

# *Rousseau's General Will and the Risk of Tyranny*



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The aim of this paper is to analyze Rousseau's concept of the "General Will" and the related risk of tyranny.<sup>1</sup> To achieve this goal, we will start with the concept of General Will as it relates to Rousseau's anthropological thought and then examine the difficulties with the implementation of the General Will model, both conceptual and practical, and the likelihood of its ending in a tyrannical system.

## *The Anthropological Roots of the General Will*

Rousseau's approach to human society is profoundly influenced by his conception of human nature. The fact that he refuses to acknowledge rationality as a feature of human nature *ab initio*, while admitting human perfectibility as a distinction between man and the brutes, prevents Rousseau from seeing man as originally a social creature endowed

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<sup>1</sup> The first time I addressed this subject was in my chapter "Rousseau and Burke and the Concept of General Will," in *Rousseau e as Ciências*, ed. Olga Pombo e Nuno Melim (Lisboa: Centro de Filosofia das Ciências da Universidade de Lisboa, 2013), 127–139. About fifteen percent of this paper is taken from discussion that first appeared in that chapter.

with reason and destined to be perfected in society. To Rousseau, rationality is a sort of practical virtue to be acquired in society at the expense of totally denying man's primitive human nature. This is why there are no individual rights or individual liberties whose preservation would be a cause of concern in the social model. Society should strip man of his previous nature: free indeed, but irrational. Another consequence of not accepting man's original rational nature is the rejection of Natural Law. Natural Law is no longer to be found in the rational principles inscribed in human intellect by God, since man's rational nature is something related to the social collective experience, begun late in human history as a consequence of a disciplinary effort upon the primitive nature of man: solitary, sensitive, and free. This is why Rousseau thinks that the stricter, more collective, and more impersonal the social experience is, the better it is for the creation of the new man.

For Rousseau, natural rights are perceived as the answer to the natural needs of a savage human nature to which any kind of society is a form of bondage.<sup>2</sup> This is why he needs to discover a way to reconcile liberty and political society, through a novel conception of liberty that rests on the assumption that human liberty is the absence of any law that has not been given to man by man himself.<sup>3</sup> In fact, it might be argued that, if we give up a transcendent guarantee for human law (or the criterion that law must be just otherwise it is not law but injury, as stated by Francisco Suárez in *De Legibus*), what surely remains is the arbitrary will of the stronger human over the weaker one. Rousseau's proposal of a law given to all by all, where each one is at the same time the legislator and the one who obeys, while it aims to resolve the problem of law's legitimacy, neither resolves the problem of tyranny nor that of unjust laws.

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2 Rousseau believed until the end that even the right kind of society is a form of bondage. Hence, he cannot have regarded his solution to the problem of the conflict between the individual and society as more than a tolerable approximation to a solution, an approximation which remains open to legitimate doubts. See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 255.

3 This problem would be central to Kant's definition of human autonomy. For Kant, however, the problem would be resolved by considering that human reason is capable of thinking the universal idea, and practical reason is guided by a categorical imperative, universal in its formulation.

*The Concept of the General Will*

“Man is born free; and everywhere he is in chains.”<sup>4</sup> This is the well-known starting point of Rousseau’s *Social Contract*, stated along with the promise of presenting a solution to the problem.

Regarding the institution of legitimate power, Rousseau considers that the only way to ensure the freedom of a people is for them to obey solely themselves, which requires engagement in a pact involving all its elements. It follows that the only legitimate sovereign (when in its active form) is the one constituted by all the people congregated in a pact whose will, when directed towards the common good, constitutes the General Will.<sup>5</sup>

The will of the entire body, provided that it is not contaminated by individual interests and is aimed at the common good (in other words, the above-mentioned General Will) should be obeyed by all: “[W]hoever 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.”<sup>6</sup> That man could be “forced” to be free is only

4 Jean-Jacques Rousseau, *The Social Contract and Discourses* (London and Toronto: J. M. Dent and Sons; New York: E. P. Dutton and Co., 1923), Book I, Chapter I, 5. (Henceforward: *The Social Contract* followed by book, chapter, and page.)

