the right of the first occupant (versus the right of the strongest), the application of the principles ends up leading to the idea that land property should be allocated to all landless members of the social contract (considered to have a right by virtue of being first occupants in the hypothetical original division of land that took place before the rich started usurping the poor) in enough proportion so as to satisfy their subsistence needs, and under the condition that they give a productive use to it. Thus, Rousseau's principles of property allocation end up being much more demanding than what at first sight appears to be required by the notion of equality as moderation. This could be explained by the fact that Rousseau deemed necessary to preclude dependency not only at the moment of the initial allocation of property rights, but also at future stages where such initial allocation could develop into too great a gap between the rich and the poor as a result of the capacity of some to accumulate more than others, and of the greater advantages of accumulating when having a greater degree of wealth. As we will see below, this interpretation is in accordance with Rousseau's deep skepticism with the possibilities of controlling the influence of wealth in politics.

[15] As mentioned in footnote 4 supra, in Rousseau's theory, this participation is only required for the making of the general rules of society, but it could be extended to the making of other laws by an adequate theory of democracy as a form of government. Of course, this requires, among other things, the task of formulating a theory of representation, and of justifying it on democratic grounds. This is precisely what Urbinati does in her *Representative Democracy: Principles and Genealogy* (University of Chicago Press, 2006), where she shows that representative government is not merely a second-best institutional device for permitting the democratic participation of citizens in decision-making in the face of the practical impossibility of assuring direct participation, but that it is actually a normatively justifiable form of government from a democratic point of view.

[16] The idea behind this requirement is that only if people are economically free from the dependence of others will they be able to vote in accordance with the common good. Indeed, if there exist individuals so poor as to be forced to sell themselves, they may very easily vote for rules that are contrary to the common good either because they make their life a bit more bearable in the short term, or because their vote is bought by factions with private interests. On the other hand, if there exist individuals so rich as to be able to buy others, then they will inevitably end up corrupting politics by influencing them with their private interests. As we will see in section 4 below, many of these ideas come quite straightforwardly from the Second Discourse's account of the origins inequality and their institutionalization by political regimes.

[17] See, for instance, Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 9, p. 103. See also supra note 5.

The features of Rousseau's theory discussed above explain why his theory has been so widely understood as offering the normative grounds for justifying political revolutions, and especially that it exercised such a great political influence during the French Revolution.[18] Indeed, it was pretty obvious from Rousseau's theory that he did not conceive most of the political regimes of his time to be legitimate. As the opening line of his *Social Contract* puts it quite straightforwardly, men were everywhere in chains.[19] And many of the descriptions of illegitimate regimes that he offers both in *The Social Contract* and in his Second Discourse resemble only too closely the European regimes of the moment–notably the French regime under which Rousseau lived for a long time—, especially when referring to the excessive inequality between the rich and the poor, and to the consequent undue influence of the private interests of the former in public affairs.[20]

Moreover, Rousseau used incendiary language to refer to these regimes: he called them tyrannical for usurping the sovereign power by not following the laws that reflect the common good, and said that they would inevitably become despotic by submitting citizens to the mere will of those in power.[21] Further, he suggested that such political regimes could be replaced by the people acting as the sovereign, arguing that they could always hold

[18] On this, see Melzer, Arthur, "Rousseau's 'Mission' and the Intention of his Writings", 27 *American Journal of Political Science* 2: 294-320 (1983), pp. 294-6. To show this influence, Melzer cites the following words by Henry Sumner Maine: "We have never seen in our generation –indeed the world has not seen more than once or twice in the course of history— a literature which has exercised such prodigious influence over the minds of men, over every cast and shade of intellect, as that which emanated from Rousseau between 1749 and 1762". Maine, Henry Sumner, *Ancient Law* (London: J.M. Dent, 1917), p. 51, cited in: Melzer, *Ob. Cit.*, p. 294.

[19] Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 1, p. 2. The exception seemed to be his home republic of Geneva, which is depicted in the letter of dedication of the Second Discourse as one of the few regimes in which freedom still exists (see Rousseau, "Letter to the Republic of Geneva", in: Second Discourse, *Ob. Cit.*, 25-32). However, Rousseau had fears that even Geneva would degenerate into an illegitimate regime with the influence of commerce (On this see, for instance, Rosenblatt, Helena. *Rousseau and Geneva. From the First Discourse to the Social Contract, 1749-1762* (Cambridge University Press, 1997), notably pp. 46-87). Authors like Melzer have argued that *The Social Contract's* prescriptions on how to preserve a legitimate regime were exclusively directed to Geneva, given his general skepticism of the possibilities of freedom in the rest of Europe (Melzer, *Ob. Cit.*, pp. 309-14).

[20] For instances in which he seems to be referring to monarchical Europe, and especially France, see Rousseau, Second Discourse, *Ob. Cit.*, Part Two, pp. 76-81. Thus, for instance, his closing remark according to which "it is obviously contrary to the law of nature (…) for a handful of people to gorge themselves on superfluities while the starving multitude lacks necessities" (*Ibidem*, p. 81). See also Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 9, p. 25 (footnote); Book III, Chapter 10, pp. 100-4, Chapter 15, p. 115. Rousseau refers explicitly to France in p. 100.

[21] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, pp. 77-9, notably p. 79; Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 10, pp. 100-4, notably p. 102.

assemblies to confirm or dismiss the incumbent government.[22] He even justified the dethronement and execution of despots who, putting themselves above laws, bring about a new state of nature in which their death is as lawful as the excesses they commit against citizens.[23]

The meaning and intention of the foregoing insights is not completely clear within Rousseau's thought. His interpreters have been often disconcerted by the fact that, in many occasions, Rousseau explicitly stated to be against revolution. For instance, in the Dialogues, he referred to himself as "the man in the world who has the greatest respect for the laws, for national constitutions, and who has the greatest aversion for revolutions and plotters of all kinds".[24] And elsewhere he said to oppose revolution even while admitting that it could bring about positive outcomes, since it is "almost as much to be feared as the evil which it could cure".[25] Statements of this sort would not be so puzzling if they could only be found in Rousseau's non-theoretical texts, since they could perhaps be interpreted, following Melzer's suggestion, as "precautionary lies of a revolutionary", aimed at protecting himself from political persecution.[26]

But the truth is that Rousseau's opposition to revolution seems to be consistent with several passages of his theoretical work where he identifies the obedience to laws as the only alternative for dealing with bad governments, and others where he expresses pejorative remarks against revolutions. For instance, in *The Social Contract*, after criticizing political theorists who merely prescribe obedience to governments regardless of their quality, Rousseau nonetheless states quite simplistically: "We all know that we have to put up with a

[22] Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 18, pp. 120-21.
[23] Rousseau, Second Discourse, *Ob. Cit*., Part Two, p. 79. See also Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 10, p. 103.
[24] Rousseau, "Dialogues", in *Oeuvres Complètes* (Paris: Gallimard, 1964-69), Vol. 1, p. 935, cited in and translated by Melzer, *Ob. Cit.*, p. 296.
[25] Rousseau, "Réponse à Stanislas", in *Oeuvres Complètes*, *Ob. Cit.*, Vol. 3, p. 56, also cited in and translated by Melzer, *Ob. Cit*., p. 296.
[26] Melzer, *Ob. Cit.*, p. 296.

bad government; the problem is to find a good government".[27] He thus suggests that his theory of legitimacy and good governments contained in that book does not recommend the disobedience or substitution of bad governments, but merely identifies the qualities that legitimate and good governments should have.[28] On the other hand, in the Letter to the Republic of Geneva that precedes his Second Discourse, he states:

> "Once people are accustomed to masters, they are no longer in a position to get along without them. If they try to shake off the yoke, they put all the more distance between themselves and liberty, because, in mistaking for liberty an unbridled license which is its opposite, their revolutions nearly always deliver them over to seducers who simply make their chains heavier."[29]

Rousseau thus suggests that even under tyrannical or despotic governments, revolution does not seem to be a viable solution, as it can lead to worse forms of oppression than those endured before. He reinforces this idea in the Second Discourse when, in referring to the turmoil that might take place when social inequality becomes extreme, he states: "It is from the bosom of this disorder and these upheavals that despotism (…) would eventually succeed (…)".[30] Rousseau also offers a quite pessimistic view of revolution in *The Social Contract*, where he depicts riots and civil wars as "quarrels as to who is to be the next tyrant".[31] In that way, Rousseau seems to foreclose revolution as a viable mechanism through which political regimes could be rendered more legitimate, and to express a preference for obedience to illegitimate regimes over revolution. In so doing, he inevitably raises the question of what could possibly be the purpose of the revolutionary content of his theoretical proposal, if he was so against revolution and revolutionary change.

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[27] Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 6, p. 89.
[28] He suggests a similar thing in the Preface of the Second Discourse. After saying that "the violence of powerful men and the oppression of the weak" that characterize society are founded on stable institutions, he states: "In considering what we would have become, left to ourselves, we ought to learn to bless him whose beneficent hand, in correcting our institutions and giving them an unshakeable foundation, has prevented the disorders that must otherwise result from them (…)" (Rousseau, Second Discourse, *Ob. Cit.*, Preface, p. 36). He thus suggests that even if institutions stabilize and perpetuate inequality, they are still better than the disorder that would exist without them. On the obedience of laws as the only solution to put up with the inequality and oppression that characterize human societies, see also the last part of footnote 10 of the Second Discourse, *Ob. Cit.*, pp. 94-5.
[29] Rousseau, Second Discourse, *Ob. Cit.*, Letter to the Republic of Geneva, p. 27.
[30] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 79.
[31] Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 9, pp. 99-100 (footnote).

2. Existing interpretations: an inconsistent revolutionary or a conservative pessimist

The perplexing contrast between Rousseau's apparent opposition to revolution and the inflammatory tone and content of his theory of legitimacy has been interpreted either as a minor inconsistency in his otherwise revolutionary theory, or instead as the proof of his essentially conservative and pessimistic stance concerning the possibilities of political change.[32] According to the first interpretation, Rousseau's opposition to revolution does not undermine in the very least his radical progressive stance in favor of the structural transformation of power relations in society. It merely indicates his reticence to bring about such a transformation through violent means, due either to squeamishness in promoting revolution himself, or to a "secret longing for authority".[33]

According to the second interpretation, Rousseau was not in the least a progressive political theorist concerned with advancing the political transformation of societies. He was rather a conservative who eagerly opposed the convenience of political change, and an irredeemable historical pessimist convinced of the inevitable process of moral decay of societies, and of the necessary loss of freedom of their members.[34] Thus, according to

[32] Here, I closely follow Melzer, who explains that the first interpretation has been dominant among Rousseaunian scholars, and has therefore led to a wide acceptance of the fact that Rousseau was indeed opposed to revolution, but to very few attention devoted to making sense of such opposition and its contrast with his "revolutionary doctrines". Against this influential interpretation, Melzer defends the conservative and pessimistic character of Rousseau's theory as a more plausible explanation of the contrast. Melzer, *Ob. Cit.*, pp. 296-7.

[33] *Ibidem*, p. 297. For the first explanation Melzer cites de Maistre, according to whom "Rousseau, feeble, timid and decrepit, never had the will or the power to stir up revolt" (de Maistre, Joseph, *Oeuvres Complètes* (Lyon: Librairie Générale Catholique et Classique, 1891, Vol. 1, p. 414, cited in Melzer, *Ob. Cit.*, p. 297). I believe Viroli offers an explanation of the second kind, since, according to him, Rousseau always gave preference to order over chaos (See Viroli, Maurizio, *Jean-Jacques Rousseau and the well-ordered society* (Cambridge: Cambridge University Press, 1988)). Melzer identifies Grimsley, Cassirer, Hoffding, Chapman, Hendel and Mornet as other contemporary authors who defend a progressive interpretation of Rousseau (Melzer, *Ob. Cit.*, p. 297).

