

John Rawls's Rousseau: From Realism to Utopia

Summary:

As a precursor of the Kantian concept of autonomy, Rousseau may be considered one of the main inspirations for John Rawls's *A Theory of Justice* and *Political Liberalism*. In his stated wish to round off the tradition of Locke, Rousseau and Kant, Rawls also cites *The Social Contract* as one of the sources for his theory of "well-ordered society", arguing that it opened the way for him to combine a contract-based theory of justice with a reflection on the "stability" of a just society. In *A Theory of Justice*, Rousseau's contractualism is instrumental in clarifying how the concept of *equality* is bound up with the concept of *liberty*. In this conference, I shall focus on the reading he outlines in his *Lectures on the History of Political Philosophy*, given to Harvard graduates and undergraduates between the second half of the 1960s and the second half of the 1990s. In these synoptic courses, Rawls ventures a bold interpretation of Rousseau in terms of "realistic utopianism". The result is a Kantian reading of the Second *Discourse* combined with an ultra-rationalist exegesis of *The Social Contract*, which in the end lay the conceptual foundations for *A Theory of Justice*.

What remains today of Rousseau's theory of political justice? As a precursor of the Kantian concept of autonomy, Rousseau may be considered one of the main inspirations for John Rawls's *A Theory of Justice* and *Political Liberalism*¹: "Kant's main aim is to deepen and justify Rousseau's idea that liberty is acting in accordance with a law that we give to ourselves"². The original position, which conceives of all people as morally free and equal, is indebted to Rousseau through Kant, who "sought to give a philosophical foundation to

¹ John Rawls, *A Theory of Justice*, Oxford: Oxford University Press, 1972 (Henceforth *TJ*); *Political Liberalism*, expanded edition, New York: Columbia University Press, 2005. In *Au prisme de Rousseau. Usages politiques contemporains*, Oxford, Voltaire Foundation, 2011, I devote a chapter to this updating of Rousseau in Rawls' major works. See also John C. Hall, *Rousseau. An Introduction to his Political Philosophy*, Plymouth: The Macmillan Press Ltd, 1973, pp. 140-146; Johnny Goldfinger, "Rawls and Rousseau's Political Projects: Two Sides of the Same Coin?", *Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 12, 2007*. <http://www.allacademic.com/meta/p197887_index.html>.

² *A Theory of justice, op. cit.*, p. 256.

Rousseau's idea of the general will".³ In his stated wish to round off the tradition of Locke, Rousseau and Kant, Rawls also cites *The Social Contract* as one of the sources for his theory of "well-ordered society", arguing that it opened the way for him to combine a contract-based theory of justice with a reflection on the "stability" of a just society⁴. In *A Theory of Justice*, Rousseau's contractualism is instrumental in clarifying how the concept of *equality* is bound up with the concept of *liberty*; it accounts for the formation of the motives that will enable institutions to survive in the long term. Rawls does not merely fasten onto Rousseau's idea that the "basic structure" of society lies in its economic, social and political institutions: he partly situates in *Émile* the origins of his own theory of the "sense of justice" (which enables reasonable agents to understand and follow principles of justice).⁵ Far from being a source of totalitarianism or a gravedigger of liberty, as he was depicted in a certain Cold War liberal tradition,⁶ Rousseau thus appears as the advocate of a just and stable society, conceived as the essential prerequisite for true freedom. For the first time in history, he appears as a forerunner of political liberalism⁷.

But one needs to be clear as to *which* Rousseau is an ally in Rawls' critique of utilitarianism. I shall therefore focus on the reading he outlines in his *Lectures on the History of Political Philosophy*, given to Harvard graduates and undergraduates between the second half

³ *Ibid.*, p. 264.

⁴ On the contractualist interpretation of Rousseau, presenting him as a liberal, see B. Barry, *Political Argument*, Berkeley: University of California Press, 1965 (reed. 1990); J. C. Hall, *Rousseau. An Introduction to his Political Philosophy*, *op. cit.*

⁵ *TJ*, §69, p. 462.

