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ROUSSEAU'S GENERAL WILL, THE PARETO PRINCIPLE,
AND THE PROBLEM OF CONSENT

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ABSTRACT

Most critics of Rousseau regard his account of the general will as incoherent. In this paper this assessment is challenged. I argue that the general will is simply the sum of the decisions made by individual citizens about what is in the public interest, and it is in the public interest to be governed by a regime that is capable of making Pareto improvements in the living conditions of those it governs, that is, a regime whose policies are such that at least one citizen is better off and no citizen is worse off. This reading is supported by an examination of the procedures Rousseau recommended for conducting assemblies at which the general will is to be expressed. Further, this reading has the advantage of being psychologically plausible -- at least for the small, homogeneous societies Rousseau was discussing. Finally, on this reading the problem of consent -- Rousseau's chief concern -- is solved, but again only for small homogeneous societies.

ROUSSEAU'S GENERAL WILL, THE PARETO PRINCIPLE,
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W. T. Jones

There are almost as many views of Rousseau's general will as there are writers on Rousseau. Some theorists see Rousseau as facing an insoluble dilemma: what he says about the general will is either a truism or else false.¹ Others equate the general will with natural law.² Others again regard the general will as an anticipation of Hegelian doctrines.³ More, perhaps, agree with the most recent student of the subject, who concludes that "Rousseau appears genuinely unable to make up his mind about what constitutes the general will and how it comes to be."⁴ Yet, despite radical differences in interpretation, the nearly unanimous verdict -- one might almost say, the general will -- of historians of political theory on the general will is unfavorable.

I believe that a fresh reading of what Rousseau actually says in The Social Contract shows that the concept of the general will is empirical, not metaphysical or transcendental; clear and straightforward, not muddled or paradoxical; reasonably realistic, not sheerly utopian. It also proves a theoretical solution of the

political problem it was introduced to solve -- how men can be "at once free and subject to laws they have not agreed to"⁵ -- though the solution is limited, as Rousseau himself recognized, to very small states.

In this paper I will first set out what Rousseau says about the general will. My account will focus on the procedures Rousseau specified for conducting meetings of assemblies at which the general will is to be expressed. I focus on these rules -- largely neglected by critics of Rousseau -- because I believe they are the major clues to understanding what he conceived the general will to be. Next, I will put forward the suggestion that what Rousseau had in mind was something very much like the Pareto principle -- that is, he believed that the citizens meeting in their assembly would know whether the regime which governed them had or had not effected a Pareto improvement since the last meeting of the assembly and that they would vote accordingly, approving it if it had effected a Pareto improvement, otherwise rejecting it. Since Rousseau did not formulate this view explicitly, my evidence for this suggestion must be indirect: if we assume that this was his view, what he actually says make much more sense than it otherwise would, and scattered passages which seem to be random obiter dicta fall into place as interconnected parts of a persuasive argument. Third, I shall explain why, if this is Rousseau's view of the general will, it has been so frequently misunderstood. Finally, I will examine the concept of the general will critically, attempting to show that, so understood, it is viable.

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I

I have said that an important clue to understanding Rousseau's concept of the general will is the set of procedures he laid down for decision-making by the sovereign. To understand these procedures in their turn it is necessary to bear in mind the distinction he drew between sovereigns and governments or, alternatively, between laws (which are issued by some sovereign) and decrees (which are enacted by governments). Many modern readers find Rousseau's view either confused or downright mistaken because they assume that he means by "law" what we today mean by "law." They rightly hold it implausible to maintain that statutes like those setting income tax rates or appropriations for the school lunch program "express," or "reflect," the general will. But modern laws are Rousseau's decrees; in modern states there simply are no laws (in his sense of "law"), for in modern states what Rousseau called the general will is never expressed, though pseudo-general wills may be expressed.

