

Social Contract Part 2

Book 1, Chapter 5: That we must always go back to a first convention

“Subduing a multitude” is different from “ruling a society.” The former is an aggregation, the latter an association.

Rousseau is, at least, differentiating between these two cases.

An empire based on slavery dissolves upon the death of the tyrant.

This is perhaps overly optimistic, or overly gentle in its judgment of various empires that have existed over the years.

One of the advantages of the natural law approach of Locke is that it distinguishes between power exercised and power in principle that can be exercised. Most governments in history admitted to no principled limits on their power—the limits were material, not philosophical. If we went back in time and handed the modern surveillance state to some random historical empire, that empire would use those resources to exercise more control over their subjects.

Grotius says a people can give itself to a king—therefore the people existed first. “What makes a people?” is the more appropriate question. Majority rule must be based on convention, which “presupposes unanimity, on one occasion at least.”

This is moderately reasonable but seems to try to steal a base in implying that “a people” must be a consistent, long-term establishment, and not a temporary alliance of people with temporary common interests. Cultural similarities can grow or shrink over time, and there is no force that binds “a people,” even from simply becoming “two peoples” with the same identical cultures. Government need not centralize all people who share some particular language, culture, etc., and a limited government (limited *in principle*) is also capable of governing groups consisting of multiple “peoples” voluntarily and serving all of their interests, so long as the limits on that government do not touch the areas where those peoples disagree.

Book 1, Chapter 6: The social compact

Eventually man collectivizes because the costs of self-preservation in the state of nature become greater than each individual’s ability to pay.

This is not a problem, and can be done voluntarily and temporarily. We will find instead that Rousseau tries to push this to the limit of unlimited power and permanence. That is another case of Rousseau trying to steal a base.

Therefore man aggregates force and liberty into “a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.”

As we will see in a minute, the “obey himself alone” line is just not true, in Rousseau’s conception.

The nature of the act of aggregation determines the form of the contract absolutely.

This is an attempt to (falsely) confuse Rousseau's social contract with natural law.

Locke is deliberately vague about the terms of natural law, but not their proper structure. Recall: natural law, or the law of reason, are laws that man cannot help but affirm by way of his action. This sounds like a description of synthetic a priori knowledge, and I note that Mises's form of liberalism was largely built upon an elaboration of syn. a priori knowledge from the action axiom, although Mises wasn't a natural law advocate.

The point is that Locke's description of natural law fits in with what Mises derived later. The laws of praxeology would count for Locke as laws that man cannot help but affirm. Maybe Locke's natural law contains more than the framework Mises derived, and maybe both of them made some mistakes, but the match in form leads to the implication that Locke's concept of limited government was closer to determined than the hand-waving that Rousseau engages in here.

“the slightest modification would make them vain and ineffective”

I had to give this part a double-take. This sounds good, but Rousseau isn't talking about a government overstepping its boundaries; he is talking about how strictly determined the contract he will give below must be.

“as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others.”

“Man as he really is,” huh? Of course, there will always be some for whom making things burdensome for others is interesting. Business competitors, for instance, lead to regulatory capture. Consider also Ch. 10 of Hayek's *Road to Serfdom*: [Why the Worst Get on Top](#)

“there is no associate over whom he does not acquire the same right as he yields others over himself”

The Iron Law of Oligarchy is a fairly good counter to this. See [this book chapter](#) by Thorsten Polleit, or any other good discussion of this Law as it applies to politics.

One of the problems with the “rights” framework is that people love to sneak in their pet ideas under the idea of rights. We end up with a mishmash of internal contradictions and start to have to judge “competing” rights. Rousseau is creating such a mishmash here: one cannot have an absolute right over himself if the State also has that right. My right to control my body cannot rest 100% in my hands as well as 100% in the hands of every other person. We need to start breaking down the limits of such control into smaller categories, i.e. “if my movement of my hand will bring it into vigorous uninvited contact with another person, I may not proceed with that act.”

One philosopher who spent a lot of time and effort trying to re-formulate the philosophy of liberty into a non-rights-based framework is Anthony de Jasay. He's worth a look if you haven't ever read any of his stuff. I read *Social Justice and the Indian Rope Trick*, which was about a different topic, but was interesting and thought-provoking. I have his book *The State* in my pile, too. He's a bit opaque and wordy but does get at some interesting philosophy.

“Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.”

This is it; this is the Social Contract. Note how it is totally unlimited in what it may command, and how it operates from the direction of the “general will,” which is a weasel phrase that can be twisted into anything.

There is, of course, no reason that every form of government must claim absolute authority on the basis of something as nebulous as the “general will.”

There is, of course, no way to determine the contents of the “general will.” It will always come to some oligarchy to make those decisions.

There is, of course, no principled limits to the power of the State “under the supreme direction of the general will.” It’s not even limited to the powers that the men collected under the State possessed before joining, as in Locke.

There will be more discussion of the general will in Book 2.

“this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will.”

False identification of State as person in order to ease the metaphor of general will

False equivalence (“moral and collective body”) of State policy with morality, which has devastating consequences to incentives

The fictional body gains a very real will, which shall be used by the most power-hungry in the association against all the others

There’s no reason to pretend the State is a “person.” The State is a collection of people performing certain acts under the cover of moral duplicity accorded to the State, by way of threat of force or propaganda. To pretend the State is a person is to shift the target of anyone attempting self-defense against tyranny from an existing person or group of persons to a phantom; it is an attempt to use a shadow puppet to make tyrants safer.

Definitions: Republic/body politic; State (passive); Sovereign (active); Power (comparison); people/citizens/subjects

Well, at least we got a few clear definitions right at the end.