⁶ See especially Isaiah Berlin, *Freedom and Its Betrayal*, ed. by Henry Hardy, London: Pimlico, 2003, pp. 27-49; J. L. Talmon, *The Origins of Totalitarian Democracy*, London: Secker & Warburg, 1952; L. Crocker, *Rousseau's Social Contract. An Interpretative Essay*, Cleveland: The Press of Western Reserve University, 1968.

⁷ « This concept of justice [as fairness] is closely related to the theory of the social contract; in particular there are close similarities, as I have only recently come to realize, to Rousseau's concept of the general will in *Le Contrat social* » (J. Rawls, « Constitutional Liberty and the Concept of Justice », *Nomos VI: Justice*, C. Friedrich and J. Chapman eds., Atherton Press, 1963, p. 100, n. 1).

of the 1960s and the second half of the 1990s.⁸ In these synoptic courses covering the period from Hobbes to Marx (taking in Locke, Hume and Mill and a few variants),⁹ Rawls ventures a bold interpretation of Rousseau in terms of “realistic utopianism”. The result is a Kantian reading of the Second *Discourse* combined with an ultra-rationalist exegesis of *The Social Contract*, which in the end lay the conceptual foundations for *A Theory of Justice*.

I. A Kantian reading of the state of nature: the two figures of self-love

Rawls devotes several masterful lectures to Rousseau, who is presented as a turning-point in modern political philosophy after Hobbes, Locke and Hume. He does not conceal his admiration for *The Social Contract*, presenting it as the key work in French, comparable in significance to the *Leviathan* in English. The work is indeed unequaled in its combination of speculative power and literary talent.¹⁰ Rawls’ account sticks to two fundamental texts: the *Discourse on Inequality* and *The Social Contract*. His course naturally had to fulfill the pedagogic function of introducing Rousseau’s political thought to students, within the wider framework of an introduction to modern political philosophy. Therefore, the sequence from the second *Discourse* to the *Social Contract* is reduced to a sketch – one of the aims of the course being to resolve the apparent contradiction between the pessimistic picture of social oppression in the first text and the utopian optimism in the second.

⁸ John Rawls, *Lectures on the History of Political Philosophy* [henceforth *Lectures*], ed. by S. Freeman, London: Belknap Press of Harvard University Press, 2007, pp. 140, 152, 155. The text was also intended as a historical introduction to Rawls’ *Justice as Fairness: a Restatement* (London: Belknap Press, 2001).

⁹ See John Rawls, “Some Remarks about My Teaching”, quoted in “Editor’s Foreword”, *Lectures*, pp. xii-xiv.

¹⁰ *Lectures*, p. 191.

The first striking point concerns Rousseau's vision of the state of nature. Mainly inspired by the study of Dent, Rawls distinguishes between two senses of self-love: a broad *desire for recognition*, and a narrower *desire for preferences*. The bare concept of *amour-propre* is simply the demand for recognition and acknowledgment as a being of intrinsic worth. Whilst this demand may be manifested as a desire to prove one's worth by establishing one's superiority over others and eliciting their admiration and esteem, this is not the only form it can take. There is also, according to Dent, a "positive and constructive" form of *amour-propre*, which can be opposed to the "competitive" and "aggressive" one¹¹. This is not a minor distinction: its effect is to highlight, beneath the corrupt self-love geared to exclusive preferences, a natural self-love which pursues equal recognition of our needs and desires. This original self-love, unlike the corrupted form, is compatible with equality and reciprocity. Rawls is aware that he holds a "strong" interpretation, which "rescues" the consistency between Rousseau's two major works¹²: if it is the case that only the second figure of self-love has been perverted, then the politics of the *Social Contract* can tally with the anthropology of the second *Discourse*. Since self-love originally involves a desire for equality, since it is compatible with reciprocity and does not necessarily degenerate into vanity, scorn and envy, it can be the foundation for a well-ordered society.