5 The common good of a political community is not the good of the majority and cannot be confused with it. This is why it is so important to define the common good. The common good is what allows the people to achieve their complete realization as human beings. For the full realization of the common good as a factor of human completeness, a law must: respect the rights of those for whose defense society exists; respect the fruits of labor and guarantee the usufruct of men’s acquisitions, both material and spiritual; consecrate freedom, both physical and of opinion, that does not overlap collective interests and the individual good. It therefore has no right to usurp what the individual person legitimately has without compensating it. The common good cannot be assured by these guarantees, nor does it undoubtedly come from them: they are indispensable but not sufficient. Men and societies, when functioning under the right conditions, achieve for themselves the end of the common good. The Bishops’ Conference of England and Wales, in a document entitled *Choosing the Common Good* (2010), has a very profound definition about what it means to choose the common good and what this implies, in fact, the document shows clearly the difference between the common good and the good of a majority: “Promoting the common good cannot be pursued by treating each individual separately and looking for the highest ‘total benefit,’ in some kind of utilitarian addition. Because we are interdependent, the common good is more like a multiplication sum, where if any one number is zero then the total is always zero” (p. 8).

6 *The Social Contract*, I, VII, 18.

possible due to the double meaning of freedom. In fact, the freedom which man is forced to accept is the political freedom, which is contrary to the natural freedom that man enjoyed before entering civil society that, in turn would manifest itself through the rejection of the General Will's commandments. The problem however is that this civil freedom is also problematic for the rational freedom of individual beings. Since, according to Rousseau, the individual human being—previous to the life in society—is irrational and his freedom is only perceived as a sensitive experience and not a rational one, in this new model of society he is not considered as a person whose liberty must be preserved. Although Rousseau mentions that man would be free inside a political society, not a single element that constitutes the substantial freedom of a rational man, neither the possibility of disposing of himself nor that of disposing of his property, is taken into account. In Rousseau's civil society under the sphere of the General Will, one is tempted to consider man as merely a number, a small and insignificant piece in the overall puzzle, for to belong to this society entails “the total alienation of each associate, together with all his rights, to the whole community.”<sup>7</sup>

In this holistic pact, each one gives up his individual interests for the benefit of everyone: “Each member of the community gives himself to it, at the moment of its foundation, just as he is, with all the resources at his command, including the goods he possesses.”<sup>8</sup> Man gives up his own will, in that it is exclusively individual, and finds himself as free as he was before entering society. More so, he finds himself *freer*, for he has now a civil and rational freedom, which Rousseau qualifies as a moral and better freedom. He also has the sovereign's guarantee, through the action of the General Will, to everything he possesses:

The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly lacked.... What man loses by the social contract is his natural liberty and an unlimited right to everything he

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7 Ibid., I, VI, 15.

8 Ibid., I, IX, 19.

tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses.<sup>9</sup>

With the surrender of individual interests to the whole community, and not to someone in concrete, Rousseau considers that he has safeguarded freedom. From the universal condition of dependency towards the body of the State one can obtain the universal condition of freedom. Although Rousseau admits his suspicions about a majority suffrage—which could conceal a tyranny, since it represents merely the majority of individual interests—in the case of a submission to the General Will this risk does not, by definition, occur. Each member of the political community is, at the same time, in the situation of one who surrenders and one who receives, one who legislates and one who obeys:

Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.<sup>10</sup>

Only dependency towards an individual subject can deprive one of freedom: this is why it is so important to ensure a condition of equality *vis-à-vis* fellow creatures and a condition of general submission towards the sovereign, which, in Rousseau's opinion, does not hinder individual freedom:

From whatever side we approach our principle, we reach the same conclusion, that the social compact sets up among the citizens an equality of such a kind, that they all bind themselves to observe the same conditions and should therefore all enjoy the same rights. Thus, from the very nature of the compact, every act of Sovereignty, i.e. every authentic act of the *General Will*, binds or favors all the citizens equally; so that the Sovereign recognizes only the body of the nation, and draws no distinctions between those of whom it is made up.<sup>11</sup>

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9 Ibid., I, VIII, 19.