[34] According to Melzer, while the interpretation of Rousseau as a conservative is not novel and can even be traced to the times of the French Revolution, that of him also being a historical pessimist is rather recent. As Melzer points out, Rousseau's vision as a conservative is mainly based on his skepticism with regards to continual change; his defense of property rights; his fear of stirring "blind multitudes"; his notion that the assessment of the goodness of political governments is context-dependent, and hence that freedom is not suitable for all peoples; his valuation of old institutions and laws (Melzer, *Ob. Cit.*, pp. 297-9). On the other hand, Rousseau's historical pessimism concerning the morality of men is based on his conception of man as naturally good but socially depraved; on his inevitable dependency on others unless he is denaturalized by an artificial patriotic zeal; on the pervasive selfishness resulting from wealth and science; on the lack of desire for change of revolution that characterizes

Melzer's version of this interpretation, Rousseau wrote his provocative texts about the legitimacy of political regimes because he knew they were harmless in the sense of promoting revolution, given that all attempts of stopping such process of decay would be ineffectual. What is more, Rousseau believed his texts could even promote resignation in the public, by showing the utopian character of the enterprise of political transformation of societies.[35] So the main purpose of such texts, in Melzer's reading, was to offer some advice as to how to preserve freedom by fostering republican virtues in the few small European republics –including his home republic, Geneva— where such process of decay could still be hindered or at least slowed down.[36] The secondary purpose of his work would have been illustrating the truth of that moral process of decay to the members of the rest of the nations that were already its inevitable victims, so that they could at least feel moral indignation and not mere complacency for it, and could therefore accept their lot at least knowing that they did not deserve it.[37]

In my view, even though the previous two interpretations capture important elements of Rousseau's thought and can find plenty of evidence in his writings, none of them gives a satisfactory explanation of the contrast between the radically progressive content of Rousseau's theory of legitimacy and his derogatory view of revolution. The first interpretation wrongly treats the latter as a minor detail that does not affect Rousseau's revolutionary intentions, when in fact it raises drastic doubts about such intentions, as the second interpretation cogently suggests. Moreover, the first interpretation ignores the fact that revolutions seem to be the only efficacious tool to bring about structural transformations of the sort implied by Rousseau's normative theory such as a substantial reallocation of

peoples accustomed to oppression; on the irreversibility of the process of moral decadence in Europe in spite of the revolutions that Rousseau announced would occur therein. This interpretation has been defended by authors including Melzer himself, as well as de Juvenel and Shklar. (*Ibidem*, pp. 299-305).

[35] *Ibidem*, pp. 305-6.

[36] *Ibidem*, pp. 309-13.

[37] *Ibidem*, pp. 313-20.

property rights, especially in contexts of extreme inequality of wealth and power. It also ignores that Rousseau himself pointed to revolution as the mechanism through which the passage from a more or less legitimate government to another took place in history.[38]

On the other hand, even though the second interpretation is right in highlighting undeniable conservative and pessimistic traits of Rousseau's political thought, it unconvincingly suggests that he wrote his entirely theoretical framework with the mere intention of providing some political lessons to the few republics that could still live up to those conditions, and to show the subjects of all the other political regimes that they were oppressed by them but that the only thing they could do was obey them. It is hard to believe that Rousseau would have wanted his political recommendations to be received by such a restricted audience. His work received wide diffusion during his lifetime, and he clearly desired that it be read in other nations— notably in France, where he submitted his First and Second Discourses to academic contests.[39] However, what seems most implausible about this interpretation is that Rousseau's intention to expose the illegitimacy of the majority of political regimes of his time was merely to make people aware of their chains, while warning them of the futility of any attempt to break them.

To begin with, this futility sharply contrasts with Rousseau's notion of liberty, essential to his entire theory, as it suggests the inescapable permanence of the condition of slavery.[40] Moreover, if, as the interpretation suggests, it was true that the only or best

[38] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 77.

[39] This is recognized by Melzer himself, who explains such desire by arguing that Rousseau's intention with regards to Monarchic Europe was to promote their moral awareness of the injustice of their oppression, but without any political aim. Melzer, *Ob. Cit.*, pp. 313-20.

[40] As mentioned above, Rousseau defines freedom as the absence of dependence on or domination from others, and therefore as the exact opposite of the condition of slavery. Indeed, he says freedom actually implies being one's "own master" (Rousseau, *The Social Contract, Ob. Cit.*, Book I, Chapter 2, p. 3). His conception of freedom is thus inspired in that of the classical republican tradition, as illustrated by the work of authors like Cicero, who explicitly defined freedom as the antithesis of slavery. However, Rousseau greatly distinguishes himself from that tradition because he believes freedom is a natural characteristic of human beings, while the classical republicans tend to believe that freedom is only a product of the civil order, which does not exist in nature. For an example of the notion of freedom in the classical republican tradition see, Cicero. [55-51 BC]. *On the Commonwealth*, Book I, [66] – [68] (New York: Cambridge University Press, James E. G. Zetzel ed., 2008), pp. 29-30; Cicero. [44 BC]. *On Duties*, Book I, [68] (New York: Cambridge University Press, M.T. Griffin and E.M. Atkins eds.,

alternative for the oppressed was to obey the illegitimate regimes under which they lived, why, then, should they not rather continue to be ignorant of their condition of servitude, and therefore endure it without suffering for its evident yet inevitable injustice? Would it not have been an act of compassion of greater moral significance to leave the slaves ignorant than uselessly rubbing the indignity of their immutable condition in their faces? Further, being so emphatically against revolution and social change as he allegedly was, did not Rousseau fear that the multitudes of those countries could be stirred up by his inciting words, even knowing that their mobilization would ultimately be futile? If all he sought was to reveal the true immoral nature of such illegitimate regimes but without seeking any practical political consequence, should he not have been at least more explicit and less ambiguous in his rejection of revolution and in his assertion of the impossibility of social change? Or, if his purpose was to reveal truth for the sake of truth only, should not he have circumscribed his audience to academia?

In the following sections of this paper, I offer an alternative interpretation of Rousseau's theory of legitimacy, which aims to explain in a more plausible way why Rousseau formulated such a provocative theoretical framework, while at the same time opposing revolution. Basically, my interpretation conceives Rousseau's theory as a modern radical critique of domination, which theoretically admits and promotes the possibility of an emancipatory transformation of power relations in society even through revolution, but mistrusts the development of the latter in the context of pervasive relations of dependency and inequality because it can lead to even worse forms of oppression. This alternative

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2009), p. 28. On the distinctiveness of the classical republican conception of freedom, see Skinner, Quentin. 2002. "A Third Concept of Liberty", *Proceedings of the British Academy*, pp. 237-68. Note, however, that Skinner talks about the classical republican notion of freedom as a "third concept", different from the two identified by Isaiah Berlin: negative liberty or liberty as non-interference, characteristic of the liberal tradition, and positive freedom or freedom as self-mastery, defended by Rousseau among others (Berlin, Isaiah. [1958]. "Two Concepts of Liberty", in: *Four Essays on Liberty* (Oxford: Oxford University Press, 1965)). Even though I believe the classical republican and the Rousseaunian conceptions of freedom are different in their origin (civil or natural) and in their implications for conceiving equality, their definition seems to me to be quite similar.

conception of Rousseau's theory attempts to combine the strongest elements of the two previously mentioned interpretations of his stance towards revolution, while discarding the weak ones. Thus, it takes the revolutionary content and tone of Rousseau's theory seriously, since it indicates that Rousseau believed in the possibility of a structural transformation of society even through revolution. However, it also acknowledges that, even without having that intention, Rousseau's theory of legitimacy ends up having quite conservative effects, as its main function appears to be enabling the unmasking and denunciation of the operation of power, and hence it happily admits that it might not produce any major transformative outcomes.

Moreover, this interpretation also accounts for Rousseau's evident pessimistic stance with regard to the possibility of freedom in contemporary societies. It nonetheless qualifies that pessimism, as it understands Rousseau's denunciation of illegitimate regimes and his effort to identify the objective interests of the subordinated as a relevant step for making the possibility of freedom less utopian and more real. Indeed, in identifying the objective interests of the oppressed, Rousseau could not be merely showing them the truth about an irreversible situation of domination. He would rather be giving them an important tool for engaging in a truly emancipatory revolution, by showing what they should aim at through it. As such, he would be behaving as a scholar committed to the goal of transforming power relations in society, and hence critical of an academy that instead tended to justify them.

3. An alternative interpretation: Rousseau as a precursor to radical theories of domination and "false consciousness"

The main objective of Rousseau's Second Discourse is to show that the moral and political differences existing among men concerning the distribution of honor, wealth and

power could not have possibly derived from men's physical and intellectual differences.[41] In that way, he opposes the idea, espoused by Aristotle and many others in the classical republican tradition, according to which some men are born to be rulers and others to obey, given their great natural physical and intellectual differences.[42] To refute this idea, Rousseau offers a hypothetical account of the origins of moral and political inequality, which shows that men could have only become submitted to the rule of others by giving their consent to their domination. And that such a thing could have only occurred if they previously became economically dependent, and forged their consent within the constraints imposed by their situation of dependency.

Indeed, Rousseau's original depiction of the state of nature as a situation in which men were self-sufficient and lived practically in isolation[43] has the sole purpose of showing

[41] Rousseau thus clearly distinguishes between two types of inequality: one natural, based on physical and intellectual differences, and one moral or political, based on social conventions. His aim is to prove that if they happen to coincide in practice (so that the stronger or more intelligent men are also the wealthier or the ones in command), that is so due to the establishment of social conventions, rather than to the existence of a necessary link between them. As he argues, it is pointless to reflect on whether there exists "some essential connection between the two inequalities, for that would amount to asking whether those who command are necessarily better than those who obey, and whether strength of body or mind, wisdom or virtue are always found in the same individuals in proportion to power and wealth". Rousseau, Second Discourse, *Ob. Cit.*, Part One, pp. 37-8.

[42] See, for all, Aristotle, *The Politics* (Penguin, 1962). Rousseau's normative theory is greatly inspired in the classical republican tradition (On this see Viroli, *Ob. Cit.*, p. 213). In particular, as mentioned in note 40 above, he draws from that tradition the conception of freedom as non-dependence. However, by believing that form of freedom to be an inherent characteristic of human beings and not a product of the civil order, he greatly distances himself from the classical republican tradition, since he concludes that freedom is enjoyed by all men equally and not only by those who are equal enough to be able to participate as free citizens in the republic. As such, in sharp contrast with the classical republican tradition which allowed for the existence of different social ranks in the polity depending on the level of equality of its members, Rousseau asserts that, in order for a political regime to be legitimate, a minimal level of social equality must be assured to all individuals, so that they can all participate as free citizens in the polity. Rousseau criticizes the classical republican stance concerning equality explicitly both in the Second Discourse (*Ob. Cit.*, Part Two, see especially p. 72, referring to political theorists in general) and in *The Social Contract* (*Ob. Cit.*, p. 4, referring to Aristotle in particular), by arguing that even if the observation that men submitted to servitude patiently endure their condition and even express love for it is accurate, the conclusion reached from it is erroneous. The fact that slaves behave like slaves is not the cause of their servitude (as if they were naturally inferior, and hence unworthy of freedom) but rather its effect: with servitude, men do not only lose freedom but also their longing for it. And, as I will show below (section 4), in the Second Discourse he sets out to prove that the only way in which men could have lost one and the other is by consenting to their slavery at some point in time, and by adapting their preferences to their so created condition of dependency from then on.

[43] In contrast with previous theories of the state of nature, notably those of Hobbes and Locke, Rousseau's picture of it is one in which men lived alone because they did not need to interact with others. They acted out of instinct in order to preserve themselves. Most of the time they could do so by using "the products of the earth". And when they interacted with others to provide for needs (such as their physical need to have sex to perpetuate the species), they only engaged in random encounters that did not create any type of attachment among them, as happens with animals. In the absence of permanent social interactions, and especially of relations of dependency, men's passions were mild and vice was unknown. With that, Rousseau mainly opposes Hobbes's depiction of the state of nature, according to which man is often evil to his fellow men, and therefore they are in a permanent state of conflict. On the one hand, even though he agrees with Hobbes that evilness results from the need to satisfy human passions like envy, greed and pride, Rousseau criticizes him for believing that these passions spring naturally from the need of self-preservation. According to Rousseau, the concern for the latter is not in itself conducive

that, regardless of how great their natural differences are, men could have never become submitted to the authority of others without the intervention of social conventions. If men were independent from others, obedience would simply be impossible. As he puts it brilliantly,

> Is there a man with strength sufficiently superior to mine and who is, moreover, sufficiently depraved, sufficiently lazy and sufficiently ferocious to force me to provide for his subsistence while he remains idle? He must resolve not to take his eyes off me for a single instant, to keep me carefully tied down while he sleeps, for fear that I may escape or that I would kill him. In other words, he is obliged to expose himself voluntarily to a much greater hardship than the one he wants to avoid and gives me. After all that, were his vigilance to relax for an instant, were an unforeseen noise to make him turn his head, I take twenty steps into the forest; my chains are broken, and he never sees me again for the rest of his life.[44]

The idea behind this fragment is that domination cannot be explained on the basis of men's natural characteristics, since there is no amount of coercion or cunning sufficient to create obedience, and the latter is indispensable for domination to be possible. He insists in this point in *The Social Contract*, when asserting that "[t]he strongest man is never strong enough to be master all the time, unless he transforms force into right and obedience into duty".[45] The bottom line of this idea, which is the fundamental pillar of his entire theory, is that men are naturally free from the domination of others[46] and, as we will see, that they necessarily lose their freedom if they find themselves to depend on others in a permanent way.

