Chambery, 12 June 1754: Rousseau's Writing on Inequality

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Rousseau’s opening characterization of the problem of inequalities in the *Discourse on the Origins of Inequalities* shows that we should expect a work that is radically different in method and aim from other treatises on the subject. Knowledge of the sources of inequalities depends on knowledge of the nature of man, so that the initial moment of an investigation into the origins of inequalities should be an investigation into the original condition of man. Yet, in studying these origins, we must face most formidable obstacles; in our way stands no less than our very knowledge:

> Since all the progress of the human species continually moves away from its primitive state, the more we accumulate knowledge, the more we deprive ourselves of the means of acquiring the most important knowledge of all. Thus in a sense, it is by dint of studying man that we have rendered ourselves incapable of knowing him. (*OI*, 33)  

Most philosophers, in their search for the state of nature, have failed to appreciate this predicament. As a result, they gave us no more than a view of their own society in the guise of a state of nature: “They spoke about savage man, and it was civil man they depicted” (*OI*, 38).

The fact that Rousseau finds access to the knowledge of the state of nature so problematic, yet goes on, in the body of the *Discourse*, to depict what looks to all like a state of nature is puzzling. Does Rousseau see himself as having found the true description of the state of nature? If so, what kinds of facts form the basis of his account, and what special access has he to this knowledge, given that everyone before him has failed? Taking the aim of the *Discourse* to provide us with a correct description of the state of nature would force us to not take seriously enough Rousseau’s denials of the possibility of attaining such knowledge. How, then, are we to understand the role of the state of
nature if we are to save Rousseau from obvious inconsistencies? What is the use of this philosophical experiment of writing if Rousseau is not going to tell us what the law of nature is or what the terms of the ideal contract are?

Rousseau's denial that any historical events are relevant to his account is of no help here since such denial is common to all social contract theorists. Should that history he describes be called "hypothetical"? That would imply that one has a certain conception of human nature that serves as the foundation of a rational reconstruction of history. The role of such history would be to provide a justification of certain social arrangements (those that could be arrived at in such an ideal historical process). But calling Rousseau's account hypothetical would merely serve to hide our ignorance and push back the problem since the question is precisely how Rousseau can have the vision of human nature on which to base his construction.

Rousseau places a further obstacle in our way, by making the very conditions of a proper investigation into what is natural in man dependent on our already having a particularly developed society:

What experiments would be necessary to achieve knowledge of natural man? And what are the means of carrying out these experiments in the midst of society? Far from undertaking to resolve this problem, I believe I have meditated sufficiently on the subject to dare respond in advance that the greatest philosophers will not be too good to direct these experiments, nor the most powerful sovereigns to carry them out. (OI, 34)

It would almost seem that the philosopher-king placed by Plato at the head of his republic would be necessary even to set up the conditions for the investigation of the nature of man, the knowledge of which would be necessary for forming the republic.

Denying any special knowledge, Rousseau assures us, with a touch of witty perversity perhaps, that it is quite easy to follow him in "clarifying (the question of the state of nature) and reducing it to its true state" (OI, 34). I take it that reducing a question to its true state is different from resolving it. That is, finding the true state of nature is different from finding the true state of the question of the state of nature. The latter means clarifying the dimensions of the problem and, even more important, establishing what a description of the state of nature could do for us at all, given our present essential lack of knowledge.

Rousseau's writing occupies a particular place in the political economy; its task is not that of the prince or of the legislator:

It will be asked if I am a prince or a legislator that I should be writing about politics. I answer that I am neither, and that is why I write about politics. Were I a prince or a
legislator, I would not waste my time saying what ought to be done. I would do it or keep quiet. (SC, 141)

This does not mean that Rousseau considers his writing to be only second best to political action or legislation, but rather that he provides writing with a specific task that nothing else—neither force nor knowledge—can perform. Two features of the writing strike me as central: its fictional, mythical, or imaginative quality and its autobiographical quality. What are we to learn about the nature of Rousseau’s method if we take those two elements of what one might call his style as essential to what it proposes to achieve?

What is a methodical use of the imagination, one that has political and philosophical justification? One such use of fiction is described in the Social Contract. There, Rousseau introduces the figure of the legislator who intervenes in the affairs of society so as to prepare the ground on which people will come to affirm the best laws for themselves. The legislator is faced with the problem that

for an emerging people to be capable of appreciating the sound maxims of politics and to follow the fundamental rules of statecraft, the effect would have to become the cause. The social spirit which ought to be the work of that institution, would have to preside over the institution itself. And men would be, prior to the advent of laws, what they ought to become by means of laws. (SC, 164)

By the very nature of his position and task, the legislator is not allowed to use force to advance his designs, but more important, nor is he capable of using reasoning either. The problem is precisely that the capacity to understand and to reason about our good would require that the laws be internalized in such a way that is not available at that time. One could say that the legislator works from a position not unlike the position Rousseau takes with respect to the state of nature, where knowledge, even if not unavailable, would be useless. The result of such a condition is a very specific mode of addressing one’s society:

Since, therefore, the legislator is incapable of using either force or reasoning, he must of necessity have recourse to an authority of a different order, which can compel without violence and persuade without convincing.