A sovereign proclaims laws; a government issues, or enacts, decrees. A sovereign is any assembly of people who have a common interest and who have a good idea what that common interest is. When an assembly is asked whether such-and-such a proposed change is in the public interest, its decision is final and is called a law. But assemblies meet infrequently and make few decisions. Hence there are few laws, in Rousseau's sense of "law." A government, on the other hand, is an administration which has been established by law. Governments are of many kinds -- monarchies, aristocracies, oligarchies, republics, democracies. Every type of government has its

own characteristic procedures for reaching agreement on the form and substance of the decrees it enacts and for enforcing them. It is necessary to mention this activity only to exclude it from consideration; it is not an expression of general will. The general will is not manifested in the decrees of governments but only in the decisions of sovereigns.

It is theoretically possible that any society, however large, could have a common (public) interest. But the larger and more diversified a group is, the less likely that this will be the case. In contrast, members of small homogeneous groups are likely both to have a common interest and also to have little difficulty in agreeing about what their common interest is. This being the case -- that the common interest of a large group is not at all evident to its members, whereas the common interest of a small group is readily evident to its members -- it follows that a number of small, relatively homogeneous subgroups is likely to form within any large, heterogeneous group -- a subgroup of the wealthy as opposed to a subgroup of the poor, a subgroup of farmers as opposed to a subgroup of industrial workers, a subgroup of suburbanites as opposed to a subgroup of central-city dwellers and so on. Such subgroups form precisely because the members have recognized that they have a common interest; each such subgroup is constituted by, and limited to, people who believe -- whether rightly or wrongly is for the moment irrelevant -- that the existence of this subgroup will promote that common interest. The cohesion of each such subgroup is sustained by its opposition to the other subgroups. "If there were no different interests, the common

interest would be barely felt, as it would encounter no obstacle; all would go on its own accord, and politics would cease to be an art."⁶

In his studies of Poland and Corsica Rousseau was much concerned with the art of politics -- the art, that is, of balancing and equilibrating the divergent common interests of the various subgroups that together constitute a modern state, and with finding ways to lessen the divergencies (by means of a national educational system, for instance). But in The Social Contract Rousseau is less concerned with such problems -- the problems of practical politics -- than with what he held to be the central moral problem of communal living -- the problem of consent. This is why, in that work, he concentrates on small relatively homogeneous groups, for he believed that men can be free and yet subject to laws they oppose only to the extent that they can easily ascertain what is to their common interest.

In The Social Contract, then, the discussion focuses on how the common interest of the members of a group can be ascertained by the group's own members. If the group is very small and very homogeneous, there is no problem. Everybody knows what the common interest is: "When bands of peasants are seen regulating affairs of State under an oak, and always acting wisely, . . . the common interest is everywhere clearly apparent, and only good sense is needed to perceive it."⁷ A band of peasants, however, is too simple an organization to need an administration, and though it may from time to time issue laws, it hardly needs to promulgate decrees in order to regulate the daily round. Nor is consent problematic.

But what of groups large enough to require an administration, even if only a rudimentary one? In such groups the common interest may not be "everywhere clearly apparent." Nevertheless, the general will -- the vote that expresses the common interest of the group as the group members understand that common interest -- will emerge if the following rules are followed:

1. Assemble all members of the group together. (The group must be small enough for this to be possible.)
2. Put all questions on which the assembly is to reach a decision in a special form: never, "Are you in favor of so-and-so?" but always, "Do you believe so-and-so is consistent with the common interest?"
3. Put only general issues before the assembly, never specific ones. Never, for instance, ask whether so-and-so should be king (or president). Ask only whether the public interest is served by a monarchical (or republican) form of government.
4. Do not allow the question to be discussed or debated. Members of the assembly should be "furnished with adequate information," but there should be "no communication one with another" prior to the vote; "each citizen should think only his own thoughts."⁸
5. Count the votes, seeing to it that every vote is counted.⁹

Rousseau did not maintain that following these procedures will assure that the general will of the assembly is expressed. He was realistic enough to recognize that no procedures are infallible: it is always possible, he pointed out, that factions may emerge and

influence the result or, alternatively, that the administration may be able to manipulate the voting.¹⁰ But he did hold that these procedures are more likely than any others to permit the general will of the assembly to emerge. Why? What was his reasoning? Answers to these questions will reveal what he understood the general will to be. Let us therefore take up the procedures one by one.