The story Rousseau tells to show how it could be the case that naturally independent men became submitted to the rule of some goes as follows. Men began to socially interact in

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to conflict but rather to peace; since when men are self-sufficient, they do not need to harm others in order to preserve themselves. Quite on the contrary, in the absence of dependency, men would try to minimize their harm on others, due to their –in this case natural, and also conducive to social preservation— disposition to pity others, and hence to being disgusted by their suffering. On the other hand, even though Rousseau agrees with Hobbes that the ideas of goodness and virtue do not exist in the state of nature, where reason has not yet been developed, he concludes that their absence does not make men evil but actually precludes evilness. Indeed, according to Rousseau, the same thing that prevents men from using their reason impedes them from abusing their faculties. If men do not know that the imperative of doing good or preventing evil exists, they cannot know that they can either respect or transgress it. Rousseau, Second Discourse, *Ob. Cit.*, Part One, pp. 53-5; 58-60.

[44] Rousseau, Second Discourse, *Ob. Cit.*, Part One, p. 59.

[45] Rousseau, *The Social Contract*, Book I, Chapter 3, notably p. 5.

[46] Even though Rousseau's idea that men are naturally free is often taken to be an assumption of his theory, I believe he actually proves it in the Second Discourse by offering a rationalist and deductive argument according to which natural domination is impossible, and hence that freedom from domination necessarily follows.

order to collectively deal with the increasing difficulties they faced as they spread. In dealing with those difficulties by themselves, men developed the first instances of reason, as they learned through experience that they should only act in order to promote their own interest, and thus became capable of distinguishing the situations in which the assistance of others was profitable for them. This led them to join in collective enterprises, which were at first sporadic and aimed only at solving specific problems, but which conduced to a rapid development of social relations and of industry, which made it possible for them to settle in communities.[47]

With the establishment of ever more permanent social interactions, reason and passions rapidly developed.[48] Individuals began to make comparisons both of objects and of people, which led them to formulate ideas about merit and beauty, on the basis of which they started to establish preferences for some persons over others.[49] Strong passions rapidly emerged as a result. Individuals' impulse for self-perfection[50] made them compete for the esteem of others, and their love for themselves (amour de soi) began to depend on such esteem, and therefore transformed into self-love (amour propre).[51] The first forms of inequality thus appeared, as people began to have different social statuses on the basis of the

[47] Indeed, by working together they developed language and were soon able to construct huts for lodging themselves. These, in turn, allowed them to live in families with their sexual mates and their descendents. With time, families established close to one another and became part of different "bands", which shared certain lifestyles and mores. Rousseau, Second Discourse, *Ob. Cit*., Part One, pp. 61-3.

[48] It seems to be Rousseau's view that there exists a relation of mutual or reciprocal incidence between passions and reason: reason develops and perfects itself only by virtue of passions ("We seek to know only because we desire to find enjoyment; and it is impossible to conceive why someone who had neither desires nor fears would go to the bother of reasoning"). But, at the same time, passions develop and progress only because of reason ("one can desire or fear things only by virtue of the ideas one can have of them", if it is not from the "simple impulse of nature"). *Ibidem*, Part One, p. 46. As we will see below, this has clear implications with regards to laws, as they are found necessary by human reason only when passions become harsher and therefore require constraint, but it is also quite possible that passions would not have developed so much without the existence of laws.

[49] *Ibidem*, Part Two, pp. 63-4.

[50] According to Rousseau, the two natural characteristics which make men distinct from animals are the faculty of self-perfection and free will (not the mere capacity to have ideas or to understand, which animals also have though at a lower degree). But they are only a potentiality in the state of nature, as they develop with men's interactions. For him, self-perfection is "the source of all man's misfortunes". *Ibidem*, Part One, p. 45.

[51] The first passion to develop was love, which consists in the fixation of desire on a precise person or persons based on their qualities, and is capable of provoking lethal conflicts, as a result of the jealousy it necessarily arouses (*Ibidem*, Part Two, pp. 63, 56). Later developed all those passions based on the need for social esteem, such as vanity, contempt, envy and shame (*Ibidem*, Part Two, pp. 63-4).

degree of esteem obtained by their intellectual and physical qualities. But this inequality was not permanent yet; individuals' social status could easily change and differences among them were hence fluid.[52]

This situation changed dramatically with the development of productive activities and of the possibility of material accumulation that came with it.[53] When men realized that they could produce more than what they needed for subsistence, they felt the need to protect their possessions from others.[54] Even though the initial division of possessions allowed everyone to have something, physical and intellectual differences soon began to manifest themselves as differentiated capacities for working and accumulating.[55] Hence, some individuals began to have more than others, and ambition led them to want to accumulate still more, and to do so at the expense of others.[56]

This led to permanent relations of dependency between the rich and the poor. Indeed, without enough goods to provide for their subsistence, the poor had to either work for the rich or try to steal from them.[57] In turn, the rich's ambition led them to need to use the work of the poor in order to satisfy their interests. So it was that the rich began to relentlessly attempt to make the poor see "in fact or in appearance" that they could find their own profit in satisfying the interests of the rich.[58] And they soon learned the pleasure of dominating others, and "thought of nothing but (…) subjugation and enslavement".[59] As a result, social inequality became structural: individuals' differences started to be mainly grounded on their

[52] On this, see Viroli, *Ob. Cit.*, p. 95.
[53] Tthis happened especially with the development of metallurgy and agriculture, which generated the possibility to add value to material things, and hence the necessity to defend one's possessions and the fruit of one's work from others. Rousseau, Second Discourse, *Ob. Cit*., Part Two, p. 65.
[54] In Rousseau's words, men's independence ended "as soon as man realized that it was useful for a single individual to have provisions for two". *Ibidem*.
[55] *Ibidem*, Part Two, pp. 66-7.
[56] *Ibidem*, Part Two, pp. 67-8. Indeed, according to Rousseau ambition consists in the desire to raise one's level of fortune relative to that of others out of the desire to be superior to them and not out of need. It hence inspires "a wicked tendency to harm one another" consisting in the desire to profit at their expense, which derives from a secret jealousy of what others have. *Ibidem*, Part Two, p. 68.
[57] *Ibidem*.
[58] *Ibidem*..
[59] *Ibidem*.

material possessions and on the power they derived from them, and society became permanently divided between the rich and the poor, in such a way that even if individual fortunes could change, this division persisted because the interests of the rich were radically opposed to those of the poor.[60]

Now, this structural inequality conduced to a situation of recurrent and horrid conflict, since the need of the poor and the disproportionate strength of the rich led them both to attempt to appropriate each other's possessions, and the passions aroused by their ambition made their confrontation particularly bloody.[61] Even though this situation affected all men by putting their lives in danger, it was particularly disadvantageous for the rich, since only their goods were in danger, and their right to them was only based on force and could therefore be lost by the same means. But they could not unite themselves against the poor, due to their mutual jealousies and the poor's greater common interest of plundering them.[62] Accordingly, the state of permanent war could have only come to an end as a result of the rich's awareness of its special disadvantages for them, and of their consequent conception of "the most thought-out project that ever entered the human mind".[63]

This project consisted in proposing the poor to unite with them in creating and submitting themselves to a supreme power that would put an end to conflict by assuring the protection of the lives, liberties and possessions of all.[64] In reality, however, this project only or mostly benefited the rich, as it implied the surrendering of natural freedom and the institutionalization of the inequalities between the rich and the poor.[65] Indeed, it transformed the latter's possessions into "irrevocable" property rights, even though those possessions were only based on force and their disproportionate accumulation in the hands of the rich

[60] On this, see Viroli, *Ob. Cit.*, p. 95.
[61] Rousseau, *Ob. Cit.*, Part Two, p. 68.
[62] *Ibidem*, Part Two, p. 69.
[63] *Ibidem*.
[64] *Ibidem*.
[65] *Ibidem*, Part Two, p. 70.

deprived the poor from the capacity to provide for their own subsistence.[66] It made the so created supreme power the sole defender of those rights by submitting all individuals to its discretion, in such a way that the strength of the poor was put to the service of the interests of their adversaries[67], and hence implied the formalization of their oppression and servitude.[68]

Now, the poor readily consented to this project because, being "crude, easily seduced men", they believed the "specious reasons" offered by the rich to convince them to do so, which consisted in showing them the lack of safety implied by the situation of conflict, and arguing that the proposed institutions would guarantee the equal protection of all by submitting them to the same laws and duties.[69] But the poor also consented because, while perceiving the evident benefits of having an external arbiter solve the disputes that overwhelmed them and that they could not solve on their own, they failed to anticipate the abuses that the establishment of those institutions would entail. And the few of them who were able to anticipate such abuses still consented to them either because they thought they would manage to profit from them, or because, though wise, they believed it necessary to sacrifice part of their freedom to preserve the rest.[70]

In that way, according to Rousseau, the only plausible origin of states and their laws was the consent given to them by their subjects, grounded on the belief that they would thus defend their freedom, but instead bringing about their slavery –i.e. the institutionalization of their economic dependency.[71] As he puts it, "no more solidity than truth would be found in

[66] *Ibidem*, Part Two, p. 69.
[67] *Ibidem*.
[68] *Ibidem*, Part Two, p. 72.
[69] *Ibidem*, Part Two, p. 69.
[70] Rousseau says that the wise thought necessary to sacrifice part of their freedom to preserve the rest, "just as a wounded man has his arm amputated to save the rest of his body". *Ibidem*, Part Two, p. 70.
[71] *Ibidem*, Part Two, p. 72. Indeed, Rousseau discards other possible origins of states identified by other theorists: first, he says they could not have emerged through conquest because –following the same line of reasoning referred to above— the latter is mere force and can never give origin to right so, under it, the state of war remains (*Ibidem*, Part Two, p. 71). In so doing, he implicitly opposes Grotius' theory of the right of conquest, according to which a conquered people can submit itself to a triumphant monarch by alienating its freedom through covenant. In *The Social Contract*, Rousseau develops his opposition to that theory further by formulating an explicit critique of Grotius (Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 4, pp. 7-12). Second, Rousseau argues that, before the establishment of laws, the subjection of some individuals could not have

the belief that the establishment of tyranny was voluntary".[72] This could only happen because that consent was given under conditions of structural material inequality, which led the rich to try to put the freedom of the poor to the service of their interests, and the poor to wrongly believe that only doing so could they preserve their freedom. The poor's belief could have been the result of either having been convinced by the misleading rhetoric of freedom and equality of the rich, or of a myopic calculation of the way in which their interests could be served by the agreed project. However, their consent necessarily went against their objective or real interests[73], since it inevitably implied surrendering their freedom –which, in the absence of enough material goods was the only thing they had, and also the only weapon with which they could defend themselves from the oppression of the rich.[74]

Further, by consenting to submit themselves to the supreme power of institutions that mainly protected the rich's interests, the poor legitimated those institutions and hence made them quite difficult to change. Indeed, their dependence ceased to be based on force and began to be based on right, and since this right was protected by the state, the poor could no

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happened by virtue of mere strength but necessarily required an attack on their goods or the rendering of some goods to them, thus indicating that such subjection necessarily involved material goods and could have only involved the poor (*Ibidem*, Part Two, p. 71). And third, he notes that the poor could not have possibly surrendered their freedom without believing it would be thereby protected, since that would be an irrational act, an "utter folly", given that freedom is all they had because they had no goods, and with it they could harm the goods of the rich. Instead, it is quite likely that the state was designed by those who would profit from it (*Ibidem*, Part Two, p. 71). With the second and third points, Rousseau thus extends his critique of conquest to other rationalist explanations of the origin of states based on covenants by which people surrender their freedom to a supreme power in exchange for their safety, such as Hobbes' and Pufendorf's, whom Rousseau criticizes both in the Second Discourse and *The Social Contract* (See, for instance, *Ibidem*, Part. Two, p. 74; Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapters 2, 4 and 5, pp. 2-5; 7-13; Book II, Chapter 2, pp. 29-30; Book IV, Chapter VIII, p. 159). Against these theories, Rousseau suggests that a covenant of the sort could only take place under conditions of economic dependence rendering the consent of the dependent a not really free act. Finally, following Locke and Sidney, Rousseau argues that paternal authority cannot possibly be the source of civil society, since its gentle nature is very different from that of despotic power, especially because of the father's concern for the interests of the children and of the fact that the latter regain their freedom and become his equals when they become adults. And also since paternal authority could have only have emerged as a result of civil society, and particularly of the institution of property allowing the father to make his children dependent on his goods (Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 73). Thus, Rousseau makes it clear that the state could have only originated by the subjection of the freedom of some to the advantage of others, and that property rights were the mechanism that made such a thing possible, by turning force into right.