The kind of authority that was resorted to in the past was the authority of myth:

This is what has always forced the fathers of nations to have recourse to the intervention of heaven and to credit the gods with their own wisdom. (SC, 164)
In the Second Discourse, Rousseau is not writing as a legislator. He is not trying to establish laws or institutions that do not already exist. Yet I will argue that his writing does take upon itself part of the task of the legislator; it represents for individuals what is involved in affirming society as their own. Rousseau provides us with a myth, recounting our relation to preexisting law—a story about facing the decline of our attachments to society. Rather than providing a way to recognize legitimate institutions or social arrangement, his account seems to provide the individuals in society with a mirror of themselves, with a perspective that allows them to think about themselves in relation to society and its laws. The myth developed in the Discourse thus positions the question of the state of nature primarily in relation to the problem of consent to one's present society. The myth of the state of nature provides the fundamental guidelines for a conversation of justice in society. The problem of emerging from the state of nature is something to be addressed here and now, something to be discovered anew by every society in every generation. Rousseau's writing then provides for his society the mythical conditions under which it should think of itself: both of the recovery of the natural order in the midst of a problematic state of artificiality, as well as of the dangers that it faces in the very formation of the social order.

But what is the source of the knowledge that constitutes the myth? Where does Rousseau get the right to address his society in such a way? From the gods? We should note that in the case of the legislator, Rousseau says the following:

But not everybody is capable of making the gods speak or of being believed when he proclaims himself their interpreter. The great soul of the legislator is the true miracle that should prove his mission.

The legislator ultimately relies on himself; he always speaks in the first person. Which leads me to the second feature of Rousseau's writing just mentioned. When I say that Rousseau's political writing is primarily autobiographical, I mean that he considers the role his writing takes as one of providing society with a mirror of itself, reflecting its truth through his singular experience.

Rousseau's answer to the difficulty of access to the state of nature and the necessity to turn to the autobiographical is elaborated throughout his writings and culminates in his Reveries of the Solitary Walker. It is governed by the intuition that nature now shows itself not in the general behavior of mankind but rather in its most singular manifestations. It is as if society has taken over
almost completely, and it is only where we find the misfits of society that we can recognize nature again. Nature is no longer recognizable in natural laws governing all of us but rather in the exception to the social law, in the unique, in the singular, in that which can only be described in the first person. The most singular becomes the only expression of the natural in an age when what has to be combated is the almost universal dominance of artificiality and conformity. This is the spirit of the opening of the Confessions:

I have resolved on an enterprise which has no precedent, and which once complete, will have no imitator. My purpose is to display to my kind a portrait in every way true to nature, and the man I shall portray will be myself.6

That this portrait be true to nature is I think related to its inimitability. Both depend on singularity.

In the Discourse on the Origins of Inequalities, Rousseau is exemplifying the kind of judgment that is demanded by any individual in the political domain through the rewriting of his own experience so as to give it universalitiy. The consent of the individual is consent to join a society. The individual comes to a preexisting order of law. That condition demands a decision at a particular moment in the life of an individual. Such a moment does not necessarily find the individual or the society in the presence of enough justifications for the way things are; it is always a matter of judgment. Even if we think of a society that might approach our ideal, for the individual there is always the issue of recognizing that the society he consents to is that close to the ideal. Since ideal societies do not come labeled, what are the marks that would justify the consent? There is, moreover, an inherent lack of knowledge or transparency as to the exact extent of the consequences of one’s consent. This is not merely a practical problem; it is a dimension of the practical that is definitive of the domain of the political.

In such conditions, the consent of the individual is an act that neither originates anything nor changes the structure of society. It is more to be conceived of as identification with society, despite what such a society can be. Yet it is of more than private use and requires public expression. It cannot be a tacit consent. We are not talking here of the need to remind someone of his obligation to obey the laws. This would be looking at it from the point of view of society, binding the individual through a promise, which must be spoken out (for others to hear it). What we want to ask is about the perspective of the individual—what would be his interest or obligation to give expression to his consent? Is there such an obligation that is not the result of expression, of promising, say, but is a demand for expression on the part of the individual?7 Speaking of expression, there is always the problem of being heard and of being heard in
the right way. Elaborating the features of expressed consent would then lead us to ask about the form that public address takes and its dangers (e.g., the way in which publicity can turn into theater).