This interpretive choice reveals a deeper commitment to a Kantian reading of Rousseau¹³. In order to justify his interpretation of self-love, Rawls hinges on a passage in

¹¹ N. H. Dent, *Rousseau*, Oxford: Blackwell, 1988; New York: Routledge, 2005, chap. 3 and *A Rousseau Dictionary*, Oxford: Blackwell, 1992, pp. 33-6; J. Cohen, "The Natural Goodness of Humanity", in *Reclaiming the History of Ethics, Essays for John Rawls*, A. Reath, B. Herman and C. Korsgaard eds., Cambridge: Cambridge University Press, 1997, pp. 102-139; F. Neuhouser, "Freedom, Dependence, and the General Will", *Philosophical Review*, July 1993, pp. 376ff., and more recently *Rousseau's Theodicy of Self-Love: Evil, Rationality, and the Drive for Recognition*, Oxford: Oxford University Press, 2008.

¹² See N. H. Dent, *Rousseau, op. cit.*, 2005, p. 71.

¹³ This reading is very different from other kantian readings of Rousseau, such as Ernst Cassirer's or Andrew Levine's (*The Politics of Autonomy. A Kantian Reading of Rousseau's Social Contract*, Amherst, U.M.P., 1976).

which Kant distinguishes between a natural desire for equality and cultural (“diabolical”) vices associated with competition.¹⁴ Kant speaks here of a human predisposition to self-love, in the sense that man can consider himself happy or unhappy only in comparison with others. This generates a wish to acquire value in regard to others, which is itself initially a desire for equality, a wish not to be dominated or surpassed, but which gives rise to an unjust desire to gain superiority over others. Envy and rivalry appear in this way, and the greatest vices are grafted onto these negative passions.

Rawls applies this distinction to the Second *Discourse*: corrupt self-love is not grounded in human nature; rather, it is a consequence of corrupt social relations, which accounts for the genealogy of cultural vices. It will also have decisive consequences for Rawls’ interpretation of *The Social Contract*, where his scant attention to Books Three and Four reveals his disregard for the *work of history* (the continuous striving of the particular will, the government’s natural tendency to degenerate and usurp sovereignty). Yet the desire for preference remains at work in the *well-ordered society*. By omitting the remaining tension between particular will and general will, Rawls therefore leaves out one of the main driving forces of *The Social Contract*, that makes it something other than a utopian fantasy: namely, its remarkable way of handling the issue of evil in history.

In Rawls’s *Lectures*, this Kantian vision of Rousseau, supported by Cassirer’s exegetical work, provides the ground for an optimistic reading. Underlying his analysis is an *a contrario* argument that, unless self-love is interpreted as an original desire for equality, rather than superiority, Rousseau’s vision would be profoundly pessimistic, and the City of the Contract completely utopian. Thus, the project of a just and stable society would fall apart unless the desire for equality has its roots in human nature. The analysis in *The Social*

¹⁴ *Lectures*, pp. 199-200. See Kant, *Religion within the Boundaries of Mere Reason*, Cambridge: Cambridge University Press, 1998, p. 51.

Contract keeps this premise in mind: its well-ordered society is not a mere utopia but a “realistic utopia”.¹⁵ After Judith Shklar, Rawls doesn’t think that the commonplace contrast between “realism” and “utopianism”, as one between the practical and the impossible, is relevant¹⁶. Yet he doesn’t restrain utopia to a “device for condemnation”¹⁷: the ideal provided by the *Social contract* is not only the present political order reversed; rather, it has a true normative value. In *The Law of Peoples*, Rawls will describe his “ideal theory” as an account of the world which is *utopian*, in so far as it does not reflect existing social arrangements but envision them as they ought to be, and *realistic* in so far as it does not contravene anything we know about human nature.¹⁸ Following Rousseau’s opening thought in the *Social Contract*, Rawls will assume “that his phrase ‘men as they are’ refers to person’s moral and psychological natures, and how that nature works within a framework of political and social institutions”.¹⁹ To say that *human nature is good* (a proposition that Rawls himself endorses) therefore means that citizens who grow up under just institutions will act to make sure that their social world endures. Thanks to Rousseau, we know now that “the limits of the possible in moral matters are less narrow than we think” (*SC*, II, 12.).

II. From individual liberty to personal freedom: a reassessment of the general will

In this context, Rawls’ subsequent demonstration aims to show that the principles of justice operating through the mechanism of the general will are perfectly compatible with

¹⁵ *Lectures*, p. 193.