[72] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 73.

[73] Even though Rousseau does not use this expression (he refers to interests only) I employ it to show that it coincides with the notion of real or objective interests used by modern critical theories of power and domination to make the claim that people can be dominated even when they comply to their domination. On this, see Lukes, Steven, *Power: A Radical View* (Houndmills, Basingstoke, Hampshire and New York: Palgrave Macmillan, 2005, second edition), especially pp. 37-38; 144-151.

[74] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 73.

longer attack it with impunity in order to provide for their needs. As such, their consent not only institutionalized but also accentuated their economic dependency, as it only left them the option of serving the rich in order to obtain their means of subsistence, and it made redistribution extremely unlikely as a result of the resilience of property rights.[75]

Rousseau's account of the hypothetical origin of political regimes reconstructed above can be interpreted as an elucidation of the concrete way in which domination operates in the presence of consent, which is very modern in nature. Indeed, even though it does not tend to be conceived as such[76], this account appears to be a precursor of critical theories of domination, and especially of "false consciousness" as the mechanism that enables the acquiescence of the powerless to social arrangements that institutionalize and help perpetuate their domination and exploitation.[77] To begin with, Rousseau poses himself a similar question to that which Marx would try to answer with his concept of ideology and Gramsci with his notion of hegemony many years later. Namely, what explains the willing compliance of the oppressed to institutions that only or disproportionately favor their oppressors?[78]

Rousseau answers this question using a very similar logic to the one later used by those authors as well as others who have explained such willing compliance in terms of the shaping of the beliefs and preferences of the oppressed–which makes the latter internalize the existing power relations, and therefore accept the status quo without challenging it, even if it

[75] For this argument, see Waldron's interpretation of Rousseau's theory of property in: Waldron, Jeremy. "The Advantages and Difficulties of the Humean Theory of Property", *Social Philosophy and Policy*. 85 (1994), p.106.
[76] For example, it is quite strange that Steven Lukes's exhaustive review of theories of power and domination does not mention Rousseau even once. The interpretation of Rousseau's theory of inequality, dependency and legitimation that I offer in this paper coincides with the basic characteristics of what Lukes calls a radical view or third dimension of power. Lukes, *Ob. Cit.*, pp. 25-38; see also pp. 11; 69-88.
[77] On the characterization and implications of this notion, see Lukes, *Ibidem*, pp. 144-51.
[78] See Marx, Karl [1843], "On the Jewish Question" and "The German Ideology", Part I, in Tucker, Robert, *The Marx and Engels Reader* (New York, London: Norton, 1978), pp. 26-52, 146-200; Gramsci, Antonio [1926-37], *Selections from the Prison Notebooks of Antonio Gramsci* (London: Lawrence&Wishart, 1971, Hoare, Q and Nowell-Smith, G. eds). On the latter, see Lukes, *Ob. Cit.*, p. 7, 152.

clearly goes against their real interests.[79] Indeed, according to Rousseau, the only way in which one can make sense of the consent of the poor to institutions that protect the property of the rich and hence perpetuate their dispossession is by observing that, by virtue of structural social inequality, the poor become so dependent on the rich for the satisfaction of their needs that they mistakenly believe such institutions can protect their interests.

Further, Rousseau identifies two specific mechanisms by which such belief could have been formed, which correspond to the two main ways in which the notion of "false consciousness"–especially as contained in Gramsci's work— has been interpreted.[80] The first mechanism is that, given the structural inequality between the rich and the poor, the former could and did deliberately shape the beliefs of the latter through the use of a deceptive rhetoric of security and formal equality. This mechanism corresponds to the culturalist interpretation of the notion of false consciousness, according to which the consent of the oppressed to institutions that formalize their domination results from the monopoly of the ideological apparatus by the powerful, which allows them to directly influence the beliefs and preferences of the powerless.[81] According to Rousseau, this mechanism would explain the motivation of the majority of the poor for consenting to their institutional domination, since they are coarse and can be easily seduced.

The second mechanism is that, by virtue of their condition of dependency, the poor interpreted their interests in a myopic or incorrect way, by thinking that they could gain more than what they could lose from consenting to institutions that foreclosed their freedom in exchange for their security. This mechanism corresponds to materialist interpretations of the notion of false consciousness, which conceive it as the alignment of the interests of the poor

[79] See Lukes, *Ob. Cit.*, pp. 11, 25-38, 144-151.
[80] *Ibidem*, pp. 7-9.
[81] *Ibidem*. As examples of this type of culturalist interpretation, Lukes cites: Althusser, Louis "Ideology and Ideological State Apparatuses", in *Lenin and Philosophy and other Essays* (London: New Left Books, 1971); Anderson, Perry "The Antinomies of Antonio Gramsci", *New Left Review* 100 (1976-7): 5-78.

with those of the rich. According to those theories, such alignment results from the restriction of alternatives that the condition of dependency implies for the poor, which leads them to circumscribe their interests to what they can obtain in the existent state of affairs.[82] In Rousseau's explanation, this alignment is only consciously done by the most powerful and wisest of the poor, who in spite of being so are still not capable of adequately deciphering their true interests, or even being aware of them feel obliged to act against them to preserve at least a part. Indeed, they surrender their freedom in order to obtain security, believing that they can preserve at least a part of it, without seeing that freedom is simply not possible if they submit to a discretionary power.[83]

Note that, although different, both mechanisms produce the same outcome: the beliefs and preferences of the poor do not correspond to their objective or real interests. So they give their consent (an expression of their preferences, based on their beliefs) to institutions that might provide them with security (an important objective interest, which nonetheless ceases to be so in the absence of freedom), but at the expense of their freedom from dependency (their fundamental objective interest).

4. Generalization of the argument: the pervasiveness of false consciousness, and the consequent distrust of revolutions

One could think that Rousseau's reference to the previously analyzed mechanisms was not intended to explain –as is the case of modern theories of domination— the insidious nature of the willing compliance of subordinated members of society to all types of political

[82] *Ibidem*. As examples of this type of materialist explanation, Lukes cites Przewroski, *Capitalism and Social Democracy* (Cambridge: Cambridge University Press).

[83] According to Rousseau, the worst that can happen to anyone is to be submitted to another's discretion. Doing so would be "contrary to good sense", even under the pretext of the defense of his life, to which men could easily reply, following a fable he cites, "what more will the enemy do to us?" –meaning that they have nothing else to lose once they have lost freedom (Rousseau, *Ob. Cit.*, Part Two, p. 72). This stance can be explained by Rousseau's conception of freedom as non-dependence, since being under the arbitrary power of the sovereign implies that one is secure in so far as the sovereign wishes one to be secure, and therefore one's security is entirely dependent on his capricious will in the same way that the security and well being of a slave depend merely on the kindhearted nature of her master.

regimes that institutionalize economic dependency. In fact, as we saw in section 3, Rousseau describes those mechanisms in detail when narrating his hypothetical account of the origins of political regimes. Therefore, it could be said that he did so with the sole purpose of identifying the conditions under which states could have emerged at some point in time, but not for making his argument extend to already established political regimes. However, that is not Rousseau's stance in the least. His story about states' hypothetical origins in the Second Discourse continues with a depiction of the cycle of changes that political regimes must have followed after their creation. This story and its reinforcement at various places in *The Social Contract* clearly show that, in Rousseau's view, political regimes that install dependency are the rule, and those that do not are instead a rarity. Further, that the acquiescence given to the former regimes is pervasive, in such a way that revolutions only emerge occasionally, and when they do they tend to perpetuate consented oppression instead of precluding it.

According to the Second Discourse, once political regimes emerged, they followed a necessary "progress", the different stages of which were characterized by institutionalizing distinct types of inequality.[84] The first stage of the progress transformed incipient political regimes that institutionalized the inequality between the rich and the poor into political regimes that only institutionalized an inequality between the strong and the weak (the former being those occupying public offices or "magistratures").[85] According to Rousseau, this must have taken place when, after facing great instability because of their difficulties in enforcing laws, individuals realized the need to establish magistrates entrusted with this task.[86] Even though the design of governments for that purpose varied in different contexts depending on the existing social distribution of talents, wealth and prestige[87], all of those governments had

[84] Rousseau, *Ob. Cit.*, Part Two, p. 77.
[85] *Ibidem*.
[86] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, pp. 71-2.
[87] Where these qualities were not so disproportionately distributed among all men, democracies were established; where only a few prevailed for having one or several of such qualities to a greater degree, aristocracies were erected, and where only one

in common that magistratures were elective and not hereditary. Since wealth did not prevail, they could be grounded on merit or age, and they could be therefore labeled as legitimate.[88]

However, that situation changed when elections became more frequent: soon intrigue appeared, factions were formed and conflict among them emerged.[89] Out of ambition, magistrates seized the opportunity to perpetuate themselves and their families in power, by offering security to the people in exchange for extending their power and making it hereditary. The people consented because they were "already accustomed to dependence, tranquility and the conveniences of life".[90] Consequently, political regimes passed from institutionalizing the inequality between the strong and the weak to that between masters and slaves, since the extension of their power led magistrates to see themselves as owners of the state, and to treat other citizens like slaves rather than fellows.[91]

According to Rousseau, this could only happen as a result of the ambition that social inequality produces, which is almost impossible to completely restrain through institutions.[92] In effect, for him, with few exceptions, institutions are not strong enough to fully limit men's passions and impede their abuses.[93] So, paradoxically, "the vices that make social institutions necessary are the same ones that make their abuses inevitable".[94] In his account, such vices

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man prevailed in that sense, monarchies were set up. Here, Rousseau implicitly suggests that all these types of regimes can be legitimate, in so far as wealth does not prevail and the selection of public officers is not grounded on it. This corresponds to *The Social Contract*'s conception of democracy as a source of legitimacy discussed in footnote 4 above.

[88] Rousseau, Second Discourse, *Ob. Cit.*, pp. 76-7. This conception of legitimacy is maintained –although in a much more developed and sophisticated way— in *The Social Contract*. Indeed, as we saw in section 1 and as we will see in section 5 at greater length, the latter requires that legitimate political regimes assure a degree of material equality among their citizens for them to be neither too rich to buy another, nor too poor to need to sell themselves. This has the purpose of precluding dependency, and hence allowing citizens to give themselves rules that express the general will and not the private interests of some. It does so by impeding anyone from having enough wealth to influence political decision-making –and particularly to have public officers advance their private causes instead of the general will—. And also by assuring that everyone has enough wealth to be able to freely discover what the general will is.

[89] *Ibidem*, Part Two, p. 76.

[90] *Ibidem*.

[91] *Ibidem*.

[92] *Ibidem*, Part Two, p. 77.

[93] Rousseau identifies Sparta as "the sole exception" of this, by indicating that mores were so well established and strictly inculcated through education that they "nearly dispensed with having to add laws to them". *Ibidem*.