1. Assemble all members: This is the easiest way -- in Rousseau's time perhaps the only way -- to assure that all members of the group vote and that all the votes are counted, and these are essential conditions for any expression of the general will of the whole group instead of the general will of some subgroup or other.

2. Put the question in a special form: The form prescribed for all questions posed to the assembly reduces the possibility of the personal interests of individual members affecting their vote. For voters are asked a factual question -- Is the proposal consistent with the public interest? -- a matter about which most of the members of a homogeneous group can be presumed to have reasonably reliable opinions. Unfortunately, there is nothing to prevent some of the members from answering a different question from the question they have been asked -- "Instead of saying by his vote, 'It is to the advantage of the State,' [a member may in effect say] 'It is of advantage to this or that man or party that this or that view should prevail.'"¹¹ Rousseau's recognition of this possibility is one of the reasons why he did not think that assemblies of the people guarantee an expression of the general will. But that the question nevertheless be posed in the form prescribed is important for two reasons. First,

many, perhaps most, people will answer the question asked, rather than some other question. Second, the varied opinions of those who answer a different question will to some extent cancel each other out, whereas the answers of those who reply to the question asked will cluster around one point since everybody has a good idea of what the public interest is:

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.¹²

3. Put only general issues: This rule, like Rule 2, is intended to reduce the chance that the vote of the assembly will reflect some combination of private interests rather than the public interest. And it is even more effective than Rule 2, for whereas Rule 2 merely tends to direct attention away from private interests by the form in which the questions are posed, Rule 3, by restricting questions to general issues, tends to eliminate the possibility of private interests having a seriously distorting effect.

It is true that the veil envisaged by Rousseau is not opaque; it is only translucent. His citizens are not in an original position. But, after all, Rousseau was less concerned with a theory of justice than with the practical problem of arranging matters so that people

will not take too narrow, too immediate, a view of their own self-interest. It is obvious that citizens cannot decide whether a proposal put before the assembly is, or is not, consistent with the public interest unless they understand what is involved -- that is why Rousseau wanted them to be "adequately informed." But since the issue posed is a general issue, they can be adequately informed about the overall advantages and disadvantages of, say, a monarchical (alternatively, republican) form of government without it being spelled out for them how their personal interests are affected. Doubtless some citizens may be able to calculate where their personal interests probably lay, and these may vote those interests, without regard to the common good. But many voters will be unable to make the calculation or, making it, will be too uncertain of the results to want to take it into account. In a word, this rule makes it difficult for many -- perhaps most -- voters to know how the proposal put before the assembly will affect their private interests. Hence, even if they want to vote their private interest, they will not know how to do so.

4. Do not allow discussion or debate: Since all citizens are presumed to have a good idea of what the public interest is and since they have already been adequately informed regarding the issue posed, discussion and debate are counter-productive. So far from enlightening the citizens, it would distract their attention from the public good to their own (or to other people's) private good; it would invite the formation of factions which would, in effect, vote the different common interests of those factions, rather than the public good, i.e., the common good of all the citizens.

5. Count all the votes: If some citizens do not vote (or if some votes are not counted), sampling errors will be introduced. The result might be a badly skewed distribution that did not represent the general will at all. To put this differently, since Rules 2 and 3 do not eliminate, but only reduce, the expression of private interests, the best way to obtain a distribution with a strong central tendency that represents the citizens' views of where the public interest lies is to count all votes, hoping that the expressions of deviant opinions "cancel one another."

II

From this discussion of why Rousseau introduced these five rules for ascertaining the general will, what can be inferred about Rousseau's view of what the public interest is? We know that the rules have been designed to produce an expression of the general will in contrast to the will of all. The general will does not differ from the will of all in being, somehow, a group will; it is no more a supra-individual will than is the will of all. Like the will of all the general will is the aggregated expression of a number of distinct, individual decisions. How, then, do they differ? When each of the individual decisions is determined by no other consideration than the voter's estimate of his own private interest, the result is an expression of the will of all. When each voter also takes into account the interests of his fellow citizens the result is an expression of the general will.