¹⁶ J. Shklar, *Men and Citizens. A Study of Rousseau’s Social Theory*, Cambridge: Cambridge University Press, 1969, p. 2.

¹⁷ *Ibid.*, p. 8.

¹⁸ See again J. Cohen, “The Natural Goodness of Humanity”, art. cit.

¹⁹ J. Rawls, *The Law of Peoples*, Cambridge: Harvard University Press, 1999, p. 7.

human nature and man's "fundamental interests", provided that these are also reflected in the "basic structure" of society and the legislator's work.

As far as the contract is concerned, Rawls first based himself on Joshua Cohen's situating of Rousseau's theory within a rational choice paradigm (the one that Rawls himself adopts in *A Theory of Justice*).²⁰ The contract specifies the terms of the cooperation to be enshrined in the institutions of society. Such cooperation in no way sacrifices the interests of the members of society: on the contrary, the idea is to enable each person's "fundamental interests" to be satisfied as well as possible, that is, in a way that is both reasonable and rational. This distinction between *the rational* (referring to instrumental rationality, structured in accordance with interests or preferences) and *the reasonable* (including a disposition to equitable cooperation) is crucial: it accounts for the union of interest and justice in the category of "fundamental interests", which are not the interests of actual individuals as they are in a society corrupted by inequality, but the natural interests of man.²¹ In contrast to Hobbes, Rousseau does not identify these interests with the drive for self-preservation and acquisition, nor does he identify them with property (goods, life and liberty), in contrast to Locke. According to him, both *amour de soi* and *amour-propre* can find optimal expression in society, not in the sense that individuals can achieve the maximum of well-being (Rawls excludes such a possibility), but in the sense that both freedom and perfectibility (on the *amour de soi* side) and the egalitarian desire for recognition (on the *amour-propre* side) can develop within it.²² Society based on the social contract promotes the blossoming of the intellectual and moral capacities specific to humanity. It enables people driven by

²⁰ See J. Cohen, "Reflections on Rousseau: Autonomy and Democracy", *Philosophy and Public Affairs*, Summer 1986, esp. pp. 276-9 (and now his recent *Rousseau: A Free Community of Equals*, Oxford: Oxford University Press, 2010). On neo-contractualist readings of Rousseau, see L. Pezzillo, *Rousseau et le Contrat social*, Paris: Presses Universitaires de France, 2000, pp. 40-53; *Modernités de Rousseau*, C. Spector ed., *Lumières*, n° 15, June 2010 (esp. the contribution by C. Girard).

²¹ *Lectures*, p. 226.

²² *Ibid.*, pp. 217-8.

uncorrupted self-love to find satisfaction, while allowing others what they wish for themselves. Finally, it encourages people to accept the necessary restrictions required by social life, so long as others consent to them too. Unlike in Hobbes,²³ the *mutual* and *reciprocal* character of social cooperation is thus rooted in man's original predispositions.

The consequence of this move is both interesting and problematic: in Rawls, Rousseau's politics is incorporated and translated into a new terminology. For instance, it is now because all the agents have an equal capacity for and an equal interest in liberty (understood as a capacity to act freely for "valid reasons", according to what they think best in terms of their own ends) that the social contract offers them the best possible – the most rational and the most reasonable – solution.

In his *Lectures on the History of Political Philosophy*, Rawls thus takes a strong stand against the liberal anti-totalitarian reading of Rousseau. In his view, the "problem" addressed in the *Social Contract* is how *not* to sacrifice our freedom – how to satisfy our fundamental interests under conditions that provide for the development of our civil and moral freedom. Rousseau's solution is encapsulated as follows: given the fact of social interdependence, a form of association must be sought in which it is both reasonable and rational for equal persons driven by *amour de soi* and *amour-propre* to consent to it. Hence the contract by no means supplies the premises for a totalitarian society; the "total alienation" of the agent to the community, along with all her rights, does not presuppose the sacrifice of her interests or the complete regulation of social life. All that is required for the stability of society is a "sense of justice", which is a capacity to understand and to follow the principles of justice

²³ *Ibid.*, pp. 87-7, and cf. p. 66.

based on the contract.²⁴ This dimension was missing in Hobbes' analysis, whereas Rousseau, without resorting to a Lockean "natural law", offers the best way of conceiving it.