[94] This view seems to be based in Rousseau's conception of the relation between passions and reason as one of reciprocal incidence (see footnote 48 above). It follows from this conception that laws are conceived necessary only when passions are so intense that they require constraint, but also that it is quite possible that passions become particularly intense as a result of laws. As he puts it, "over and above the fact that the disorders and the crimes these passions cause daily in our midst show

fundamentally consist in the ambition of magistrates, which drives them to try to usurp power by advancing their private interests through the state.[95] To succeed in doing so, they necessarily produce "protégés" to whom they yield some of their power, and who therefore are no longer interested in defending freedom. Their own ambition leads them to consent to their oppression insofar as they can oppress others below them.[96] And so it is that social inequality can end up reproducing itself in the political system, since such scheme of oppression can be replicated at every point of the social hierarchy, where ambition would lead the oppressed to admit their dependence as long as they could dominate others.

Now, once social inequality has taken over the political system, it is only a matter of time before regimes become despotic. On the one hand, the advancement of private causes through the state makes factions emerge, and conspire and struggle for its spoils.[97] On the other hand, leaders treat the protests and upheavals against oppression as "seditious murmurs"[98], which attempt against public tranquility. As such, they are able to dissolve the people's attempts to unite for the defense of their freedom and to promote social division, by fomenting an apparent consensus against disorder that allows them to strengthen their power as an excuse for containing it.[99] Once leaders' power is thus extended, they can crush all laws and violate all rights, and hence their will is the only rule. As a result, political regimes go

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quite well the insufficiency of the laws in this regard, it would still be good to examine whether these disorders did not come into being with the laws themselves; for then, even if they were capable of repressing them, the least one could expect of them would be that they call a halt to an evil that would not exist without them" (*Ibidem*, Part One, p. 56).

[95] *Ibidem*, Part Two, p. 77.

[96] *Ibidem*.

[97] *Ibidem*, Part Two, p. 76.

[98] *Ibidem*, Part Two, p. 78.

[99] *Ibidem*, Part Two, p. 79. Rousseau describes the same phenomenon in *The Social Contract* when he points at periodic assemblies as the mechanism through which the usurpation of power by the government can be hindered, but when he also recognizes the limitations of those assemblies for preventing despotism in times of disorder, due to the difficulties for distinguishing legitimate expressions of the will of the people from "the clamour of a faction". He thus states that, in such contexts, "the prince derives a great opportunity of holding his power in defiance of the people, without it being possible to say he has usurped it". Rousseau, *The Social Contract*, *Ob. Cit.*, Book III, Chapter 18, p. 120.

back to the state of nature from which they originally emerged, since their authority is only based on force, and it can also be brought down by force at anytime.[100]

This account shows that Rousseau's hopes for freedom under political regimes are quite dim. For him, wherever structural social inequality exists, it will almost inevitably express itself in the political regime and lead to dependency. Indeed, even though there are other types of inequality, in the end they can all be reduced to wealth distribution, which "readily serves to buy all the rest".[101] That is so because such inequality necessarily produces ambition and, with it, people's incessant desire to be wealthier than others and to oppress them. As he puts it harshly but acutely,

> if one sees a handful of powerful and rich men at the height of greatness and fortune while the mob grovels in obscurity and misery, it is because the former prize the things they enjoy only to the extent that the others are deprived of them; and because, without changing their position, they would cease to be happy, if the people ceased to be miserable.[102]

In the face of such a scenario, there is little institutions can do to contain men's ambitions, and especially to impede leaders from corrupting the state by advancing their private interests and the people from allowing such corruption to occur –the good design and intentions of institutions notwithstanding. That is why, according to Rousseau, even if political regimes can be legitimate in the sense of preserving freedom when governments are initially constituted, that situation will not last long if social inequality is at stake.[103] He recognizes the problem in *The Social Contract* in the following terms:

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[100] Rousseau, Second Discourse, Part Two, *Ibidem*, Part Two, p. 79.
[101] *Ibidem*, Part Two, p. 78.
[102] *Ibidem.*
[103] One could even argue that Rousseau admitted the possibility that certain political regimes never go through a phase of legitimacy due to the great social inequality of the contexts in which they arise. Indeed, as he states in *The Social Contract*, freedom is not a fruit of every climate (Rousseau, *The Social Contract, Ob. Cit.*, Book III, Chapter 8, p. 91). And there seems to be a great deal of real-life examples of political regimes that have never complied with the Second Discourse's description of legitimate governments, but have rather been tyrannical since their very origins. Just think about many Latin American countries' quasi-oligarchic regimes. In them a never complete state formation institutionalized extreme economic inequality, and allowed economic elites to monopolize political power and thus preclude the transformation of the status quo of wealth distribution. Thus, "magistracies" have never been entirely based on merit, but rather on wealth. And the majority of the

> Do you want coherence in the state? Then bring the two extremes as close together as possible; have neither very rich men nor beggars, for these two estates, naturally inseparable, are equally fatal to the common good; from the one class come friends of tyranny, from the other, tyrants. It is always these two classes which make commerce of the public freedom: the one buys, the other sells.[104]

Now, the "coherence" of the state that Rousseau proposes is subject to the social distribution of wealth, but the excessive inequality of the latter does not seem to be an obstacle for the establishment of political regimes–in fact, according to him, political regimes actually emerge by institutionalizing inequality. It therefore seems to follow that we are to expect very few political regimes in which freedom from dependency is successfully preserved. This explains why Rousseau asserts, also in *The Social Contract*, that legitimate governments have a "natural and inevitable tendency" to degenerate into tyranny.[105] Note that, for Rousseau, tyranny and despotism are not synonymous: the former exists wherever leaders usurp power by advancing their private interests, while the latter takes place whenever those leaders end up putting themselves above all laws.[106] This means that, for Rousseau, freedom ceases to exist not only when citizens are submitted to the mere will of all-powerful governments, but also when (well before that) there exists a degree of social inequality such that private interests can influence politics.

Evidently, this is an all-encompassing outcome, especially in contexts where commerce becomes the driving force of society. Indeed, as he would later recognize in his *Constitutional Project for Corsica*, even the people of Switzerland –the explicit counterexample of his Second Discourse and model of a legitimate government in his *Social*

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people seem to consent to this situation, not only because they are in conditions of severe economic dependency and thus practically excluded from the polity, but also because in many cases the middle classes have only exploited the poor further, by profiting from their services and making them entirely dependent on them for their survival. Think, for instance, about the slavery-like domestic services in countries like Brazil or Colombia. In Rousseau's times, none of these political developments had taken place, and hence, he mainly viewed the Americas as a land of savages. See Second Discourse, Part One, p. 44,

[104] Rousseau, *The Social Contract*, *Ob. Cit*., Book II, Chapter 11, p. 59.

[105] *Ibidem*, Book III, Chapter 11, p. 104.

[106] *Ibidem*, Book III, Chapter 10, p. 104.

Contract[107]— became dependent as a result of the displacement of agriculture by commerce, which rapidly led to the emergence of social inequality, and replaced citizens' virtue for love of money.[108]

The former obviously explains the opening statement of *The Social Contract*, according to which men are everywhere in chains.[109] But what is particularly interesting is that it is explained it in a quite modern way, i.e. as a result of the inevitable influence that structural social inequality has on the fate of political institutions. In a not so distinct way from what Marx would conclude a century later[110], Rousseau suggests that the material conditions exert a determinant influence on political institutions, in such a way that wherever class divisions are sharp, institutions will end up reproducing them and merely perpetuating the domination they entail, their formal language of liberty and equality notwithstanding. As he puts it in *The Social Contract* using a tone very akin to the modern discourse of radical critique: "Under a bad government (…) equality is only an appearance and an illusion; it serves only to keep the poor in their wretchedness and sustain the rich in their usurpation. In truth, laws are always useful to those with possessions and harmful to those who have nothing (…)".[111]

Now, the domination that institutions reproduce is not exercised by means of coercion, but is rather made possible by the people's consent to it. In effect, just as Marx and later Gramsci would note[112], according to Rousseau, people are more likely to acquiesce to oppressive regimes than they are of challenging them, even when those regimes become despotic and reach the extreme of having arbitrary power over the lives of their citizens. That

[107] See supra footnote 19.
[108] Rousseau, Jean-Jacques. [1765]. *Constitutional Project for Corsica* (Kessinger Publishing).
[109] Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 1, p. 2. As argued in footnote 19, the exception to this statement seemed to be the Republic of Geneva, but in the *Constitutional Project for Corsica* (*Ob. Cit.*) he ended up admitting that even the people of the latter were becoming tied by chains.
[110] See Marx, "On the Jewish Question", *Ob. Cit.*; "The German Ideology", *Ob. Cit.*
[111] Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 9, p. 25.
[112] See Marx, "On the Jewish Question", *Ob. Cit.*; "The German Ideology", *Ob. Cit*. See also Gramsci, *Ob. Cit.* And on both see Lukes, *Ob. Cit.*, p. 7, 152.

is so because, with time, dependency makes people not only lose their freedom but also their desire for it. As such, it leads them to behave like slaves, since they do not do anything about their condition, and even seem to enjoy it.[113] This does not mean, however, that their condition of slavery is natural, in such a way that institutions that perpetuate it would be in accordance with their objective interests (in this case, the need to be ruled) and that they complied with them for that reason. Instead, with the loss of freedom, people also lose their longing for it because they adapt their preferences to their circumstances of dependency, and therefore make the distance between such preferences and their real interests (freedom from dependence) a rather permanent condition.[114]

In Rousseau's account of the progress followed by political regimes, this adaptation is manifested in the people's preference for their oppression over their freedom in regimes in which power is usurped by private interests, but in which they can still attempt to oppress those below them. And it is also manifested in the people's acceptance of the extension of the power of authorities to the point of despotism in exchange for the assurance of security and

[113] 72. See supra footnote 42.

[114] This conclusion is founded on Rousseau's idea that desires depend on knowledge (Rousseau, Second Discourse, *Ob. Cit.*, Part One, p. 46), and needs derive from desires (although they can also derive from nature and habit, see *Ibidem*, footnote 11, p. 101). Following that idea, the more you know about what you can obtain, the more you desire it, and therefore think you need it. But, in the same vein, the less you know, the less you desire and need. This happens with the loss of freedom: its institutional preclusion is internalized or naturalized in such a way that people do no longer think they are free by nature, and hence go on to admitting their slavery, to not wanting their freedom, and even to believing that, in order to satisfy their interests, they do not need anything else apart from what they can obtain in their condition of dependency. This psychological mechanism is contemporarily labeled as "adaptive preferences", and it is often used for explaining people's admission of an inconvenient situation as the result of the adaptation of their desires to the available opportunities offered by the context, in such a way that they want –and even think they only need— what they can get. On this see, for all, Elster, who explains the concrete operation of the mechanism, and also identifies its use in the later work of Tocqueville –who, in turn, refers to its functioning (among other situations) with regard to American slaves (See Elster, Jon, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge: Cambridge University Press, 1983); *Political psychology* (Cambridge: Cambridge University Press, 1993), especially pp. 164-6; *Alexis De Tocqueville. The First Social Scientist* (Cambridge: Cambridge University Press, 2009), Chapter 3, section on "Enlightened Self-Interest". See also Tocqueville de, Alexis [1840], *Democracy in America* (New York: Library of America, 2004), especially Volume I, Chapter 10). Note, however, that for Elster, "adaptive preferences" operate as an unconscious and endogenous mental phenomenon, a trick the mind plays on you in the face of a lack of available alternatives (see Elster, *Sour Grapes*, *Ob. Cit.*, pp. 116-7). As such, his account is incompatible with Rousseau's culturalist explanation of the loss of desire for freedom, which implies that preferences are adapted as an outcome of the oppressors' power to mislead through rhetoric. Elster has criticized contemporary versions of this argument, such as Lukes', for entailing functionalist explanations (On this, see Lukes, *Ob. Cit.*, pp. 134-44). However, Elster's account seems more compatible with Rousseau's materialist explanation of the oppressed's loss of desire for freedom, although Rousseau's account seems to suggest some degree of intentionality in the adaptation of the oppressed's interests to their situation, which Elster would perhaps find problematic.

tranquility. In both cases, Rousseau seems to offer a mainly materialist explanation of the phenomenon by which individuals' preferences are shaped by their condition of dependency, which is contemporarily known as false consciousness. According to that explanation, the oppressed try to obtain as much profit as they can from their situation (in the first case by oppressing others, and in the second by seeking security) and therefore mistakenly or myopically align their interests with those of their oppressors. In so doing, they actually part from what their real interests are (in both cases freedom from domination), by accentuating their condition of dependency and making it more permanent and difficult to change.