Under such conditions, we must ask whether there can exist the unconditional consent of the individual facing a society that might be found good enough but in no way free from unjustifiable inequalities. What form should the consent take to acknowledge this predicament? Can it be given in the face of social injustice but with a look toward a further ideal state of things? How does one manage the identification with one's society so that consent faces the further state of society, so as to turn away from society as it stands?

If I am not mistaken in my sense that the role of the history presented in the Discourse concerns the dimension of the individual’s expression of consent to his society, then two things must follow. First, the elements of the myth should represent the complexities involved in the situation of the individual’s expression of joining consent. We should be given as it were the mythical truth about such a condition. Second, the letter of dedication that precedes the Discourse is to be viewed as much more than a private expression of gratitude of Jean Jacques Rousseau to his place of birth. It should be taken as an exemplification of the expression of consent, responding to the dimensions of the myth presented in the Discourse. Given the diagnosis of the state of society Rousseau provides us with, it is not the elaboration of a convincing argument that would be most effective. Instead, Rousseau provides his society with a standard of judgment derived from his own experience. We should expect, then, to find a similarity between elements of the dedication and some of the themes in the text of the Discourse.

II

The first condition of consent is the recognition of the moral standing of one’s society. This in Rousseau’s myth is translated into the question of whether there are marks of progress or decline of humanity. Can we have external, public criteria for that kind of decline or progress?

The problem, Rousseau tells us, is that decline is related intimately to progress, to the faculty of self-perfectibility that

by dint of time, draws [man] out of that original condition in which he would pass tranquil and innocent days; that this is what through centuries of giving to his enlightenment and his errors, his vices and his virtues, eventually makes him a tyrant over himself and nature. (O1, 45)
The fact that perfectibility has this split nature allows for a divergence between two forms of perfection. It suggests that a certain advancement of society, what might seem to all to look very much like progress should, perhaps, be understood as the perfection of individuals but in no way as the perfection of the species. No one would doubt that the accumulation of wealth in the hands of few individuals could go against the interest of the species, but what Rousseau points to is something much more radical: that compromise, or violence under the guise of lawfulness, can be the truth of any society, however civilized, and precisely because it is civilized. This theme is already present in Rousseau's *First Discourse*; it is the drawing of a distinction between culture as individual refinement and a higher form of culture, a deeper ideal of culture, that of being true to humanity in oneself. The problem of perfectibility is then not just that we have something to lose if we have the capacity to gain, to progress, but rather that the most compromising loss of liberty and therefore morality can take the form of law, can help itself to law, civility, and the perfection of the individual. Rousseau, I take it, is not saying that any society that looks civil is, as a matter of fact, corrupt and in a state of disintegration, only that it might be so, that civility does not provide criteria for moral health. It does not provide criteria for distinguishing a further state of society or a perfection based on what Rousseau calls *amour de soi*, or the love of humanity in oneself, from the progress due to the narcissistic form of *amour propre*.

The second issue raised by the consent of the individual to his society is the extent of the responsibility over the giving of consent. This translates in Rousseau's tale into two determinations of time: he speaks of a slow succession of events, slow to the extent of being imperceptible. He speaks of centuries where hardly anything moves. Then, to the slow succession of events, Rousseau couples calamities and hazards: floods, earthquakes, and other disasters that change man's condition immediately. This form of description does not just serve to cover up the lack of understanding of how a certain state of affairs came about, through the impossibility of telling a continuous story, as it were. It should also be understood as in itself characterizing the history of the species: the kind of changes are such that man himself does not have any immediate active part in them. He is not responsible for the decline of the species through his actions.

Indeed, even where it seems that Rousseau attributes the beginning of decline to a specific action by man, the enclosing of a plot of land and its appropriation, he immediately steps back to say that such an act has many preconditions to it and, second, that the preconditions make it inevitable. The act is, as it were, the ultimate symptom of an ongoing condition. One could
also say that for the human species, the possibility of realizing the misery of a situation always comes too late to prevent it from happening. There is an inherent belatedness in the human species.  

It is precisely the fact that the consent of the individual is always a joining consent that poses the problem. That one comes to a society that preexists and in which the changes could range from the catastrophic to the imperceptible but, in any case, would not be completely transparent to the individual’s understanding. Moreover, the individual’s will would have no direct influence in such events. Put it this way: the individual cannot be fully responsible for his society, cannot be fully responsible for the consequences of consent, and yet he gives consent for others to act on his behalf. This for me marks an important difference between the political and the private domain in matters of morality, a difference that Rousseau is acutely aware of.

These two issues, the lack of criteria for moral health and the lack of transparency of the consequences of consent, raise the question of whether consent is ever possible, whether there is a moment of legitimacy. One might think, at first, that the moment of legitimacy is the moment of the contract, portrayed toward the end of the *Discourse*. And yet, one should note that there is no legitimate contract in the development of the history of the species. The moment of contract is described as the result of a seductive discourse of a man to his neighbors; it is the invention of “specious reasons to lead them to his goal” (*OI*, 69).

