

Part 3: Book 1 Conclusion; Chapters 7-9

Book 1, Ch. 7: The Sovereign

Citizens/members of the body politic are bound in a double capacity: as a member of the Sovereign, bound to the individuals, and as an individual, bound to the Sovereign. It is not an empty binding to oneself.

The Social Contract is not a New Year's Resolution, basically.

But seriously, this kind of high-sounding separating of man into parts which separately bind and are bound to or with different things is just a way to confuse and obfuscate what's actually happening: A group of people are binding another group, while professing that they are one and the same.

There can be no binding of the Sovereign by/to itself, since such self-bindings are meaningless.

“...it is consequently against the nature of the body politic for the Sovereign to impose on itself a law which it cannot infringe.”

No limits on the powers of government, up to and over what limits are prescribed by moral philosophy, the powers originally held by the men who have joined together, etc.

Neither body politic nor Sovereign can do anything derogatory to the original act, i.e. “to alienate any part of itself, or to submit to another Sovereign.”

The former part of this means that a person's binding to the State is permanent and irrevocable. Combined with the unlimited power of the State, this is not materially different from slavery.

The latter part is basically Locke's proviso that a State which surrenders itself to a foreign conqueror is dissolving itself.

Any offense against a member is also an offense against the body.

No revolution, no fiery protest. Only submission.

“...the Sovereign, being formed wholly of the individuals who compose it, neither has nor can have any interest contrary to theirs; and consequently the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members.”

Pseudo-philosophical nonsense. Members of the Sovereign can have interests contrary to others, and act upon them, by subterfuge of various types.

No Bills of Rights, no Rights of the people.

The use of the phrase “all its members” is a sidestep. Nobody thinks that tyrants are trying to hurt themselves; we think they are trying to live at the expense of other members of the society from which they have usurped power.

“We shall also see later on that it cannot hurt any in particular.”

This is just false and silly. A kind of “stop hitting yourself” of political philosophy. Rousseau doesn’t put the argument here because he recognizes that he needs to obfuscate and muddle things more before he can get his reader to make this illogical leap.

“The Sovereign, merely by virtue of what it is, is always what it should be.”

A reductive and dangerous moral philosophy. One of the reasons mankind has looked for and frequently praised [self-consistent moral philosophy](#) is because it helps to prevent bad people from convincing simple and/or lazy people that they have a natural right to dominate them. One of the goals of self-consistent moral philosophy is to provide a framework such that those who violate the system effectively bring punishment upon themselves.

Tying morality to a specific State body not only eliminates any chance for a person to successfully beg for mercy from a tyrannical State, but it also pits all States against each other in a holy war—each State promoting and enforcing a different form of morality on interactions between its citizens and foreigners.

Self-consistent and limited moral judgments, on the other hand, allow two different groups to live near each other without each difference in their culture being turned into a casus belli.

Individuals may have wills dissenting from the general will. This is a threat to the body politic, and “whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free...” This condition secures citizens against all personal dependence. “...this alone legitimizes civil undertakings, which, without it, would be absurd, tyrannical, and liable to the most frightful abuses.”

Distressingly circular. Individuals may not dissent from the general will because it might result in the dissolution of the State, which is assumed to be correct because its general will is the moral force to which all of its citizens consent.

Book 1, Ch. 8: The Civil State

Passage from state of nature to civil state converts instinct to justice, and provides moral force to actions.

Unnecessarily combines the force behind justice with justice itself.

In the civil state, man deprives himself of “natural liberty” and an unlimited right to whatever property he can conquer and hold. He gets in return “civil liberty” and “proprietorship” of his true property.

Rousseau is getting at something important here: the conception of Natural Rights has no defense against those who simply deny that such rights exist and/or bind their behaviors in any way.

Locke dealt with this by his rather unusual distinction between the [State of Nature](#) and a [State of War](#), and by recognizing that nothing can stop someone from believing you are at war with him, should he be determined to believe that.

Rousseau instead offers the tacit “agreement” of the Social Contract, and then simply takes all dissent to whatever property rights the general will decides to recognize, and sweeps it under the rug.

Ask yourself, which is the less dangerous perspective, in the long run? Which accords more closely with reality?