However, when referring to the people's consent to the extension of power that leads to despotism, Rousseau also seems to offer a culturalist interpretation of false consciousness, since he identifies the rhetoric of fear as a key tool used by the powerful to make people believe their power must be extended in order to confront disorder. According to him, such rhetoric seems particularly efficacious in contexts of disorder because protests and riots against oppression can be easily portrayed by the powerful as "seditious murmurs" of dangerous factions, and the people cannot distinguish which are truly dangerous and which are not.

Now, this does not mean that oppressive or despotic regimes will necessarily persist ad aeternum. According to Rousseau, while the former will very likely degenerate into despotism as a result of ambition's unrelenting progress, the latter might be ended and replaced by other types of regimes through revolutions.[115] At first sight, the admission of this possibility seems to deposit the hopes of freedom in the hands of revolutionaries. This impression is reinforced by Rousseau's labeling of the contexts where despotism exists as a state of nature in which subjects have the same right to dethrone –and even kill— authorities as the latter to deprive them from their freedom. The latter could be easily interpreted as an

[115] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 77.

overt call for revolution, especially given the great inspiration that the last stage of the author's account about the progress of political regimes seems to draw from the European absolutist monarchies of his time, particularly the French one (which, just like in his alleged hypothetical story, had so much power over their citizens that they called themselves "equals of the gods and kings of kings").[116] This reference to real life situations could suggest that Rousseau was inciting oppressed peoples to revolution, or at least predicting that they would engage in it and overthrow their oppressors.

However, as mentioned in section 1 of this paper, that impression must necessarily fade or at least be found incoherent if compared to many other statements in which Rousseau expresses his contempt for revolutions and resolutely declares himself against them. In my view, it is possible to make sense of all these different statements if, as proposed in this paper, one understands Rousseau's theory essentially as a radical critique of domination, which exposes the shaping of preferences as the mechanism by which people willingly consent to their domination. From that perspective, Rousseau's distrust for revolutions would result from the very strong possibility that they take place under the operation of this subtle form of domination. When that happens, revolutions cannot purposely bring about the instauration of a political regime that preserves freedom, but might end up establishing new forms of oppression.

This interpretation would clearly explain the fact that, even though Rousseau admits despotic governments might end through revolutions, he is uncertain about the type of political regimes they will put in place instead. According to him, despotism will end when "new revolutions completely dissolve the government or bring it nearer to its legitimate institution".[117] It thus seems that, for him, revolutions do not necessarily bring about the

[116] *Ibidem*, Part Two, p. 76.
[117] *Ibidem*, Part Two, p. 77.

establishment of legitimate political regimes capable of preserving freedom in any better way than the regimes they seek to replace. They might as well simply dissolve the government without replacing it with another, or install a new regime that does not bring the government any closer to a legitimate configuration. This is so because it appears to be Rousseau's stance that the shaping of preferences of the oppressed by their condition of dependency is also very likely to operate in revolutionary contexts, which seem particularly propitious for misleading rhetoric to make them act against their interests. As he puts it in the already cited quote from the Letter to Geneva, when people have grown used to their condition of dependency and attempt at breaking it through revolution, they "nearly always" end up even further from their freedom.[118] Indeed, they mistake the latter for "an unbridled license which is its opposite", and which conduces them to deliver themselves over to "seducers", who only make their chains stronger.[119]

In that way, once again Rousseau points to false consciousness as the mechanism that can explain why people who want to be free actually end up giving their freedom away. In this case, they do so by engaging in revolutions that they incorrectly believe to be synonymous with freedom because they radically and violently break from the yoke of despotism. However, being in reality unorganized upheavals and disorders that get rid of all constraints, such revolutions can be easily seized and manipulated by leaders who use rhetoric to submit revolutionaries to their will, especially in contexts where people are accustomed to oppression.[120] Those leaders can subsequently install political regimes that attempt on freedom even more than the regimes they seek to overthrow –just as at the end happened in the French Revolution, which many have imprecisely said Rousseau promoted.

[118] *Ibidem*, Letter to the Republic of Geneva, p. 27.
[119] *Ibidem.*
[120] That is why he asserts in an also already quoted passage of the Second Discourse that despotism will eventually succeed in the bosom of disorder and upheavals. Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 79.

That is why –as was also mentioned in section 1—in *The Social Contract*, Rousseau refers to riots and civil wars as quarrels for determining who the next tyrant will be.[121]

This version of false consciousness mainly corresponds to a culturalist interpretation of this notion, as people's habituation to dependency leads them to believe in seductive discourses of freedom and to follow revolutionary leaders who actually seek to oppress them. But it also has a material dimension to it, which consists in people's initial engagement in revolutions that will most likely attempt on their freedom out of an erroneous interpretation or miscalculation of what they can gain from such revolutions (believing they can be free under disorder, they fail to see that the latter will eventually lead them to new chains).

The former explanation of how revolutions usually operate clearly makes sense of Rousseau's suspicious and disdainful view of them: their promise of freedom makes them even more dangerous than despotic regimes because it can be captured without difficulty by oppressive leaders and, when that is the case, it encourages the people to eagerly and blindly run towards new forms of slavery. This pessimism concerning the possibilities of revolution for bringing about political regimes that preserve freedom leads to the conclusion that, for Rousseau –just like for most modern radical critics of domination—wherever structural social inequality exists, political domination is very likely to predominate, even (and still more likely) in contexts in which freedom from oppression is the talk of town.

Now, such pessimism does not imply that, from Rousseau's point of view, revolutions are always or by nature incapable of establishing legitimate political regimes that preclude dependency and hence preserve freedom. Indeed, as we saw before, he says that they will "nearly always" (but not always) put people even further away from their freedom. And he admits that revolutions might bring governments closer to their "legitimate institution" –which, according to the Second Discourse and consistent with *The Social*

[121] Rousseau, *The Social Contract, Ob. Cit.*, Book III, Chapter 9, pp. 99-100 (footnote).

Contract, essentially implies that wealth does not prevail and that public affairs cannot be corrupted by it. Furthermore, in *The Social Contract*, he indicates that this possibility can and has in fact taken place in some rare instances of history. Indeed, after arguing that, with time, nations become incorrigible because their customs and prejudices make reform a "dangerous and fruitless enterprise", he states:

> I am not denying that just as certain afflictions unhinge men's minds and banish their memory of the past, so there are certain violent epochs or revolutions in states which have the same effect on people that personal crises may have on individuals; only instead of forgetting the past, they look back on it in horror, and then the state, after being consumed by civil war, is born again, so to speak, from its own ashes, and leaps from the arms of death to regain the vigour of youth. Such was the experience of Sparta at the time of Lycurgus, of Rome after the Tarquins, and, in the modern world, of Holland and Switzerland after the expulsion of the tyrants.[122]

Rousseau thus admits that, even though an exceptional and extremely hard to achieve outcome, revolutions can bring about a political regime that preserves freedom and that thereby leaves behind a past of dependency and oppression, and even looks at it with horror. This quite narrow window of hope seems to be the reason why Rousseau took the pains of formulating his theory of domination as a radical critique intended to unmask and denounce widespread oppression, but also to show that things could be different.

5. **Corollary: the social contract as the "relevant counterfactual" for proving and challenging domination**

The main implication of the interpretation I offered in the previous two sections is that Rousseau's normative theory of legitimacy contained in *The Social Contract* can and should be understood, using the contemporary language of theories of domination, as the "relevant counterfactual"[123] for proving the existence of domination in the presence of willing compliance. As Steven Lukes has sharply pointed out, the most difficult challenge of radical theories of domination, which argue that the latter operates even when the consent of

[122] Rousseau, *The Social Contract*, *Ob. Cit*., Book II, Chapter 8, p. 50.
[123] I draw the notion from Lukes, *Ob. Cit.*, pp. 40, 48-59.

people mediates, is to prove something that does not happen, a non-event.[124] Indeed, according to these theories, and to the Rousseaunian theory that preceded them, people give their consent to political regimes that oppress them but that formally proclaim their freedom because their preferences and beliefs do not correspond to their real or objective interests[125] – the former having been shaped by their condition of dependency either through the influence of rhetoric or by the alignment of interests with those of the powerful. This explains, the argument continues, that persons do not challenge the existing order of things, that they do not normally revolt, and even that when they do they do not often promote the transformation of their condition of dependency.

Now, the difficulty with the argument is that only the subjective preferences and beliefs of persons are observable when they are expressed in their explicit or implicit consent to political regimes, or occasionally to revolutionary leaders in times of disorder. Neither the objective interests of people, nor the fact that they would prefer to satisfy those interests and to challenge governments that do not if they were not submitted to dependency, are demonstrable in practice. As the argument itself notes, in practice people are pervasively submitted to a structural social inequality that impedes them from making free choices about what is best for their interests. So one cannot know how they would think and act under different conditions. That is why, according to Lukes, it is necessary to come up with a relevant counterfactual showing what people would think and how they would act were they not submitted to oppression and to the shaping of preferences that it entails.[126] If such a relevant counterfactual is not identified, then one must conclude that domination is not being exercised when people willingly comply with political regimes, since the only available

[124] *Ibidem*, p. 40.
[125] See again *Ibidem*, pp. 37-38; 144-151.
[126] *Ibidem*, p. 44.

evidence –people's expression of consent and the regimes' formal claim that they preserve freedom— would prove otherwise.[127]

In my view, Rousseau's purpose when formulating his theory of the social contract was precisely to offer a counterfactual of the sort. In effect, *The Social Contract* can be easily read as a theoretical exercise of imagining the conditions under which the subjective preferences of the members of a community could coincide with their objective interests, in such a way that, when consenting to its political authority and complying with its rules, they would be actually doing what best satisfies their true interests while living in society.[128] As we saw in section 1, in *The Social Contract*, Rousseau identifies general yet precise conditions for the legitimacy of political regimes, all of which aim at assuring that each and

[127] Note that the consequence of not finding a relevant counterfactual is tremendously grave from the point of view of somebody who is sure that (even grotesque) forms of oppression and exploitation are taking place. Indeed, it would imply admitting that those seen as oppressed are not actually so; they rather genuinely agree with a different range of values from that of the observer, and therefore their oppression cannot be considered unjust, or susceptible to denunciation and challenges. As Lukes notes (*Ob. Cit.*, p. 50), finding a relevant counterfactual is therefore necessary for facing cultural relativist objections against claims pointing to the existence of injustice even in the absence of protests and upheavals by the oppressed.

[128] Being mainly theoretical or hypothetical, Rousseau's social contract understood as a counterfactual is somewhat different from Lukes' idea of a relevant counterfactual. According to Lukes, such a counterfactual should be looked for in practice, so as to effectively prove that the oppressed do not agree with their condition of oppression (and especially with an alternative set of values entailed by it, as mentioned in note 127). To do so, Lukes proposes to pay attention to Gramsci's distinction between thought and action in social groups, according to which subordinate groups have "two conceptions of the world": one that they express in "normal times", when their "conduct is not independent and autonomous, but submissive and subordinate", and that corresponds to the beliefs of the powerful; and another that they manifest in action only "occasionally and in flashes", and that expresses the group's action as "an organic totality" (Gramsci, *Ob. Cit.*, p. 327, cited in Lukes, *Ob. Cit.*, p. 50). Although problematic for attributing a coherent conception of the world to entire social groups, Lukes believes Gramsci's distinction is useful because it suggests looking for relevant counterfactuals in " 'abnormal times' –when (*ex hypothesi*) 'submission and intellectual subordination' are absent or diminished, when the apparatus of power is removed or relaxed" (Lukes, *Ob. Cit.*, p. 50, the quotes are from Gramsci). He also indicates that relevant counterfactuals could be looked for in normal times, especially in situations where people can "escape from subordinate positions in hierarchical systems" (Lukes, *Ob. Cit.*, p. 50). Note, however, that both Gramsci's and Lukes' proposals of empirical counterfactuals necessarily imply a hypothesis to determine *ab initio* where and how to look for empirical instances in which the subordinate would express their real (i.e. autonomous, unsubordinated) preferences. As such, the idea of counterfactual is not so different from my interpretation of Rousseau's social contract, as the latter is seen as a hypothesis that identifies the conditions under which people would be able to express their preferences autonomously, and therefore choose an institutional arrangement that benefits their objective interests by preserving their freedom. His counterfactual is hypothetical, on the one hand because he believes deductive formal reasoning to be a form of proof (as mentioned in footnote 46 above, he also used it to prove that freedom from domination is natural), and on the other hand because he believes that it is very difficult (or even impossible) to find an autonomous expression of preferences in practice, given people's submission to overwhelming relations of dependence and the influence the latter have on their capacity to reason about their objective interests. However, sometimes Rousseau seems to endorse the idea that such counterfactual could be found in real-life situations, if only briefly and especially in times of disorder. Indeed, let us recall that he admits that certain protests and upheavals constitute actual challenges of the people trying to unite against oppression, even though they are either rapidly shut down and treated as factitious, or captured by seductive and oppressive leaders (see supra p. 24). Moreover, in a letter to Beaumont he states: "The people are not as duped as one thinks. If one did not use force with them, ruse would hardly accomplish anything (…) My writings will not teach them anything about the wickedness of the powerful… The true spring of governments is in the cowardice of men, and this cowardice grows from roots that my books will not tear out" (*Beaumont* fragment, *Oeuvres Complètes*, *Ob. Cit.*, Vol. 4, p. 1020, cited in Melzer, *Ob. Cit.*, p. 305). He thus suggests that, although a difficult enterprise, his counterfactual could be proved in practice if instances in which people are not submitted to domination could freely express their preferences and beliefs.

everyone of the individuals remain free from dependence while they submit themselves to political authority. In the framework of the interpretation that has herein been offered, the former conditions can be understood as the way in which Rousseau conceives the objective or real interests of individuals belonging to a political community.