Rousseau does not describe this original contract as a situation in which one group imposes its interest on others; it is not the rich tricking the poor, nor the poor tricking the rich. Rather, “they all ran to chain themselves” (*OI*, 70). The moment of contract does not escape the character of the history of the species I characterized before: that the recognition of misery always comes too late to prevent it. The point is not that the terms of the contract are unfair or that one side tricked the other, but rather the very idea of contract is shown to be troublesome. The question is not one of legitimacy; rather, Rousseau provides an internal connection between the establishment of institutions and the permanence of vices, which clarifies why he thinks that there is a problem beyond institutions, a political problem that no contract could resolve: “For the vices that make social institutions necessary are the same ones that make their abuses inevitable” (*OI*, 77).

It is our very understanding of social stability that is questioned. The very fact of contract, of establishing law, is that which is to some extent illicit. Rousseau does not address the case of blatant institutionalized injustice, but rather the hidden degeneracy of society, which might, to all eyes, look like progress and prosperity. The issue of inequality in Rousseau’s *Discourse* is
not a question of whether moral inequalities are justifiable. Such a question is "a good question for slaves to discuss within the earshot of their masters, but is not suitable for reasonable and free men who seek the truth" (OI, 38). Rather the question of inequalities in the Discourse has to do with how to address something like the ever-present fact of inequalities, or injustice in general, its reemergence, despite laws and despite social arrangements. It is the question of the moral degradation of society beyond the control of the will of individuals. The problem is how to face that form of decline, which affects everyone equally, beyond rich and poor, strong and weak.

It would be misguided to try to say that consent in such a case would be based solely on the recognition that the society is good enough, not perfect. This misses the point that what needs elaboration is precisely the form that consent, or identification with the fate of a society, would take under such conditions. It ignores the fact that consent cannot be divided and that such identification is always compromising. The point is not to withhold consent until there are no inequalities but to reflect the compromise in the form that the consent takes.

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The distance in consent, understood as the degree or kind of identification with society, is just as problematic as the moment of consent. How far does my identification with the fate of society go given the possible conditions of decline? What are the dangers of identification? Such issues form part of the story of the Discourse through Rousseau’s elaboration of the concept of pity. Pity should be understood very broadly in Rousseau’s Discourse. It forms the basis of the whole problematic of identification with another. Many concepts that we would not usually associate with pity are, for Rousseau, intimately related to it: “In fact, what are generosity, mercy, and humanity, if not pity applied to the weak, to the guilty, or to the human species in general” (OI, 54). What is involved in consent to one’s society in general is the identification that Rousseau calls humanity, say, expressing consent to what is essentially human in one’s society.

It would seem at first that, above all, Rousseau praises the virtues of direct and immediate identification. But even in the pure state of nature, we have indications of the complexities of that kind of identification. Rousseau playfully establishes a paradoxical relation between the recognition of misery and pity when he insists on using the word commiseration for the natural senti-
ment of pity while claiming that *misery* is a word that has no meaning in the state of nature. The meaning of that play on words, I take it, is that we are faced with a dilemma: if the recognition of a certain kind of misery, of a lack for which commiseration is the appropriate response, depends on our distancing ourselves from the state of nature (since misery is a concept that does not exist in the state of nature), would not this distance immediately work against the possibility of direct pity? Pity functions through an indeterminacy principle, as it were: the recognition of the evil precludes the possibility of complete and immediate identification.

The problem is even more acute in society, if what is demanded is the possibility of general identification or of pity directed to society in general. To have generalized pity, one needs to have the general terms that refer to the collectivity one pities, but in Rousseau's *Discourse*, precisely the development of such generalized concepts, as a precondition of comparison, is the first step of the decline of savage man. This inverse relation is brought to an extreme in Rousseau's figure of the philosopher reflecting on the problems of society in general. Philosophy is what isolates him and what moves him to say in secret, at the sight of a suffering man, "Perish if you will; I am safe and sound" (OI, 54).

Not only is it the use of concepts but also the expression of pity that is problematized. This is elaborated in the *Discourse* through an example taken from Mandeville of "an imprisoned man who sees outside his cell a ferocious animal tearing a child from its mother's breast, mashing its frail limbs with its murderous teeth, and ripping with its claws the child's quivering entrails" (OI, 45). Paying attention to Rousseau's complete description of the scene, we see in the first place that what is important about it is not so much the details of Mandeville's story but that it is an example of the power of particularity. The point is that Rousseau says of Mandeville, whom he portrays as "the most excessive detractor of human virtues," that he is forced through the description of a particular scene to depart from his cold and subtle style.