Each citizen who thinks that his own interests have suffered in the interval since the last assembly (who estimates himself to be worse off than he was then), will naturally and rightly vote against the government -- so far, that is merely the will of all. If citizens who do not regard themselves as worse off also vote against the government because they believe some of their fellow citizens to be worse off, then it is the general will, not the will of all, that is being expressed. This is the case because the citizens are now taking into account not merely their own private interests, but also the interests of the other citizens as well, that is, the public interest.

This is why I think there is a rather close similarity between Rousseau's general will and the Pareto principle. It is in the common interest to see to it that the result of any change is that at least some members -- ideally, of course, all members -- of the group will be better off than they were before that change occurred, providing no one is made worse off. Inasmuch as a change in which at least one person is better off and no one is worse off is a Pareto improvement, we may say that the common interest of any group is to maintain the status quo, whatever it happens to be unless, a proposed change is a Pareto improvement. The procedural rules are best understood as devices to make it difficult for people to focus too exclusively on their own private interests, thereby causing them to take into account as well the interests of the other citizens.

We can now see why Rousseau insisted so strongly that the state be small and homogeneous. In the first place, in large and heterogeneous groups Pareto optimality is achieved at a very low level

of satisfaction. In such groups it will be very difficult for the government to put into effect any improvement for some that does not entail losses for others. In small homogeneous groups, in contrast, any improvement for some is likely to be an improvement for most, if not all, other members of that group. It is much easier, then, to design policies that are Pareto improvements for such groups.

In the second place, members of small homogeneous groups are likely to empathize with one another -- not merely to know (in the cognitive sense)¹³ whether some of their fellow citizens have been made worse off by the government's policies, but to sympathize with them -- to feel the losses of those other citizens almost as they would feel losses of their own. These empathizing sentiments are likely to develop naturally in the kind of community Rousseau envisages -- stable families living on the land, interacting constantly, intermarrying frequently, understanding each other's ways because they share them. But Rousseau was well aware that empathizing sentiments can also be deliberately cultivated and reenforced by education. The educational practices he proposed for his Emile and Sophie were by no means intended to stifle a child's self-love (to stifle it would be impossible), but rather to strengthen his "love of those about him," a love which is as natural as his self-love and, as a matter of fact, "derived from it."¹⁴ Emile and The Social Contract were published in the same year (1762), and we may take it that the educational program put forward in the former was intended to support the political program put forward in the latter: the educational program was intended to generate the kind of social context in which

the procedural rules would produce an expression of the general will.

It is therefore important to bear the educational program of Emile in mind in connection with the distinction Rousseau draws in The Social Contract between what he calls an "aggregation" and what he calls an "association." An aggregation is any merely haphazard collection of "scattered" people who live under some rule (for instance, "a multitude enslaved by one man").¹⁵ If this one man were by some improbable chance a beneficent ruler he would aim at maximizing the total amount of satisfaction in the aggregation as a whole, without regard to the individual components of that aggregation. Similarly, because the individual components of the aggregation are "scattered," each naturally thinks only of his own interest. In contrast, an association is a collection of people who share memories, sentiments and a way of life. Because they share memories, sentiments and a way of life, they have a common interest. That is to say, their private interests are mediated by the sentiments and memories they share. But each citizen's mediated interests remain incorrigibly private, his own.

Though members of an association have a broader view of their private interests than the scattered components of an aggregation can have, no one who enters an association intends to "harm his own interests" or "neglect the care he owes to himself." The common good of an association therefore is not simply the maximization of the total amount of satisfaction, without regard to how the satisfactions are distributed. It is not in the common interest of an association that anyone should lose, no matter how much the total quantity of

satisfaction might thereby be increased. On the contrary, the "person and the goods" of each member of the association are to be defended and protected "with the whole common force."¹⁶

In a word, it is obviously in the common interest of an association that all should gain. But if all cannot gain, it is in the common interest that at least some should gain, providing that no one loses. To say that the general will has been expressed in an assembly is simply to say that the citizens have voted for the common interest, thus defined.