Indeed, as we saw in the previous two sections, for him, the preservation of freedom is the most important objective interest of individuals who live in society. That is so not only because it is inherent to human nature, but also because, without its protection, individuals will inevitably end up being oppressed by others –as a result of the structural social inequality that will emerge from social interactions, and especially from the development of productive activities, and of the institutionalization of such inequality that political regimes will bring about and perpetuate. As such, the only way in which all individuals (and not only the rich and powerful) can satisfy their objective interests when they acquiesce to a political regime is if the latter is capable of preserving their freedom both when they accept its authority at the moment of its creation and when they obey to it once it is established.

According to Rousseau, this is precisely what his social contract makes possible. By agreeing to an institutional arrangement of the sort, individuals do not sacrifice their liberty in exchange for the security of their lives and goods, but actually assure that the former will be preserved while the latter is achieved.[129] Moreover, by following the laws of the political association thereby created, individuals will only be following laws that enable their freedom, both because they participate in their making without being dependent on others, and because, as a result, such laws express the general will and not the will of some, and thus,

[129] In that way, Rousseau points at consent as a necessary but insufficient condition for the preservation of freedom, and hence for the legitimacy of political regimes. In so doing, he greatly distances himself from the social contract tradition –the other tradition in which his normative theory is greatly inspired (see Viroli, *Ob. Cit.*, p. 213). Indeed, many authors from that tradition –such as Hobbes, Grotius and Pufendorf, to whom Rousseau referred in several occasions (see supra footnote 71)— believed that the main objective of states was the instauration of peace; that their creation implied a tradeoff between security and freedom, and that the consent given to such a tradeoff was a sufficient source of legitimacy of political regimes. But, as we saw in section 3, for Rousseau these conditions precisely led to the establishment of political regimes which institutionalized dependency and therefore did not preserve freedom. That is why, as we will see below, he accuses some of the authors of the social contract tradition –notably Grotius— for being functional to the status quo of domination.

they preclude dependence in the future. In that way, individuals' subjective preferences expressed in their consent given to the political regime would coincide with their objective interests, essentially incarnated in their freedom from dependence.

Note that all the conditions Rousseau imposes for the legitimacy of political regimes constitute the exact opposite of the characteristics of political regimes that allowed the oppression of poor and weak individuals described in the Second Discourse. Instead of institutionalizing structural social inequality –as did the first political regimes—, his social contract does not allow individuals to merely consent to institutional arrangements that provide them with security at the expense of their freedom. It therefore requires that a certain degree of material equality among its members is guaranteed, and that their participation in lawmaking is assured. Further, in order to avoid that social inequality eventually influences the affairs of the community –as it does in political regimes that were once legitimate but become tyrannical—, Rousseau's social contract requires that such degree of material equality is preserved throughout the life of the political association by restricting property to the need of individuals, and hence allowing the sovereign authority to redistribute property that supersedes that limit.[130] According to Rousseau, only thus can individuals give themselves their own rules and not obey those of others, since they will have enough wealth to be able to discern what is required by the general will (and therefore by the objective interests of all) when participating in the making of laws, and the latter will not benefit only the interests of some.[131]

It is in this way that the social contract can be understood as a counterfactual to the pervasive domination that Rousseau so criticizes in the Second Discourse.[132] It incarnates a

[130] See footnote 14 above.
[131] See footnote 13 above.
[132] Thus, ironically, *The Social Contract* would end up operating as the counterfactual to the situation described in the Second Discourse, and not the other way around, which is the way in which the two works have normally been interpreted, i.e. the state of nature described in the Second Discourse as the hypothetical counterfactual to the social contract.

state of affairs in which domination under political authority does not exist because, according to the author, individuals remain free while obeying the law. Therefore, it can be used for showing that domination indeed exists, but is not necessary and could be eliminated (at least as a theoretical possibility). In effect, it can operate as a guide or parameter of legitimacy (or absence of domination) such that all political regimes that do not comply with its characteristics can be identified and denounced as illegitimate for enabling domination. Now, in order for Rousseau's counterfactual to actually operate in this way, it would need to go a step further and also show that the institutional configuration it embodies would be preferred by all individuals over all other political regimes that entail domination, if they were truly free. Otherwise, the argument according to which individuals comply with the latter political regimes only because they are not free and their preferences are shaped by their relations of dependency would lose all its weight. If, in spite of being completely free from dependence, individuals still preferred their own oppression, nothing could be argued against such oppression.[133]

But for Rousseau the latter is total nonsense. Indeed, he argues that the renunciation of freedom is not only contrary to human nature[134], but also and especially absurd from a rational point of view: one can receive nothing of nearly equal value by surrendering freedom, and therefore such an act is "illogical"; it equates to "madness".[135] With that argument, Rousseau seems to take that further step for proving domination through his counterfactual, by indicating that any rational individual whose judgment was not baffled by

[133] See footnote 127 above.
[134] According to *The Social Contract*, "[t]o renounce freedom is to renounce one's humanity" (Rousseau, *The Social Contract, Ob. Cit.*, Book I, Chapter 4, p. 8). This is so because such renunciation implies giving up the natural right of being one's own master and, with it, the moral significance of one's actions, which only exists when they are the product of free will and not of others treating one as an instrument. This line of reasoning is in complete accordance with the Second Discourse, where, as we saw above, Rousseau asserts that free will is one of the innate characteristics of human beings that distinguish them from animals, which leads him to conclude that renouncing one's freedom implies annihilating one's being, degrading oneself to "the level of animals enslaved by instinct" (Rousseau, *Ob. Cit.*, Part. Two, p. 74).
[135] Rousseau, *The Social Contract*, Book I, Chapter 4, p. 8. That is precisely why, for Rousseau, reciprocity is an essential characteristic of a legitimate social covenant. In his view, that implies that everyone gives herself and properties to the sovereign but that, in so doing, they do not lose them but actually render them more secure and irrevocable at the same time becomes a member of it, and thus becomes stronger. *Ibidem*, Book I, Chapter 8, pp. 21-2.

dependency would necessarily agree with the social contract it embodies. If it is irrational to renounce freedom, and if his social contract is the only institutional arrangement through which the latter can be preserved, then it follows that autonomous rational individuals would inevitably agree to participate in it. That is why the establishment of the social contract would be a unanimous act. And also why individuals would be able to discover the general will when voting as members of the sovereign community to issue the laws to which they would be submitted under the social contract.

Indeed, Rousseau seems to substantiate the argument according to which rational individuals would clearly prefer the social contract to any other institutional arrangement when he defines the notion of the general will, a fundamental element of the social contract. As we know, the general will is concerned with the common or public good, and does not necessarily correspond to the sum of individual private interests.[136] However, that does not mean that it is contrary to such interests because, according to Rousseau, "a man cannot work for others without at the same time working for himself".[137] True, the general will produces a notion of objective justice, since it is always rightful and can never err. But it is so precisely because it "derive(s) from the predilection that each man has for himself".[138] Therefore, when individuals discover the general will and select it as their law, they "wish the happiness of each", but only because "there is no one who does not take that word 'each' to pertain to himself", and consequently no one that in choosing the general will is not thinking of himself.[139] Hence, as Nadia Urbinati has pointed out, Rousseau's notion of the general will is something akin to what Tocqueville much later called "self-interest properly understood"—which, following Jon Elster, consists in an "enlightened" and non-myopic interest that allows

[136] *Ibidem*, Book II, Chapter 3, p. 30.
[137] *Ibidem*, Book II, Chapter 4, p. 33.
[138] *Ibidem*.
[139] *Ibidem*, Book II, Chapter 4, p. 33.

citizens to be concerned about the future and delay immediate gratification, and that makes collective action possible.[140]

Thus understood, the notion of general will would prove that the laws that the members of the social contract would obey –and thereby the social contract as a whole, insofar as it is mainly based on the idea of being ruled by such laws— are the only laws that individuals would choose if they were free from dependence, and therefore truly rational. Indeed, such laws would not only be chosen because of being just, but also and especially because they would satisfy in the best possible way the objective interests of all the members of a political community, when living together. This argument would evidently apply to all the laws seeking to assure a moderate distribution of wealth, and especially to the laws allocating property rights, which, by the stringent terms of *The Social Contract*, would have to be in accordance with the distributive justice principle of need.

Consequently, for Rousseau, perfectly rational individuals not constrained by their situation in the real world, and especially by their condition of dependency, could and would unavoidably discern the principles of *The Social Contract* through reason. Now, as we know from the Second Discourse, in Rousseau's view, knowing what human beings are inherently capable of doing (such as exercising reason and behaving according to it) does not in the least imply expecting that they will actually do it. Given his great pessimism with regards to the

[140] This is a point Urbinati made in her class on Modern Political Thought (Columbia University, Spring of 2009). For the development of the notion in Tocqueville's work, see Tocqueville de, *Ob. Cit.*, pp. 240, 441-42, 611, 615 (cited in Elster, *Alexis De Tocqueville. The First Social Scientist*, *Ob. Cit.*); Elster, *Alexis De Tocqueville. The First Social Scientist*, *Ob. Cit.*, Chapter 3, section on "Enlightened Self-Interest". As I argued in Saffon, *Ob. Cit.*, the interpretation of the general will as a form of self-interest well understood fits quite well Rousseau's distinction between the two wills individuals have (as private persons and as citizens), according to which: "For every individual as a man may have a particular will contrary to, or different from, the general will that he has as a citizen. His private interest may speak with a very different voice from that of the public interest; his absolute and naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution, the loss of which would be less painful for others than the payment is onerous for him (…)". (Rousseau, *The Social Contract*, *Ob. Cit.*, Book I, Chapter 7, p. 19). Rousseau's explanation seems to set out what is contemporarily known as "the tragedy of the commons", an application of the prisoner's dilemma for explaining the difficulties of bringing about collective action or cooperation in a society of perfectly rational and self-interested individuals who act independently from one another (On this see Osborne, Martin. 2004. *An Introduction to Game Theory* (Oxford: Oxford University Press, p. 53)). The notion of general will is his solution to such dilemma, as it allows individuals to put their self-interest in harmony with the common good by conceiving the latter in a correct and not myopic way.

possibilities of exercising freedom in the context of structural social inequality and pervasive domination, it seems like Rousseau did not trust individuals immersed in such a context would actually be capable of identifying those principles without any aid.[141] Indeed, he shows great skepticism concerning the capacity of the members of the social contract (who he then says will often behave as a "blind multitude") to develop the system of legislation by themselves.[142] For that reason, he states they should do so with the help of the "superior intelligence" of a "lawgiver", capable of understanding but at the same time of distancing himself from the passions and interests of the individuals concerned, both by virtue of his "genius" and of being a foreigner to the country.[143]