Political liberalism can therefore lay claim to the authority of Rousseau. Rousseau's definition of autonomy, as obedience to law that one has laid down oneself, is at the heart of modern political theory. Rousseau understood that dependence on society is required, but that dependence on any other people gives rise to servitude. Only total dependence on the body politic makes it possible to escape dependence on particular agents.²⁵ In this view, in establishing equal conditions and equal respect for all, the contract is far from being an unnatural device; it corresponds to the fundamental human yearning for autonomy. Consequently, the resulting society does not frustrate individual interests; rather, it corresponds to the fundamental interests of the individual as a *person*. Conversely, citizenship in society makes it possible to pass from instinct to morality, forming human beings with the capacity to obey the laws that they institute for themselves.²⁶ Not only does the social compact provide the essential social background conditions for civil freedom ("assuming that fundamental laws are properly based on what is required for the common good, citizens are free to pursue their aims within the limits laid down by the general will"²⁷); it accounts for our moral freedom, since the general will is our own will, our true will. In this context, the fact that "each of us puts [into the community] his person and all his power in common under the supreme direction of the General Will" does not entail either that we dissolve into an organic whole or that we give up our true *individual* freedom; it means that we give ourselves the capacity to fulfill our *personal* freedom.

²⁴ *Lectures*, p. 219.

²⁵ *Ibid.*, p. 222.

²⁶ *Ibid.*, p. 219.

²⁷ *Ibid.*, p. 235.

In this powerful line of interpretation, Rawls implicitly discusses Judith Shklar's influential reading. For Shklar, the general will pursues "nothing but a hard personal interest", even if it is an interest that all citizens share. Nor is its content vague: it always tends to equality. In other words, the general will "is general because the prevention of inequality is the greatest single interest that men in society share, whatever other ends they might have"²⁸. It pursues the interest of man in general against those "particular" wills which lead men to seek privileges. Finally, the general will is the will of "man in general", a will to impersonality and to fairness towards all.²⁹

Yet Rawls brings back into the picture the constructivist and procedural dimension of the general will: the notion of a general will is based upon deliberation among individuals, conducted under conditions of fairness (the general will "should come to all and apply to all", *SC*, II: 4). For sure, the general will is understood as abstracted from any particular determination or interest; that is why the general will wills justice: "the idea of justice, which the general will produces, derives from a predilection we each have for ourselves, and thus derives from human nature as such".³⁰ As in Shklar, it wills equality first, because of the nature of our fundamental interests, including our interest in avoiding the social conditions of personal dependence (equality is necessary for liberty). But *pace* Shklar, it cannot be conceived without an institutional background: "only reasons based on the fundamental interests we share as citizens should count as reasons when we are acting as members of the

²⁸ See Judith N. Shklar, *Men and Citizens*, *op. cit.*, p. 169 and her article in *Dictionary of the History of Ideas* (P. Weiner ed., New York: Scribner's, 1973). Rawls also cites Patrick Riley, *The General Will before Rousseau*, Princeton: Princeton University Press, 1986. For a thorough discussion of both views, see S. Affeldt, "The Citizen as Legislator: The Conversation of Constitution in Rousseau's *The Social Contract*", in *Constituting Mutuality: Essays on Expression and the Bases of Intelligibility in Rousseau, Wittgenstein and Freud*, PhD, Dissertation, Harvard, 1996 and "The Force of Freedom: Rousseau on *forcing to be free*", *Political Theory*, vol. 27, n° 3, June 1999, pp. 299-333.

²⁹ *Ibid.*, p. 191.

³⁰ *Ibid.*, p. 232.

Assembly in enacting constitutional norms or basic laws”.³¹ The fundamental interests take absolute priority over our particular interests when we vote for fundamental laws, and consider basic political and social institutions. In turn, these institutions will secure the social conditions necessary to realize our fundamental interests, on terms all would agree to.