This recapitulates the problematic relation of general concepts and pity but at the same time adds a further dimension: there is a sense that a complete shift can occur in reading about those matters. Writing and reading have their dangers, and Rousseau hints at them when he says, "one notes with pleasure" how Mandeville is forced to pity. A slight shift of perspective or the introduction of another spectator makes the emotion turn from horror and pity to pleasure, aesthetic pleasure, or the pleasure at the defeat of a fellow philosopher; we are, so it seems, in the territory of amour propre.

It is not surprising, then, that the fullest elaboration of the problematic relation of expression and pity involving the concepts of distance,
particularity, writing (or the distance of writing), and amour propre takes us to the theater:

Everyday one sees in our theatres someone affected and weeping at the ills of some unfortunate person, and who, were he in the tyrant’s place, would intensify the torments of his enemy still more; like the bloodthirsty Sulla, so sensitive to ills he had not caused, or like Alexander of Phera, who did not dare attend the performance of any tragedy, for fear of being seen weeping with Andromache and Priam, and yet who listened impassively to the cries of so many citizens who were killed everyday on his orders. (OI, 54)

This juxtaposition of pity and theater implies several things: first, that pity seems to require something like the position of a passive spectator or an outsider to the scene. Just like the case of the prisoner in the example of Mandeville, the situation described is one in which no action can be taken, one might say, because of the very nature of theater, but equally because of the very nature of pity. Active participation would change the state of mind completely. Second, the feeling of pity in the degenerate state of society is not described as slowly disappearing, but rather it allies itself with dubious moral attitudes; it is an identification that represents neither one’s true capacity to act morally nor one’s true motives. In various social situations, we should conceive of pity and egocentrism or vanity not as opposed forces but as subtly cooperating. Third, the example of the tyrant shows clearly that the impulse to pity others is intimately tied to the amour propre that does not allow one to show any weakness. The fear of the tyrant is one of being seen, caught in the act of feeling, which suggests that part of the problem Rousseau addresses is not only how theater can arouse feelings that do not represent one’s true will but also why people have a need to keep those feelings secret—to avoid the theater. The avoidance of theater thus cannot be a solution to restore pity to its original state. In society, theater has become a fact that must be faced by Rousseau in the presentation of his Discourse. Dramatizing his consent, as he does, makes it clear that theater cannot be avoided, that it is part of what has to be reckoned with.

The question now arises, when we translate this tale back into the issue of the expression of consent of the individual to the present state of society, whether we should say that consent is never justified or that these conditions determine a consent of a very specific kind, a consent beyond present law and its justification that is to take into account the difficulties of identification in general and theater in particular. It is that latter option that I take it Rousseau develops in his Discourse. It is Rousseau’s letter of dedication that, I claim, provides an example of the form that consent takes faced with this predicament.
We should consider first the occasion of writing the letter of dedication: it is written when Rousseau becomes, once more, a citizen in Geneva, or just before that occasion. The place and the date—Chambery, 12 June 1754—then receive a special significance. The question of the relation between an occasion marking the moment of consent and the justification that consent requires and that society should make available is inscribed in the very beginning of Rousseau’s dedication:

Convinced that only a virtuous man may bestow on his homeland those honors which it can acknowledge, I have labored thirty years to earn the right to offer you public homage. And since this happy occasion supplements to some extent what my efforts have been unable to accomplish, I believed I might be allowed here to give heed to the zeal that urges me on, instead of the right that ought to have given me authorization. (OI, 25-26)

There is some irony in Rousseau’s assertion that he is still, after thirty years, working to earn the right to praise Geneva. Irony, in the first place, because thirty years span the time of Rousseau’s exile from Geneva, but also, in second place, because it would seem that the capacity to praise—what Rousseau calls earning the right to praise—would depend also on Geneva providing the reasons for praise. And is Geneva really that good? I take it then that such irony, at least, points to the fact that an occasion comes to replace a condition in which both sides possess complete justification for their position. It exemplifies the fact that joining consent would always be an occasion rather than following by necessity from how things stand morally with the consenter or the republic. Rousseau places himself before the possibility of acting out of right. But what is called for, by Rousseau’s dedication, is precisely that state of society in which we could have that right, in which address or consent could have full public justification. Rather than dedication to Geneva as it is, it is a dedication of oneself to how things might be, calling for a further state of society.

Rousseau attributes to his dedication a power of persuasion through praise, through bestowing honors, or through the voice of honor. He addresses his society heroically, that is, speaking not to Geneva’s present self but to its higher, further self. And such heroic speech is always liable to be taken as ridicule, ironically, since society is also shamed by it. The irony is a manifestation of the fact that in present conditions, we do not know what counts as an address to society’s public interest. Every word, including Rousseau’s address, can turn on itself, be heard ironically, as the disguised expression of private interest.
Just as the moment of consent receives a special significance in Rousseau's dedication, so does the place from which one consents or considers consent. Rousseau signs the dedication from Chambery, yet he wrote most of it in Paris. Rousseau tells in his Confessions,

Before leaving Paris I had outlined the dedication of my Essay upon inequality. I had finished it at Chambery and dated it from that place, considering it better, in order to avoid all controversy, not to date it from France or Geneva.  