III

If this is what Rousseau meant by the expression "general will," we have to ask why his view has so often been misunderstood. It must be allowed that Rousseau is partly responsible for the misunderstandings. Nowhere in The Social Contract is there a systematic exposition of the general will; rather, his view has to be collected from a number of what look almost like obiter dicta scattered through the work. In particular, the discussion of the rules, as we have called them, for ascertaining the general will have been inserted in the text haphazardly, often as footnotes to other arguments -- thus Rule 3 turns up as in connection with Rousseau's contention that the general will is indestructible.¹⁷ It is as if he simply inserted a rule into the text at whatever point it happened to have occurred to him. The result is to obscure the reasoning that led him to formulate the rule in question and so makes it easy for the reader to miss altogether the light this reasoning actually throws on

the nature of the general will as Rousseau understood it.

Further, Rousseau's general-law vocabulary has misleading connotations for post-Hegelian readers. Rousseau can hardly be blamed for failing to anticipate the arabesques that Hegel would play on this vocabulary, but the result is nonetheless unfortunate. When Rousseau declares that "The State is a moral person¹⁸ whose life is in the union of its members," we are likely to think of Hegel. But in the next paragraph Rousseau writes that "besides the public person we have to consider the private persons composing it." And here "composing" is the operative word: if it is true that "the Sovereign is sole judge" of the line "between the respective rights of the citizens and the Sovereign," we must remember that Rousseau's Sovereign is only the citizens assembled together and voting in accordance with the prescribed rules.¹⁹

Thus, too, the assertion that "the general will is always right" has a metaphysical ring to it, especially if taken out of context. But the sentence actually goes on, "and tends to the public advantage."²⁰ In a word, so far from being a metaphysical claim, it is an empirical claim, viz. that what the assembled people, guided by the prescribed rules, say is the common good is in fact the common good.

Again, to say that the members of the assembly "have a single will" also sounds suspect, but Rousseau's intention, as the context shows, is not to say that the will is single but that when the various members of some assembly are guided by the prescribed rules they always aim at the same object: "their common preservation and general

well-being."²¹ That is, it is not the will, but the object willed, that is "single." And latter in the same chapter, assertions to the effect that the general will is never "exterminated," never corrupted, but always "constant, unalterable, and pure," sound as if Rousseau's general will is a timeless, transcendental force in which the various empirical wills are somehow aufgehoben. But the context shows that Rousseau is only making the empirical assertion that for every assembly there is some state of affairs that is known by all assembly members to be in their common interest. Even when some member of the assembly lies about what he thinks is the public interest (e.g., even when he sells his vote), he knows perfectly well what the public interest is; it is simply the case that on this occasion it "seems to him negligible beside the exclusive good he aims at making his own." Thus, to say that the common interest is "unalterable" does not mean that it never changes, for in different circumstances the common interest of the assembly may well be different. Rather, it means that the common interest of this assembly in these particular circumstances is not affected -- not "corrupted" -- by the venality of this or that member of the assembly.

IV

So much, then, for the causes of misunderstanding. We have finally to ask whether, if this reading of Rousseau is correct, the general will is a viable concept. This breaks down into three subquestions. (1) Inasmuch as, on this view, Rousseau held that all the members of an assembly (i.e., of a small, homogeneous group) will

know whether or not the government has effected a Pareto improvement since the last meeting of the assembly, we want to know whether this is likely to be the case. (2) Inasmuch as, on this view, Rousseau held not only that they will know whether it has effected a Pareto improvement, but also that, when questioned in the proper form, they will answer truthfully, we want to know whether this is psychologically plausible. (3) Inasmuch as Rousseau thought the concept of the general will so defined solves the problem of concept, we want to know whether it really does.