Meanwhile, Rawls sketches an ultra-rationalist reading of the general will.³² The general will rely on a certain set of *valid reasons*; and what citizens deem to be valid reasons for their political decisions are the measures that optimize the common good. A little later, the *Lectures* will define the general will from the point of view of “public reason”. To vote in accordance with the general will means to accept as valid only a certain kind of reasoning in public deliberation, the kind that corresponds to Rawls’ own conception of public reason.³³ Building on these premises, the fact that the general will is always *straight, constant, unalterable* and *pure* does not make it either a transcendent idea or a dictate of the sovereign power: the general will is conceived as a form of deliberative reason exercised by each citizen; it is what remains after we take away the particular interests which incline us to partiality.³⁴

Finally, Rawls makes it clear that Rousseau’s analysis of the relations among justice, equality and freedom inspires his own theory of justice as fairness. Regarding the thesis that the particular will naturally tends toward preferences, whereas the general will tends toward equality (*SC*, II:1), he contends that “this remark of Rousseau’s is an ancestor of the first reason why, in justice as fairness, the basic structure is taken as the primary subject of justice.”³⁵ The whole of his ensuing demonstration confirms the main interpretative guidelines analyzed above: the principles of justice are based on the contract; the contract

³¹ *Ibid.*, p. 230.

³² For an alternative reading, see B. Bernardi, *La Fabrique des concepts. Recherches sur l'invention conceptuelle chez Rousseau*, Paris: Champion, 2007, pp. 505-537 and G. Radica, *L'Histoire de la raison. Anthropologie, morale et politique chez Rousseau*, Paris: Champion, 2008, pp. 198-228.

³³ *Lectures*, p. 231. See also *Political Liberalism*, *op. cit.*, pp. 448f.

³⁴ *Ibid.*, p. 227.

³⁵ *Ibid.*, p. 234. Rawls makes reference here to his *Justice as Fairness*, *op. cit.*, §§ 3, 4, 15.

implies that certain values have to be realized in the basic structure of society; and, in a well-ordered society, the interest in freedom and the interest in perfectibility³⁶ are part of a people's fundamental interests.

III. The lawgiver

Yet it might be objected that Rousseau's theory of the lawgiver provides evidence of his authoritarian, or even totalitarian, tendencies. Surprisingly, however, far from fearing that Rousseau's republicanism is destructive of freedom, Rawlsian political liberalism exonerates him of any such charge.³⁷ For Rawls, the legislator who dares to set about constituting a people is by no means the same as a demiurge creating a "new man" from scratch. The lawgiver makes it possible to express the social nature of human beings, and brings them to recognize the fundamental interests they have in common. Citing the controversial section of *The Social Contract* on the need to transform human nature (II: 7), Rawls debunks the liberal "anti-totalitarian" interpretation.³⁸ The wish to shape human beings in conformity with the goals of society appears sound, since there really is a need to face the critical issue of stability in the just society, and therefore to shape the *social spirit* necessary for the institutions that apply its principles to survive in the long term.

In his comment, Rawls hence pays a fine tribute to the "extraordinary" section in *The Social Contract* that used to fill liberals with such dread. Aware that the powers we acquire in society can be used only in society, and only in cooperation with the powers of others,

³⁶ This argument seems problematic indeed: how can I have a before-the-fact interest in becoming better than I am? I thank Rafeeq Hasan for this helpful suggestion.

³⁷ Michael Sandel does reproach him with this, mainly because of the spirit of unanimity that Rousseau postulates for his City. See *Democracy's Discontent. America in Search of a Public Philosophy*, Harvard: Harvard University Press, 1996, pp. 319-20.

³⁸ On the indictments levelled by Berlin, Talmon and Crocker, we would refer the reader to Chapter Two of our forthcoming *Au prisme de Rousseau*.