Chambery is in the state of Sardaigne, the state that borders on and separates Geneva and France. Being very close to Geneva, one can say that it is just outside Geneva and just outside France—a position between exile and citizenship.

Throughout the dedication, Rousseau places himself in the position of one who, born to the society, considers getting back his citizenship. He thus exemplifies, in the first place, the fact that consent is always the repetition of consent and never a task to be done with once and for all. Moreover, he stands symbolically and literally, just outside the city of Geneva, just before the moment of consent. In his dedication, Rousseau relies on the kind of distance that is constitutive of the concept of pity: the fact that he lost the place he had in the republic allows him to recognize certain things about it and to address the city about its miseries. The symbolic presentation of himself expressing consent from outside the city, as a solitary individual, after long years of exile defines something about the very position or situation of consent, about the conditions of identifying one's fate with a state. It implies that such identification rejects a certain kind of tie to the state. It is not the rejection of the obligation to obey the laws of the state; rather, it is a rejection of the attachment to the laws as they stand, a recognition that we always live at a distance from how we ought to want to live. This is why Rousseau's consent is a dedication, a consecration of oneself to a further realization of humanity in the state.

Rousseau is very clear about the relationship between the place and the writing of the dedication. In a letter to Malesherbes, he writes,

Well may your men of letters shout that a solitary man is useless to all the world and fails to fulfill his obligation to society. . . . It is something to set an example for men of the life they all ought to lead. . . . If I had lived in Geneva, I would never have been able to publish the dedicatory letter of the Discourse on inequality, nor would I have been able to speak against the establishment of the theater in the tone that I took. (emphasis added)

It is as if Rousseau takes to heart Plato's words about the poet in The Republic, not as meaning that the poet has no place in relation to the political but rather that the place the poet takes is just outside the republic.
In so dedicating himself and his discourse to Geneva, what is Rousseau giving to his homeland? Is Rousseau presenting Geneva with praise or with blame? What is it to dedicate this Discourse to the republic of Geneva? It would seem to be a present that the republic would be eager to reject since it is the dedication of a revolutionary text that one would not necessarily want to associate oneself with. And how are we to conceive of the relation of the apparent praise of Geneva in the dedication to the grim picture of the human species presented in the Discourse itself? If Rousseau's aim is to identify the two conditions, then surely the praise is quite painful, and if not, what is the sense in which the history of the species would be relevant to Geneva?

Rousseau characterizes the history he presents as what would happen to the human species if left to itself:

In considering what we would have become left to ourselves we ought to learn to bless him whose beneficent hand, in correcting our institutions and giving them an unshakable foundation, has prevented the disorders that must otherwise result from them, and has brought about our happiness from the means that seemed likely to add to our misery. (OI, 36)

This cryptic phrase seems at least to imply that in fact we were not left to ourselves. That might mark a difference between that history and the fate of Geneva. Yet, he describes the situation of Geneva in words that cannot fail to identify it with the savages of the state of nature:

Your happiness is complete: it remains merely to enjoy it. And to become perfectly happy you are in need of nothing more than to know how to be satisfied with being so... For the happiness of its citizens and the example of the peoples, may a republic so wisely and so happily constituted last forever! This is the only wish left for you to make, and the only precaution left for you to take. From here on, it is for you alone not to bring about your own happiness, your ancestors having saved you the trouble, but to render it lasting by the wisdom of using it well. (OI, 29)

The problem that faces Geneva is not that of instituting anything new but merely conservation and stability, like the human species in the happy original state of nature. The republic should be left to itself, and yet, what the Discourse teaches us is precisely that being left to oneself might be the most problematic thing to manage.

How can Geneva be identified both with the human species in the state of nature and with those who have left it through the establishment of institutions? Is the beneficent hand at work or not? The only solution would be to say that institutions are such as to take us away from the state of nature but, also through their corruption, such as to lead us back to it. The state of nature,
one might say, is ever present; it is that fact that can redeem the miseries created by human institutions. It is that vision that explains Rousseau's access to the knowledge of that state. Indeed, toward the end of the *Discourse*, Rousseau identifies the starting point and the end, the state of nature and the corrupt civil state:

Here is the final stage of inequality, and the extreme point that closes the circle and touches the point from which we started. Here all private individuals become equals again, because they are nothing. Here everything is returned solely to the law of the strongest, and consequently to a new state of nature different from the one with which we began, in that the one was the state of nature in its purity and this last one is the fruit of an excess of corruption. (*Ol*, 79)