Natural liberty is bounded only by the strength of the individual, whereas civil liberty is limited by the general will.

And may be limited far beyond what is strictly necessary to enforce justice and property rights.

“We might, over and above all this, add, to what man acquires in the civil state, moral liberty, which alone makes him truly master of himself; for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty.” (“philosophical meaning of the word liberty does not now concern us.”)

More pseudo-philosophical gibberish. Now obeying New Year’s Resolutions is liberty (note Rousseau’s inability to avoid the use of the “we prescribe to ourselves” construction, which he just admitted was invalid), while being hungry is slavery. Ancoms and other thieves love this, because it allows them to project bare facts of nature (hunger) into aggression by unrelated people (leading to justifications for expropriation), while giving them a justification to any acts of theft they may commit (we prescribed this to ourselves, therefore you consented, therefore it is righteous, therefore your dissent is punishable).

Book 1, Ch. 9: Real Property

When members become citizens, they take all their stuff with them. “...public possession is also, in fact, stronger and more irrevocable, without being any more legitimate, at any rate from the point of view of foreigners.”

Protection from foreign conquest and theft is a reasonable thing for people to join together in order to prevent. Especially when those people share a common language and culture.

However, Rousseau is guilty once again of showing the nicest possible interpretation of his system, while ignoring the very real totalitarian undertones of it, as I’ve described earlier.

“...the State, in relation to its members, is master of all their goods by the social contract, which, within the State, is the basis of all rights...”

The State owns all, and is the basis of all rights... not a great position.

Right of first occupier more real than right of strongest, but “becomes a real right only when the right of property has already been established.”

Rousseau has to recognize somehow that something like Lockean homesteading is valid (as he will describe in a moment), but he has to square that with his totalitarian system.

“Every man has naturally a right to everything he needs...”

Nooooo00000...(Kropotkin)

The right of occupier “claims the respect of every man in civil society.”

Except those actually exercising power, should he become inconvenient. The malleability of the “general will” is again worth noting.

Conditions for first occupier rights: 1) Uninhabited land 2) Occupy only amount needed for subsistence 3) Labor and cultivation

Basically Lockean homesteading. But what if the “general will” decides to change these conditions? This is why Locke attempted to handle property rights relatively early and before he started to describe any sort of State system. The existence of the State’s ability to confiscate and redistribute land and resources (which definitely exists in Rousseau’s system) makes these conditions ring hollow.

Nonsensical nature of sweeping claims of ownership on behalf of kings

Here, Rousseau is correct. The King of Spain did not homestead any land in North America. His agents may have homesteaded a small amount, but that small amount does not confer ownership of the entire continent.

“The peculiar fact about this alienation [ed: of property into the State] is that, in taking over the goods of individuals, the community, so far from despoiling them, only assures them legitimate possession, and changes usurpation into a true right and enjoyment into proprietorship.”

Rousseau’s attribution of rights to the State requires this. However, it is worth noting again that the State in Rousseau’s conception, can choose to despoil these rights whenever it is convenient.

(Cover rights of Sovereign vs. proprietor later on)

Again, put off an argument until the reader has been more thoroughly propagandized.

“...the right which each individual has to his own estate is always subordinate to the right which the community has over all...”

There it is: unlimited eminent domain for whatever reason the State finds convenient. This is abolition of private property, even worse than what we got from Locke, who at least [implied over and over again \(Locke Ch. 11\)](#) that the State may not arbitrarily redistribute property since doing so would not be a power that the people had before joining together.

Social contract substitutes “for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right.”

[Egalitarianism as a Revolt Against Nature \(Rothbard\)](#)

Footnote 1: “Under bad governments, this equality is only apparent and illusory: it serves only to keep the pauper in his poverty and the rich man in the position he has usurped. ...laws are always of use to those who possess and harmful to those who have nothing... the social state is advantageous to men only when all have something and none too much.”

Rousseau admits to the possibility of “bad” government, which is impossible under his system. He states that laws are always of use to the rich, which is observably not true in reality and clearly false according to his system. “All have something” is hilariously vague, and “none too much” terrifyingly ominous.