Rousseau presents the legislator as the founding and mediating figure that comes forward at the moment required by society.³⁹ There is nothing mysterious about this, nor anything destructive of freedom. To illustrate his point, Rawls even takes the example of the principles of equality, liberty and tolerance that were established at the end of the European religious wars. Far from infringing the liberty of human beings, the legislator enabled it to become effective; and, in the historical sequel, the initial act of persuasion gave way to a stable balance of institutions: these political institutions were able to shape the people who would subsequently preserve and defend them.⁴⁰

As far as the social contract, the theory of the general will or the fiction of the legislator are concerned, Rawls' analysis thus overturns the anti-totalitarian reading of Rousseau, which condemned him for wanting "to force men to be free".⁴¹ In Rawls' view, once this phrase is placed in context, it gives no cause at all for indignation. On the contrary, it amounts to a commonsense notion that lies at the heart of a properly conceived theory of justice: if laws lacked the coercive power to command obedience, some people would be able to operate in society as "free riders", enjoying its benefits without making any contribution of their own. The point is that, if people could enjoy their rights without fulfilling their duties, this would undermine the conditions for mutually advantageous cooperation and thereby compromise the liberty of all. Moreover, to force a recalcitrant individual to discharge public obligations while enjoying social benefits is in effect to *make him free*, where what is at issue is a moral freedom that goes beyond satisfaction of the

³⁹ *Lectures*, p. 240.

⁴⁰ *Ibid.*, p. 241.

⁴¹ *Ibid.*, pp. 242-3. On the uses that the "humanist" republican tradition associated with Luc Ferry and Alain Renault, and, in a different register, with Tzvetan Todorov, have made of the passage in question, see J. T. Scott and R. Zaretsky, "Rousseau and the Revival of Humanism in Contemporary French Political Thought", *History of Political Thought* 24/4, Winter 2003, pp. 599-623.

instincts and reaches true self-mastery. Once again, Rawls follows closely Dent's interpretation: the concept of moral liberty enables us to understand Rousseau's claim that agents are as free after the contract as they were before it (albeit in radically different ways): to force agents to be free is to remove them from relations of domination and subordination and to place them in relations of mutual respect.⁴²

IV. From liberty to equality: the principle of difference

There is another aspect of Rawls' claims about Rousseau. Overall, the liberal philosopher finds in him a major ally in his critique of utilitarianism. The "common good" that is the object of the general will concerns the social conditions underpinning the people's common interests; the aim in question here is not "the greatest happiness of the greatest number", even at the price of sacrificing some members of society. Rawls recalls the passage in the *Discourse on Political Economy* that refuses to accept the sacrifice of a single innocent person for the security of the mass. Rather, the body politic is "under an engagement to provide for the preservation of the humblest of its members with as much care as for all the others".⁴³ Anticipating and rejecting the arguments of utilitarianism, Rousseau maintains that the fundamental laws of society do not rest upon a principle of interest aggregation; his distinction between "general will" and "the will of all" involves a refusal to see the common interest as a sum of individual interests. The freedom of some cannot be subordinated to the happiness of others. Voting on the fundamental laws of the State means expressing one's

⁴² N. H. Dent, *Rousseau, op. cit.*, 2005, chap. 5.

⁴³ Rousseau, *On the Social Contract with Geneva Manuscript and Political Economy*, New York: St Martin's Press, 1978, p. 220. See *Lectures*, pp. 229-30.

opinion about the laws that will best establish the social and political conditions for everyone to advance, on a basis of *equality*, their shared fundamental interests.

For Rawls, then, Rousseau is fully part of the liberal tradition:⁴⁴ in *The Social Contract*, the “basic structure” of society is there to ensure both liberty and equality, the latter aim bolstering the former. This is why Rawls chooses Rousseau, rather than Locke, as his main reference (with Kant) for contractualist theory. Not only does his thought not endanger liberty: it conveys the idea that the reduction of social-economic inequalities is its indispensable foundation.

Finally, the *Lectures on the History of Political Philosophy* draw on Rousseau for the arguments justifying the Difference Principle. Since social inequalities give rise to dependence, fueling arrogance and scorn on one side, and servility and deference on the other, they must be fought in so far as they do not strictly contribute to public utility. On this point, Rousseau already argued that social and economic inequalities should be limited, to ensure the conditions under which citizens can be independent and the general will can achieve adequate expression: “does it follow that it [inequality] must not at least be regulated? It is precisely because the force of things always tends to destroy equality that the force of legislation ought always to tend to maintain it”.⁴⁵ Rawls takes this remark as inspiration for his reasoning why the basic structure of society is the primary subject of justice. The difference principle can find justification here, while assisting the principle of the maximization of equal liberties for all; the limitation of inequality is required to ensure the conditions for liberty, but also the conditions for the highest level of *equal respect*. It is thanks to limits on social and economic inequality that citizens think of themselves as really equal;

⁴⁴ This view is widely disputed: see, for example, Pierre Manent, *An Intellectual History of Liberalism*, Princeton: Princeton University Press, 1994, ch. 5.