10 Ibid., I, VI, 15.

11 Ibid., II, IV, 28–29.

From the universal condition of dependency, paradoxically, Rousseau deduces that of human liberty. In fact, if man does not compare himself with other men, he does not perceive his misery in the same way. The comparison with other men would have awoken in him the perception of his own individuality as having been deceived and duped. Jacques Maritain, in *Trois Réformateurs*, reacts to this passage as follows:

[H]e is subject to all, but he is subject to no man, and that is the essential thing, there is no man above him. Nay more, as soon as the covenant begets the social body, each is in such wise absorbed in that common self which he has willed, that by obeying it he still obeys himself. Then the more we obey, not a man—God forbid!—but the general will, the more free we are.<sup>12</sup>

It is true that it sounds strange that because the submission is made to a collective body, of which everyone is a part of, the absence of liberty should not to be perceived as such. In fact, the real experience of being dominated by a deaf and blind multitude should be even more frightening than to be subjected to a concrete figure in the state, which would always be preferable to a faceless enemy. For Rousseau, however, to follow the General Will is to follow one's own will aimed at the common good, and, when doing it, a citizen is free, for the civil nature is, for Rousseau, the way in which human nature surpasses itself. The General Will requires that all those forming part of society place the interests that might be important for the whole at its service, and, ultimately, that the judge of what is important belongs to the Sovereign: "Each man alienates, I admit, by the social compact, only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important."<sup>13</sup>

Rousseau maintains that, nevertheless, people still enjoy civil freedom, in spite of the decision about what he has to surrender being in the hands of the Sovereign. According to Rousseau, this freedom, founded on equality, does not require that citizens be equal in regard to power and wealth, but merely that power should be kept in due bounds

<sup>12</sup> Jacques Maritain, *Three Reformers: Luther, Descartes, Rousseau* (London: Sheed & Ward, 1928), 62.

<sup>13</sup> *The Social Contract*, II, IV, 27.

regarding the use of violence and, with regards to wealth, that no citizen should be so rich as to be able to buy another or so poor as to be forced to sell himself.<sup>14</sup> However reassuring this assertion may be, we think that we have here a cause for concern, since the General Will still remains the only guarantee for keeping power in due bounds.

For Rousseau, sovereignty is inalienable and indivisible and is found essentially in all the members of the political body and in the expression of its General Will. Sovereignty is inalienable, and political society cannot delegate its own “legislative” power; but the political body can and should delegate its “executive” authority:

I hold then that Sovereignty, being nothing less than the exercise of the *General Will*, can never be alienated, and that the Sovereign, who is no less than a collective being, cannot be represented except by himself: the power indeed may be transmitted, but not the will.... Sovereignty, for the same reason as makes it inalienable, is indivisible; for will either is, or is not, general; it is the will either of the body of the people, or only of a part of it. In the first case, the will, when declared, is an act of Sovereignty and constitutes law: in the second, it is merely a particular will, or act of magistracy—at the most a decree.<sup>15</sup>

The sovereign acts through laws, and when Rousseau thought about the role of the sovereign, acting as General Will, he sought to guarantee impartiality through the fact that its actions only concern the elaboration of law, and law is general and not directed to particular facts.