One can think of this circle in different ways, and it is very important to be clear about its true nature. One way of conceiving of the return to a state of nature is to think that we return to conditions just before the establishment of the "illegitimate" social contract. Among other things, we conceive of individuals who returned full circle as dependent on each other and as sharing a common language. But Rousseau says something else—he says that we have returned to something like the pure state of nature (i.e., a state in which each individual leads a solitary existence and there is no common language). The difference is all important—on the first reading, we see the project we are left with at the end of the *Second Discourse* as finding the form of contract, the nature of institutions that would not lead us back in a circle. Thus, one sees the *Social Contract* as a natural extension of the *Second Discourse*. On the second reading, focus is laid on the conditions of each and any contract, on the relation of nature and law, whereby the establishment of law can lead us right back to the state of nature. Indeed, I have stressed that Rousseau does not present us with an illegitimate contract in the sense that a contract leads to unjust institutions, but rather with the problem of any contract. The problem is not to find the institutions that will not form that circle, but rather to understand that for society, there exists the task of revolutionizing all human concerns, that is, addressing all the aspects of the transition from the state of nature to civil society. The history of the species is not only behind us; it gives form to our future endeavors. It is an ever-present condition of the species.

Let me put the point differently: identifying, as Rousseau does, the conditions of the state of nature with the civil state can have two opposite effects on us. On one hand, we are going to be tempted to discount much of the description of the pure state of nature and find the analogy between the two states merely in terms of, say, the operation of the law of the strongest. We will then imagine a formed community, like ours that operates on principles that are
like those of the state of nature, just another unjust society. The reaction
would then be to stress how this imagined community differs from ours
where law and order reign.

On the other hand, on my reading of the circle as returning us back to the
pure state of nature, we might have to read the conditions of the state of nature
into how we think of our society. Thus, we would emphasize that what faces
us is as monumental a challenge as that faced by primitive man. Moreover,
the dangers of constituting society shown in the history of the species are all
dangers we have to reckon with in trying to live according to our ideal of com-

N O T E S

1. All page references are to J. J. Rousseau, The Basic Political Writings, trans. Donald
   Cress (Indianapolis, IN: Hackett, 1987). I use the following abbreviations to indicate the text of
   Rousseau quoted: Discourse on the Origins of Inequality (OI) and The Social Contract (SC).

2. To think of a mythical account in such terms is to conceive of the function of the myth pri-
   marily as opening the field in which thinking can take place. The myth is not a representation of
   the natural state of man or the essence of man. It is rather what allows every generation to think
   anew how to recover what is essential to it and to address the dangers of decline that it necessarily
   faces.

3. I borrow the concept of a conversation of justice from Stanley Cavell's discussion of the
   question of the state of nature in relation to John Rawls, A Theory of Justice (Cambridge, MA:
   Harvard University Press, 1971). Rather than thinking of consent as directed at principles of jus-
   tice of a well-ordered society, Cavell is concerned to lay out the conditions of consent in terms of
   the willingness to partake in a conversation with society in the face of compromise and violence
   characteristic of every present society: "The idea of directing consent to the principles on which
   society is based rather than, as it were to society as such, seems to be or to lead to an effort to
   imagine confining or proportioning the consent I give my society. . . . But my intuition is that my
   consent is not thus modifiable or proportionable (psychological exile is not exile): I cannot keep
   consent focused on the successes or graces of society; it reaches into every corner of society's
   failure or ugliness. . . . The public circumstances in which I live, in which I participate, and from
   which I profit, are ones I consent to. They are ones with an uncertain measure of injustice, of in-
   qualities of liberty and of goods that are not minimal, of delays in reform that are not inevitable.
Consent to society is neither unrestricted nor restricted; its content is part of the conversation of justice.” S. Cavell, *Conditions Handsome and Unhandsome* (Chicago: University of Chicago Press, 1990), 107-8.

4. This interpretation of the place of consent in relation to Rousseau’s description of the state of nature requires one to reconceive the relation between the *Second Discourse* and *The Social Contract*. Steven Affeldt’s “The Conversation of Constitution” provides a powerful reading of *The Social Contract* that relates it to the conditions of consent to one’s present society rather than to an ideal. See Affeldt, “Constituting Mutuality: Essays on Expression and the Bases of Intelligibility in Rousseau, Wittgenstein and Freud” (Ph.D. diss., Harvard University, 1996).


7. I want to relate briefly the question of the expression of consent to the understanding of consent in Rawls’s theory of justice. Since Rawls essentially relies on an interpretation of Rousseau’s *Social Contract* to develop his understanding of the standpoint of the well-ordered society, this short digression can also serve to point at some problematic aspects of Rawls’s inheritance of the notion of the social contract.

In considering Rawls’s theory of justice, it is necessary to make a clear distinction between the standpoint of the parties in the original position, the standpoint of citizens in a well-ordered society, and finally the here and now.