Concerning the theoretical construct of the social contract as a whole, Rousseau seemed to believe he needed to play that role of superior intelligence at the aid of dependent individuals. But not so much for proposing to them a form of political association that they could realize in practice, as for offering them the relevant counterfactual that would allow them to prove, and consequently criticize and denounce, the oppression and illegitimacy of political regimes to which they falsely believed to be complying willingly. As he suggested in several occasions, he believed to be in a privileged situation for identifying and telling the truth about the insidious relations of dependence and domination that characterized societies.[144] Indeed, as a result of his self-imposed solitude and of his empathy for the suffering of his fellow men, he thought to have the capacity to at least partially detach

[141] The final quote cited in footnote 128 supra could be read as an exception to this, since Rousseau says men are less duped than one thinks, and actually know they are being oppressed. However, he asserts they would be able to see this (or at least say it) only if they were not submitted to coercion, to which in most cases they are if one interprets (as he did) the authority of illegitimate political regimes as coercion. Moreover, such assertion clearly contrasts with many others in which he refers to people disdainfully as a dependent mob.
[142] Rousseau, *The Social Contract, Ob. Cit.*, Book II, Chapter 6, p. 43.
[143] *Ibidem*, pp. 43-5.
[144] On this see Melzer (*Ob. Cit.*, pp. 307-9), who quotes many statements of Rousseau in that sense, including the following (referring to man's nature): "The prejudices by which [I] was not subjugated, the factitious passions of which [I] was not the prey did not obscure for [my] eyes, as they did for those of others, these first traits so generally forgotten or misunderstood" (Rousseau, "Dialogues", in *Oeuvres Complètes, Ob. Cit.*, Vol. 1, p. 936, cited in and translated by Melzer, *Ob. Cit.*, p. 308).

himself from passions and self-interest, and to put his reason to the service of truth. As he strikingly put it in one of his letters,

> Isolated by men, attached to nothing in society, stripped of all pretension, and not seeking even my own happiness except in that of others, I believe that I am at least exempt from those prejudices of position which bend the judgment of the wisest men toward maxims advantageous to themselves.[145]

Now, given his radical critical view of social inequality and domination, it seems much more plausible that he thought to be using that unique capacity of reasoning not to come up with a realizable political project –as *The Social Contract* has been frequently interpreted—but rather to prove men that such inequality and domination in fact existed. That is why he believed to be entirely different from other political theorists who, by defending the legitimacy of political regimes that only institutionalized oppression, seemed committed to preserving the status quo and therefore kept hiding the truth instead of elucidating it.[146] In his sardonic words:

> I open the books of right and morality, I listen to the learned men and jurists and penetrated by their insinuating discourses, I deplore the miseries of nature, I admire peace and justice established by the civil order, I bless the wisdom of public institutions and console myself for being a man in seeing myself a citizen. Well instructed in my duties and my happiness, I close the book, leave the classroom, and look around me. I see unfortunate peoples groaning under an iron yoke, the human race crushed by a handful of oppressors, a starving crowd, overcome with misery and hunger, whose blood and tears the rich drink in peace, and everywhere the strong armed against the weak with the terrible power of the laws.[147]

As this quote suggests, Rousseau felt disgusted by the way in which academicians legitimized the miseries and injustices that spread through society, and he felt deeply

[145] Rousseau to Perdriau, 28 September 1754, cited in and translated by Melzer, *Ob. Cit.*, p. 308.

[146] In *The Social Contract*, he explicitly accuses Grotius and Barbeyrac of doing so in the following harsh terms: "Every reader of the third and fourth chapters of the first book of Grotius can see how that learned man and his translator, Barbeyrac, are trapped in their own sophisms, frightened of saying either too much or alternatively too little (according to their prejudices) and so offending the interests they wish to flatter. Grotius, a refugee in France, discontented with his own country and out to pay court to Louis XIII, to whom his book is dedicated, spares no pains to rob peoples of all their rights and to invest those rights, by every conceivable artifice, in kings. (…) If these two writers had adopted sound principles, all their difficulties would have vanished, and their argument would have been logical; but then they would alas for them, have told the truth and paid court only to the people. The truth brings no man a fortune; and it is not the people who hand out embassies, professorships and pensions" (Rousseau, *The Social Contract*, *Ob.Cit.*, Book II, Chapter 2, 29-30). In that way, Rousseau thought to be radically different from those authors because he was telling the truth about oppression, and in so doing he was paying tribute only to the people, at the expense of the honors and rewards he could have received doing otherwise.

[147] Rousseau, "L'état de guèrre", in *Oeuvres Complètes*, *Ob. Cit.*, Vol. 3, p. 609, cited in and translated by Melzer, *Ob. Cit.*, pp. 307-8.

committed to behaving in a radically different way. His main purpose in formulating his theory of legitimacy and illegitimacy of political regimes was to expose the generalized conditions of dependency and domination to which people were submitted, and to prove that they were illegitimate because things could be (at least theoretically) different. He did the first mainly in the Second Discourse, and the second in *The Social Contract*. Together, these two works should be interpreted as a modern radical critical theory of domination. This interpretation contrasts the mainstream understanding of Rousseau that depicts the latter work mainly as a normative theory of the legitimacy of political regimes, and the former as a merely preparatory work for formulating that theory. In so doing, it does not only take the Second Discourse much more seriously. It also offers a more plausible answer to the question of why Rousseau would have bothered to propose such a sophisticated theory as the one contained in *The Social Contract* if he believed that domination was a pervasive characteristic of political regimes.

Instead of interpreting such an exercise as the formulation of a hyper ideal or even utopian model of legitimacy whose feasibility Rousseau naively promoted, according to this interpretation, he formulated that theory mainly for making the critique of domination under circumstances of willing compliance possible. Therefore, he did so regardless (and quite possibly being aware) of the fact that the model might very rarely or even never come true. Indeed, he pointed at a few examples of real-life republics –such as Geneva and Rome— that fit the model, but highlighting their exceptionality and their fragility, thereby making it clear that they were not easily reproducible experiences.[148] Since it was supposed to play the

[148] See the already quoted reference concerning this republics being the exception to the general rule that revolutions bring about oppression instead of precluding it, in: Rousseau, *The Social Contract*, Book II, Chapter 8, p. 50. Rousseau devotes most of Book IV of *The Social Contract* to the description of the institutions of the Republic of Rome, highlighting the republican strengths and virtues that had allowed them to persist for a while. In so doing, he seemed to be identifying what was needed for an already existent republic to last, and so to be giving advise to the still existent republics, notably Geneva. This does not weaken my interpretation of *The Social Contract* mainly as a relevant counterfactual to domination, as the exercise of unmasking domination that it attempted to achieve was also useful to real-life republics, not only to appreciate what they had but also for knowing they could lose it quite easily, as in fact it ended happening to Geneva.

different role of enabling the unmasking of oppressive but seemingly legitimate political regimes, it was enough to prove that such oppression needed not exist, by identifying the conditions under which it could cease (and in some cases had ceased) to exist.

Now, understanding *The Social Contract* in these terms does not imply concluding that the sole purpose of Rousseau's radical critique of domination was denunciation without any hope of transformation. The mere fact that he showed things could be different, along with his admission that they could exceptionally be made so through revolution, suggests that he was committed to making the possibility of freedom less utopian. By publicly exposing the condition of oppression of the subordinated and by demonstrating its artificiality, Rousseau clearly wanted to provoke their indignation. And the incisive and incendiary language he used for that purpose suggests that he did not believe they had to passively experience that indignation in their unavoidable condition of slavery. Instead, unsure of the precise way in which it could take place without conducing to oppression, yet knowing that such possibility was still open, Rousseau seemed to have wished to pave the way for a revolution that could really conduce to freedom.

He wanted to make people, and especially the oppressed, aware of their objective interests, and of the risks of manipulation and accommodation to which their preferences, beliefs and subjective interests could be submitted, especially in times of disorder. Since he knew these times were coming, he hoped to contribute to the revolutionary cause by reminding people that they could recover their freedom, precisely by showing them what their freedom truly entailed. Thus, he asserted that it was hard to subjugate those who truly want to be free.[149] And he warned against taking for freedom the unanimity and acclamation that tended to emerge in times of trouble.[150] He thus seemed to encourage people to remain

[149] Rousseau, Second Discourse, *Ob. Cit.*, Part Two, p. 77.
[150] Rousseau, *The Social Contract*, Book IV, Chapter 2, p. 125.

true to their objective interests and to avoid falling under the prey of despots, as well as of new seducers attempting to capture their revolutionary spirit for their private purposes. Hence, he seemed to advise them to seize the opportunity offered by the coming revolutionary times in order to bring about a truly emancipatory revolution, instead of reproducing through it new forms of oppression.

6. Concluding remarks: the inevitable conservative effects of radical critique

In this paper, I proposed to interpret Rousseau's theory of legitimacy and illegitimacy –as depicted chiefly in the Second Discourse and *The Social Contract*— as a radical critical theory of domination, clearly preceding modern theories of the sort. Even though this interpretation offers, in my view, a more plausible explanation of the purpose of Rousseau's theory, it obviously does not deny the problems and contradictions that it entails if it is thus understood.

Just like many of the theories it anticipated, the inspiration of the Rousseaunian critique seems to be found in a deep empathy with the least favored members of society –the poor, the weak, the oppressed— and in a sincere desire to vindicate their perspective and speak from it.[151] This explains the righteous anger and even disgust with which Rousseau talks about inequality and oppression as well as his critical stance toward an academy that tended to be functional to power. This empathy also explains his scholarly commitment to the goal of transforming power relations in society, even in the midst of extremely adverse circumstances and therefore with very low possibilities of success.

Despite these genuinely progressive intentions, Rousseau's theory ends up having quite conservative effects. As it is evident in the previous section, Rousseau adopts a very paternalistic and not so egalitarian stance towards the least favored. On the one hand, he

[151] On this, see Sklar, Judith, "Jean-Jacques Rousseau and Equality", *Daedalous* 107, No. 3 (1978), pp. 13-25.

problematically assumes that he is better suited for identifying the real interests of the oppressed. Whereas the latter are blinded by their dependency and cannot rationally identify what is best for them so in most cases they behave like a revolting mob, Rousseau believes he has the capacity to distance himself from the passions and interests of ordinary people, to see the truth about their oppression and to illuminate them about it. True, he does not believe himself to be capable of doing so because of affording a higher status to science or philosophy, as he clearly despised both and believed them to be at the origins of the problems of mankind.[152] But he still thinks of himself as a "unique" character, capable of seeing though the mechanisms of domination only because of his lack of attachments to society and his particularly empathic nature.[153] He thus seems to believe that, without his work, ordinary people would have a very hard time in understanding through reason their condition of oppression, if they were at all able to do so. Consequently, Rousseau talked for ordinary people and in their favor, while adopting a very pejorative view of them and of their capacities for reasoning under oppression and for struggling against it.

On the other hand, the radical critical nature of Rousseau's theory implies, like many other modern critiques of domination, that the possibilities for exercising freedom are very limited in society, and hence, that most forms of combating oppression and attempting to transform the status quo are worthless and even counterproductive. Indeed, since inequality and oppression are pervasive and men will always perpetuate them when given the chance, freedom will only exist in the very rare and probably brief moments in which they are not submitted to dependence and domination, and in which they can see and choose their objective interests.[154] In all other moments, political and revolutionary struggles aimed at

[152] See his First Discourse *On the Sciences and the Arts*, in Rousseau, *The Basic Political Writings*, *Ob. Cit.*, pp. 1-21. See also, among other references to the matter, Rousseau, Second Discourse, *Ob. Cit.*, Part One, p. 46.
[153] He explicitly said of himself: "I am not made like any other man that exists" (Rousseau, "Dialogues", in *Oeuvres Complètes*, *Ob. Cit.*, Vol. 1, p. 936, cited in and translated by Melzer, *Ob. Cit.*, p. 308).
[154] On this see supra footnote 128.

approaching that type of freedom without achieving it completely do not have any value, and may even work against the oppressed by making their chains heavier.

However, since the possibilities of exercising true freedom are so scarce and the necessities of the oppressed so appalling, these struggles may be all they really have to improve their situation. Hence, understanding which of those struggles best approaches the ideal of freedom and contributes more effectively to the transformation of power relations becomes an issue of the utmost importance. Even assuming that those struggles will never be able to completely subvert the order of things, some are certainly more propitious for laying the grounds for that goal. Hence, ruling them all out and putting them under the same category of vain efforts of transformation ends up contributing –even if unwillingly— to the perpetuation of the status quo in a much stronger way.