Robert Derathé, however, points out a real difficulty first noticed by Charles Vaughan: few laws existing today would be considered laws in the light of Rousseau's definition, since most of them concern, at the most, several classes of citizens.<sup>16</sup> Rousseau himself recognizes in another passage of *The Social Contract* that individual beings must be directed to act according to the General Will. This statement, even if

<sup>14</sup> Cf. *The Social Contract*, II, XI, 45; J.-J. Rousseau, *Du Contrat Social, ou Principes du Droit Politique, Œuvres Complètes de Jean-Jacques Rousseau*, III (Paris: Gallimard, 1964), 391–392.

<sup>15</sup> *The Social Contract*, III, XV, 83.

<sup>16</sup> Cf. Robert Derathé, *Rousseau et la Science Politique de son Temps* (Paris: Librairie Philosophique J. Vrin, 1970), 359.

Rousseau struggles to maintain that “it consists wholly in particular acts which fall outside the competency of the law” is indeed the application of the law to particular subjects, which would be the role of government.<sup>17</sup> In this way, in order to take action, the sovereign legislative power requires an executive power—the *government*, which acts as a minister of the sovereign and an intermediary body charged with the carrying out of laws.<sup>18</sup> As Derathé points out, Rousseau thought it to be possible that a government could rule a state with only a few simple and generic laws. One could think this to be a sign that Rousseau favors a minimal state; but this is only one of the many difficulties concerning contradictory positions within Rousseau’s texts, because man renders to the General Will all that he is and all that he has:

As nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members also; and it is this power which, under the direction of the *General Will*, bears, as I have said, the name of Sovereignty.<sup>19</sup>

The description that emerges of this political body is frightening because of its nature and the relation of the individual being with it. Other well-known conceptions of political society, from St. Paul, to St.

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<sup>17</sup> Cf. note 18, below.

<sup>18</sup> “It may, on the other hand, readily be seen, from the principles laid down above, that the executive power cannot belong to the generality as legislature or Sovereign, because it consists wholly of particular acts which fall outside the competency of the law, and consequently of the Sovereign, whose acts must always be laws. The public force therefore needs an agent of its own to bind it together and set it to work under the direction of the *General Will*, to serve as a means of communication between the State and the Sovereign, and to do for the collective person more or less what the union of soul and body does for man. Here we have what is, in the State, the basis of government, often wrongly confused with the Sovereign, whose minister it is. What then is government? An intermediate body set up between the subjects and the Sovereign, to secure their mutual correspondence, charged with the execution of the laws and the maintenance of liberty, both civil and political.” *The Social Contract*, III, I, 49.

<sup>19</sup> “Comme la nature donne à chaque homme un pouvoir absolu sur tous ses membres, le pacte social donne au corps politique un pouvoir absolu sur tous les siens; et c’est le même pouvoir qui, dirigé par la volonté général porte, comme j’ai dit, le nom de la souveraineté.” J.-J., Rousseau, *Du Contrat Social, ou Principes du Droit Politique*, Livre II, Chapitre IV, ed. cit., 372.



Thomas Aquinas, and to the Salamanca School's late-scholastic thought considered that power came from God to the sovereign. In the case of the Salamanca School, the power came to political society, which was willed by God as an instrument for human perfection. The rulers needed to rule through just laws, to which the conformity with Natural Law was the guarantee that they would be just and legitimate. The best way of distinguishing free societies from tyrannies was the ability of each man, rationally and voluntarily, to obey the sovereign while also preserving his possessions and his opinions as a free man.

To illustrate the difference here with the ideas of Rousseau, I will choose an author who acknowledges the political body as receiving authority from God as a moral organized community: Francisco Suárez. For Suárez, in the seventeenth century, political society indeed emerged from a *pactum* that placed together members of society with the goal of achieving the common good. However, this society, although it constituted a *Corpus*, did not subtract from or absorb political individual freedoms, though it still required obedience to the ruler elected by the whole body. Let us observe how Suárez presented this pact:

[B]y a special act of their will or common consent men are integrated into a body politic with a social bond to help one another toward a political end. In this way, they form a single mystical body which, from a moral point of view, can be called a unity in itself and, consequently, needs a single ruler. In such a community, then, it follows that this power arises from the nature of the thing itself, and it is not within the power of men so to combine and yet impede this power. If, therefore, men wished for both options—that is to say, to combine socially but under the condition of not being subject to any power—this would be an absurdity and they would achieve nothing.<sup>20</sup>

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20 “[Q]uatenus speciali voluntate seu communi consensu in unum corpus politicum congregantur uno societatis vinculo, et ut mutuo se juvent in ordine ad unum finem politicum, quomodo efficiunt unum corpus mysticum, quod moraliter dici potest per se unum; illudque consequenter indiget uno capite. In tali ergo communitate, ut sic, est haec potestas ex natura rei, ita ut non sit in hominum potestate ita congregari et impedire hanc potestatem. Unde si fingamus homines utrumque velle, scilicet, ita congregari veluti sub conditione ut non manerent subjecti huic potestati,

Suárez considered that, to avoid the risk of tyranny, the sovereign power should be moderated by some representatives of the people, and he also considered that it was very important for the sovereign to be seen to respect the life, liberty and property of the subjects. Consequently, he argued that society could take away liberty and property only as a just punishment for a crime: otherwise, it would be unjust to touch those rights that belong to the individual.<sup>21</sup>

Considering that the guarantee of Natural Law was insufficient to keep power in due bounds, Suárez, in the seventeenth century, considered that a “popular element” should be added to monarchy. In the eighteenth century, Montesquieu and the theorists of the American Revolution conceived other political solutions to moderate the sovereign power, so there was abundant literature on how to avoid tyranny that did not entail being under the power of a corporate body acting as a whole.

This approach to society considered that man was a social creature that would better himself by belonging to civil society but without changing his nature. Therefore, society needed to accommodate a human being and defend its individual rights. Rousseau’s doctrine is different. Although he asserts that in political society man has the right to everything that society obtains for him, in doing so, however, man has no other choice than to submit himself and his will and property to the collective body.

For Rousseau, man was a sort of a solitary animal and life in society would be “*contra natura*”: there is a gap between the primitive nature and the one that results from social life, as if it were not the same nature that learns in society and is promoted through this partnership, but another nature that strips the primitive nature from all its rights.<sup>22</sup> As

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esset repugnantia; et ideo nihil efficerent,” R. P. Francisci Suarez e Societate Jesu, “De Legibus ac Deo Legislatore,” in *Opera Omnia*, Tomus 5, 181.

21 “[...] Respublica etiam per potestatem altiore quam habet ad regendos homines, potest ex iusta causa (ut in poenam) hominem privare sua libertate.” *De Legibus* II, XIV, 18.

22 “He who dares to undertake the making of a people’s institutions ought to feel himself capable, so to speak, of changing human nature, of transforming each individual, who is by himself a complete and solitary whole, into part of a greater whole from which he in a manner receives his life and being; of altering man’s constitution for the purpose of strengthening it; and of substituting a partial and moral existence for the physical and independent existence nature has conferred on us all” *The Social Contract*, Book II, Chapter VII, 35.

Jacques Maritain explained this: "In the state of nature we only existed as persons, in no way as parts; in the state of society we no longer exist except as parts."<sup>23</sup> I think it would be better to say that in his primitive nature, man was just a solitary animal and in the collective nature man is just a part of the collective body.

*Some Conceptual Problems with the General Will*

Several commentators have pointed out that the General Will acts only through laws, which in theory would render its action innocuous, but the truth is that laws can be tyrannical.<sup>24</sup> Rousseau himself rejects this latter possibility by saying that it would be a contradiction if the whole body legislates to harm itself. In fact, in this statement, I think we have to admit that Rousseau, who does not accept the classical, theocratically based assertion of Natural Law, acts as if he could use this category, or as if he could replace the transcendent guarantee by the material one—following Hobbes's path—and nothing would change. What is the guarantee that this law is just and that it doesn't harm the body? Man makes mistakes individually and collectively. It is true that mistakes may happen even when we accept natural law precepts, but those precepts give a standard to adjust the route.