For the parties in the original position, judgment is the choice of principles of justice for the basic structure of society. Justification is conceived on the model of a deductive argument from shared premises. The issue is not how to address others but how, given certain motivations and certain restrictions on reasons, we can construct an argument for the two principles of justice. In this case, the agreement is, by definition, unanimous.

Regarding the standpoint of citizens of a well-ordered society, the crucial notion is that of a public basis of justification, a mutually acceptable point of view from which to adjudicate citizens’ claims. Contrary to the standpoint of the original position, conflicts of opinions and interests are possible here; the public domain, however, is precisely the domain delimited by an implemented theory of justice, in which conflicts can be resolved by appealing to public reasons based on the mutual agreement on first principles.

The standpoint of here and now is primarily characterized by the fact that agreement is yet to be attained. It is a scene of conflict over different conceptions of society possibly leading to violence, compromise, and injustice. The issue, then, is how to orient ourselves in the transformation of our society and provide guidelines for individual action before public agreement is attained. The task could be described as finding or establishing a common political sense.

Replacing truth with reasonableness was supposed to allow for a plurality of comprehensive views to adopt the political conception of justice, but at the same time, it also created the space for many possible political conceptions of justice thus for disagreement among reasonable views. Hence, forming of a shared social world must involve a choice between several ideas of reasonableness.

My question, however, is whether Rawls needs to supplement his view with an account of the type of discourse that is prevalent in society before agreement is reached, not as an explanation to myself why others may disagree but as an expression to others aiming to further or create a moral agreement. It is significant that the concept of expression is lacking at the other two levels of Rawls’s theory. Expression is surely not required in the original position, as this position deals with the construction of a deductive argument. Moreover, Rawls’s understanding of publicity in
the well-ordered society reduces the need for expression as, presumably, everybody is already in an acknowledged state of agreement, and criteria of correctness can be applied solipsistically to resolve any conflict or disagreement. While we need not express ourselves about what is known to be shared, expression is essential in the here and now, which deals with the constitution of agreement.

Rawls says, “That there is no social world without loss is rooted in the nature of values and the world, and much human tragedy reflects that. A just liberal society may have far more space than other social worlds but it can never be without loss. The basic error is to think that because values are objective and hence truly values, they must be compatible. In the realm of values, as opposed to the realm of fact, not all truths can be fitted into one social world” (Rawls, *Political Liberalism* [New York: Columbia University Press, 1993], 197). Loss, then, seems inherent in any agreement over the basic form of society. Nevertheless, I assume that Rawls wants to draw a distinction between loss and violence done to some party or form of life.

The possibility of distinguishing between loss and violence is contingent on creating a dialogue within society before agreement is reached. It depends on the assurance that all parties to society have been allowed expression. When loss is a result of being denied a voice, it becomes violence. What must be established, even before agreement is reached regarding a political conception, is the practice of expressing judgment on the affairs of society.

8. This is in part what characterizes the violence of the state of nature. Such violence is not that of the state of the war of all against all but rather that of the inevitability of perfection and decline beyond human control. This traumatic aspect of man’s relation to history is also a central theme of I. Kant’s “Conjectural Beginning of Human History,” in which the departure from a state of nature is elaborated through a reading of the myth of the garden of Eden. He speaks of the choice of eating the forbidden fruit as “a sufficient occasion for reason to do violence to the voice of nature and, its protest notwithstanding, to make the first attempt at a free choice. . . . Perhaps the discovery of this advantage created a moment of delight. But of necessity, anxiety and alarm as to how to deal with this newly discovered power quickly followed; for man was a being who did not yet know either the secret properties or the remote effects of anything. He stood as it were on the brink of an abyss. Until that moment instinct had directed him toward specific objects of desire. But from these there now opened up an infinity of such objects, and he did not yet know how to choose between them.” I. Kant, “Conjectural Beginning of Human History,” *Kant on History*, ed. L. W. Beck (Indianapolis, IN: Bobbs-Merrill, 1975), 56. It is significant that Kant mentions Rousseau’s discussion of inequality in the same essay and precisely recognizes the inherent inseparability of perfection and decline: “There is much truth in Rousseau’s complaint about [human] inequality. At the same time, it is inseparable from culture, so long as the latter progresses without plan, as it were; and this too is for a long time inevitable” (ibid., 62). For a discussion of Kant’s essay along those lines, see E. Friedlander, “Kant and the Critique of False Sublimity,” *Iyyun* 48 (January 1999): 69-91.


12. One might wonder what the point is of a writing that is bound to be misunderstood, that expects the misunderstanding. To that I will say the following: in the first place, the central concern of Rousseau’s writing is the provocation of judgment. One might say that the specific nature of the judgment is less important than initiating a response at all. It opens the possibility of
thinking about the state of one’s society. But second, Rousseau has this peculiar fate that the attacks he suffers are, in their content, a perfect representation of the condition he warns against. The misunderstanding and animosity themselves are most accurate responses to Rousseau’s communication.

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