⁴⁵ *SC*, II:11, see *Lectures*, pp. 246-7.

they are endowed with the same fundamental interests in ensuring liberty and pursuing their goals within the limits of the law, and with the same capacity for moral freedom. Rousseau's true originality is most apparent in this social dimension of his doctrine, which draws out the necessity of an *equal respect* to which material equality is supposed to be instrumental.⁴⁶ Again, Rawls line of interpretation is thus partial: in *Émile* and in his *Constitutional Project for Corsica*, Rousseau relates the necessity of relative material equality to the necessity of fulfilling all basic human needs. This moral and political maxim arises out of compassion, regardless of respect: "*il faut que je vive*"⁴⁷.

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Can Rousseau be saved from the liberal anti-totalitarian critique? This is one of the intentions underlying Rawls' new approach to his work. In Rawls' view, *The Social Contract* develops a non-utilitarian theory of justice in which the common good results from seeing oneself as a member in a cooperative enterprise, rather than from incremental addition; it conceives of the well-ordered society as protected from the relations of dependence and domination that would endanger its stability. For these reasons, Rousseau is fully part of the liberal, egalitarian tradition into which *A Theory of Justice* is itself inserted. After all, Rousseau's conception of justice in the *Social contract* is a freestanding view (not justified in terms of any particular religious or moral perspective); it is also a political conception of justice.

There is a risk, however, that in trying to paint Rousseau as a modern liberal one might distort his thought. In a sense, the special use that Rawls makes of Rousseau in *A*

⁴⁶ *Ibid.*, pp. 247-8.

⁴⁷ *Emile*, OC IV, pp. 467-468. J. Cohen also fails to notice this argument ("The Natural Goodness of Humanity", art. cit.)

Theory of Justice is already contained *in nuce* in his *Lectures*. In his Kantian interpretation, Rousseau's positive vision of self-love prior to its corruption makes it possible to reconcile interest and justice, instrumental rationality and higher social goals. But Rousseau never thought that the tension between the particular will and the general will could be definitively overcome, or that the stability of society could be established once and for all on the ruins of the particular will. Rousseau's interest in mores (*mœurs*) and the "law of opinion" goes beyond any attempt to formalize the principles of justice and the legal institutions that would implement these principles. To take men *as they are* means to take into account their passions and beliefs, which cannot be reduced to their higher-order interests. In his *Constitutional Project for Corsica* and in his *Considerations on the Government of Poland* (two works Rawls never mentions), Rousseau suggests institutional and moral devices to reshape human passions. To be sure, love of country is the end citizens should pursue; it can never be reduced to any reasonable and rational interest. In the *Social Contract* itself, citizens are not only motivated by their desire for freedom and perfectibility (which is unknown to them before the compact); they are primarily motivated by their desire to survive and to retain their agency. Yet after the society is born, the object of this desire becomes the motherland – an expansion of *amour de soi* to encompass the enlarged self of the country. The emphasis is put on a national solidarity, an attachment to a distinctive way of life, and on demanding requirements of civic virtue.⁴⁸

So, Rawls can further his ends only by painting Rousseau with a particular, partly deformed, face in order to make an ally against the utilitarian mainstream. It is a Rousseau

⁴⁸ In *Rousseau: A Free Community of Equals*, J. Cohen tries to reconcile this "communitarian" line with the "liberal" strand of Rousseau (*op. cit.*, introduction).

without passions, a Rousseau without tensions, who lays bare the depravities of society in order to offer a more rational path to a “realistic utopia”.⁴⁹

⁴⁹ J. Rawls, *The Law of Peoples*, *op. cit.*, pp. 11f. For a discussion of this work, see G. Roosevelt, “Rousseau versus Rawls on International Relations”, *European Journal of Political Theory*, 5 (3), 2006, pp. 303-22.