There are laws, simple and generic, which, as Rousseau considered, should be the laws necessary to run the state. The Mosaic Laws presented in the Ten Commandments are an example of the aforementioned type of laws; however, these laws needed to be adjusted and elaborated in order to rule complex contemporary political communities. According to Rousseau, the laws given by legislators, who were highly praised in *The Social Contract*, were human laws, and legislators only spoke in God's name in order to keep people in obedience.<sup>25</sup> Legislators

<sup>23</sup> Jacques Maritain, *Three Reformers: Luther, Descartes, Rousseau* (London: Sheed & Ward, 1928), 62.

<sup>24</sup> Allan Bloom, Alfred Cobban, Robert Derathé, to mention only a few.

<sup>25</sup> "The legislator therefore, being unable to appeal to either force or reason, must have recourse to an authority of a different order, capable of constraining without violence and persuading without convincing. This is what has, in all ages, compelled the fathers of nations to have recourse to divine intervention and credit the gods

were such a rare breed that we could not find them easily, and, in any case, only the Sovereign embodied in the General Will could legitimately give laws to society:

He, therefore, who draws up the laws has, or should have, no right of legislation, and the people cannot, even if it wishes, deprive itself of this incommunicable right, because, according to the fundamental compact, only the General Will can bind the individuals, and there can be no assurance that a particular will is in conformity with the General Will, until it has been put to the free vote of the people.<sup>26</sup>

Rousseau does not accept classic theologically based Natural Law, and, by rejecting it, he jettisons an external criterion for justice. Rousseau does try new paths in order to solve the problem of the “bondage” he sees in all political society. His effort, however, results in something very awkward. As a result, his accompanying rejection of the possibility of tyranny from the action of such a sovereign is difficult to prove. In fact, it is easier to prove the very opposite, because a holistic body to which I should commit all that I am and all that I own is the very description of a tyrannical body. A society that seeks for a disembodied common good, which does not respect individual freedom, does not attain a true common good.<sup>27</sup>

Even if Rousseau describes the actions of the General Will as an expression of the common good, this is a collective will that in each moment expresses what the common good in that society is, without respect for individual freedom, and is its sole interpreter and its own controller. The English historian Alfred Cobban, along with Allan Bloom and Robert Derathé, claimed that the exercise of the General Will is expressed *via* the law, and that this fact renders the applica-

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with their own wisdom, in order that the peoples, submitting to the laws of the State as to those of nature, and recognizing the same power in the formation of the city as in that of man, might obey freely, and bear with docility the yoke of the public happiness.” *The Social Contract*, Book II, Chapter VII, 37.

<sup>26</sup> *The Social Contract*, Book II, Chapter VII, 37.

<sup>27</sup> Even though Rousseau asserts that man is freer than before, this freedom could be compared to that of an atom inside a structure but not to that of a person.

tion of Rousseau's doctrines less drastic.<sup>28</sup> However, we can catch a glimpse here of a problem, given that the General Will itself always establishes the criterion for what should be the law: "And what is a law? It is a public and solemn declaration of the General Will about an object of common interest."<sup>29</sup> Cobban interprets this statement as a mere expression of the widespread assent to the fact that each element in society has to stick to the common will rightfully established.<sup>30</sup> The interpretation that considers that the General Will expresses itself by the law that applies to all citizens and is directed to the common good, and that, therefore, it does not constitute in itself a danger to any one, is very common among Rousseau's interpreters and finds its basis in Rousseau himself. Rousseau thinks that the guarantee given by the General Will resides in the fact that the laws, being directed to the common good, are applied to all the body of society and not to a singular subject; its justice is thus guaranteed and there is no reason to fear tyranny by the sovereign.

That the common good should be paramount in the establishment of the social pact was already commonly accepted as true before Rousseau. The pact would obtain the consensus of all the people if the actions of the sovereign were directed to the common good, and, if the sovereign ignored the common good in its actions, he would become subject to criticism or even risk deposition. In the School of Salamanca, Francisco de Vitória and Francisco Suárez both presented the establishment of the social contract as only being possible under the condition that the sovereign acts in defense of political society's common good. Rousseau's doctrine is not merely a reformulation of the principle accepted in the

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28 "But the practical application of these doctrines is less drastic than is often supposed, for the volitions of the General Will are expressed only through the laws." Alfred Cobban, *Rousseau and the Modern State* (London: George Allen & Unwin Ltd, 1934), 126.

29 "Et qu'est-ce qu'une loi? C'est une déclaration publique et solennelle de la volonté générale sur un objet d'intérêt commun." Jean-Jacques Rousseau, *Lettres Écrites de la Montagne*, Lettre VI, Œuvres Complètes de Jean-Jacques Rousseau, III (Paris: Gallimard, 1964), 807–808.

30 "In practice, we may ask, is Rousseau claiming any more than that in every state the individual members of the body politic should be compelled by the physical powers of the whole society to obey the laws rightfully established?" Cobban, *Rousseau and the Modern State*, 126.

establishment of a social pact; it passes beyond it in contemplating that the common good can be linked to the General Will, which means that the latter can never be wrong and so Rousseau can, based on this principle, uphold simultaneously the Sovereign's omnipotence and the freedom of the governed. If this were merely an abstract definition that "represents an attempt to justify philosophically the rule of law"<sup>31</sup> without pretending to have a practical application, it would not constitute a problem; but this is not the case. Rousseau's proposal is to be applied.

Rousseau admits that the General Will should aim to accomplish the common good and that it is this very common good that characterizes it. However, on the basis of its own presuppositions, when asked to define a law, Rousseau answers that a law is a public and solemn declaration of the General Will.<sup>32</sup> We are in a vicious circle here: the creation of laws is the action of the General Will, and those laws are directed to achieve the common good and only the common good; but, when asked about what a law is, the answer is: "A law is a declaration of the General Will." The alternative to this circular process would be to consider that the common-good criterion is the one that sanctions the choices of the General Will and is "located" outside and above it. The autocracy of the General Will is not restricted by a principle of natural law or even by the definition of a minimum of generally accepted laws.

Moreover, as much as the abstract construction of Rousseau's system is coherent, the axiom upon which it is built is not verified in itself: the universal application of a law intended to implement the common good—abstractly defined—to be applied to all, does not guarantee its justice to all the members of society. A decision to abolish private property would be considered as a law directed to the common good and were it a general law to be equally applied to all, it nevertheless would constitute a harsh and tyrannical measure to some members of society. The assumption that treating equally all the members of a society is the assurance of absence of tyranny is not taking into account that treating equally what is different is as unjust as treating differently what is equal.

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<sup>31</sup> Cobban, *Rousseau and the Modern State*, 127.

<sup>32</sup> "Et qu'est-ce qu'une loi? C'est une déclaration publique et solennelle de la volonté générale sur un objet d'intérêt commun." J.-J. Rousseau, *Lettres Écrites de la Montagne*, Lettre VI, (Œuvres, Livre III, 807–808.

*The Instrumental Difficulties of the General Will*

Moreover, we have to deal with the difficulties over how to implement the General Will. Being a critic of democracy, Rousseau admits that a majority suffrage, and the will expressed by it, could be different from the General Will. The former could express a form of tyranny by the majority.

The General Will cannot be subsumed in the will of the majority. Both these wills are, in essence, different: the General Will is the will of everyone aimed at the common good, whereas the will of the majority is just that, *the will of the majority*.<sup>33</sup> A criticism Rousseau makes of democracy is that the will of the majority tends to be easily identified with the General Will. Nevertheless, the expression of the General Will and its appraisal *in practice* require the use of democratic tools; its theoretical perfection is also its practical imperfection, as Burke observed. Acknowledging the difficulties of a process of enacting the General Will in societies with large numbers of members, Rousseau admits that a practical way of gauging the General Will could be a suffrage, as he expected that the opposing movements inside the political community could cancel each other out and, in the end, the will expressed would point to the common good:

There is often a great deal of difference between the will of all and the *General Will*; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another, and the *General Will* remains as the sum of the differences.<sup>34</sup>

Rousseau considers that there is a risk of compromising the purity and impartiality of the General Will in the expression of factions inside the community and in the domination of the will of one faction instead of the General Will. To solve this problem, he proposes that the factions should multiply as much as possible, as a way of annulling contrary

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33 "On doit concevoir par-là que ce qui généralise la volonté est moins le nombre des voix que l'intérêt commun qui les unit." J.-J. Rousseau, *Du Contrat Social, ou Principes du Droit Politique*, Livre II, Chapitre IV, ed. cit., 374.

34 *The Social Contract*, Book II, Chapter III, 25.

factions, and make it possible for the final verdict to correspond to the General Will.

But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State [...] Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer a *General Will*, and the opinion which prevails is purely particular.

It is therefore essential, if the *General Will* is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts [...] But if there are partial societies, it is best to have as many as possible and to prevent them from being unequal, as was done by Solon, Numa, and Servius. These precautions are the only ones that can guarantee that the *General Will* shall be always enlightened, and that the people shall in no way deceive itself.<sup>35</sup>

Another problem with the enactment of the General Will arises when Rousseau admits that the sovereign (the General Will) is to act through the action of a government. Government has a double will too: it shares the General Will and, as government, has itself a will corresponding to the individual wills of all its members. The conflict between these two kinds of will can threaten government's stability; the art of maintaining its continuity resides in the ability to articulate both these wills. It is because he is aware of these difficulties that Rousseau declared himself in favor of the application of the *Social Contract* only in small states and upheld the universal consultation of all the elements in a society for the establishing of fundamental laws.<sup>36</sup>

<sup>35</sup> Cf. *The Social Contract*, Book II, Chapter III, 26.

<sup>36</sup> Derathé also stresses that Rousseau did not exclude the possibility that a majority concerned only on imposing its individual inclinations could oppress a minority, and that this is the reason why Rousseau upholds that a vote's result should be close to unanimity whenever it is a question of voting on a law. Cf. Robert Derathé, *Jean-Jacques Rousseau et la Science Politique de son Temps* (Paris: Vrin, 1970), 233.



*Conclusion*

It is impossible to know if Rousseau would have supported the French Revolution. However, as João Espada says, it is rather intriguing that he was the inspiration for so many theorists of the French Revolution, including Robespierre. We all know how the revolution evolved into an example of totalitarian political practice, and how it was a practical illustration of how impossible it was to keep a common political body in due bounds and avoid the abuse of power.

Societies can also make mistakes and the monist domination by an entire body without any form of external control over its totalitarian inclinations could certainly lead to a form of tyranny that is to be feared even more than the tyranny of just one man. One way to contain the tyrannical exercise of power is the existence of sanctions for whoever exercises authority—however, it is practically impossible to punish an entire people, so that it is more likely to expect a tyrannical exercise of power from a crowd than from a single person: “The tyranny of a multitude,” Burke wrote, in 1790, “is a multiplied tyranny.”<sup>37</sup>

The General Will concept has the danger of a perfectionist political principle, confident (perhaps excessively) in its criterion, and blind to human fallibility: a perfect theoretical principle—terrifying in practice—with all the ingredients necessary for rationally justifying an autocracy.

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<sup>37</sup> “Letter to Captain Thomas Mercer,” 26 February 1790. See *The Correspondence of Edmund Burke*, ed. Thomas Copeland *et al.* (Cambridge: Cambridge University Press, 1958–78), 6:96.