(1) Let us begin by reminding ourselves of the kind of information it is required that the citizens have and act on. The citizens are not expected to be able to predict the likely effect of such-and-such proposed decrees (e.g., a change in the income tax rate or a shift in budget priorities), for decrees are never put before the citizens for their approval or disapproval. They are only expected to be able to make an overall estimate of the results achieved by the government in the interval since the last periodical assembly. During that interval the government (whether it be monarchical, republican, or whatever) will have issued a number of decrees, each of which will have had effects, some favorable, some unfavorable, on the citizens. The effects, favorable and unfavorable, of these decrees will be differentially distributed among the citizens, and it is only required that each citizen be able to make a reliable estimate of the net effect -- on balance favorable or on balance unfavorable -- of these decrees on himself and on the other citizens. If the citizens can make this estimate they will have all the information they need to

vote intelligently on the questions put to them in the assemblies: First, "Does it please the Sovereign to preserve the present form of government?" Second, "Does it please the people to leave its administration in the hands of those who are actually in charge of it?"²² But will the citizens have the requisite information? And if they have it, will they vote in accordance with it?

If the members of a small, homogeneous group do not know whether or not the government they have been living under has effected a Pareto improvement, who would know? If anybody is better informed about the public interest of the group than the group itself, that can be only an outside expert or an inside expert. As for outside experts, is it not arguable that an assembly of the Hopi has a clearer view of Hopi interests than some bureaucrat or politician in Washington? That the opinions of slum dwellers (if collected in accordance with Rousseau's procedures) are more reliable than those of a social worker with an MA from Columbia or City College who commutes from the suburbs to spend an eight-hour day in an office in City Hall? That the members of a primitive tribe in some third-world state know better what their interests are than a development economist imported from abroad to advise the government?

This brings us to the possibility of using inside experts to declare what is to the group's common interest, and, as a matter of fact, outside experts commonly rely at least in part on the reports of inside experts -- or, rather, on insiders whom the outsiders regard as experts. But what are the criteria by which the outsiders choose their "informants"? And is there any reason to have more confidence

in the opinion of an insider chosen in this way than in the verdict of an assembly of the insider's fellows? Alternatively, the informant may be chosen by his fellows, instead of by the outside expert himself. But to adopt this procedure is to interpose a redundant step between insiders and outsiders. If the people have been assembled to choose some insider to inform the outsider, the people may as well tell the outsider themselves what their view of their common interest is -- we are back to Rousseau's own proposal that the assembly declare its verdict directly through its vote, rather than through a representative it has chosen.

(2) Even allowing that the members of an assembly are better informed than any outsider can be regarding where the common interest of the assembly members lies, we have to ask whether it is plausible to hold that we will learn what it is by asking the members what it is. Are the members not more likely to vote, each of them, what he thinks is his own private interest rather than what he knows to be the common interest?

Before we try to answer this question we need to spell out exactly what Rousseau's scheme requires of the citizens in the way of sacrificing their private interests for the public good. First, citizens who believe that the government's policies have affected them adversely and who vote against it for that reason are not voting against the public interest, inasmuch as any change that affects anyone adversely is not a Pareto improvement. Secondly, citizens who believe that the government's policies have affected them favorably and who vote for it are not voting against the public interest,

providing they believe that those policies have not affected others adversely, inasmuch as a change that improves anyone's condition without damaging others in a Pareto improvement. What has to be guarded against is only the possibility that individuals who believe the government's policies have affected them favorably will vote for it even though they also believe that they have affected others adversely. Or rather, what we have to guard against is the possibility that a majority of citizens will vote in this way.

Is it plausible to hold, with Rousseau, that a majority of citizens is unlikely to vote in this way -- that a majority is likely to vote for the public interest even when it conflicts with their own private interest? But that, from Rousseau's point of view, is a very confused way of posing the question. It is not a matter of expecting people ever to vote against their own private interests, and they never do so vote, inasmuch as their private interests are parts of the common good. Since the common interest is the sum of private interests, if we choose the common interest "we cannot work for others without working for ourselves. . . . There is not a man who does not think of 'each' as meaning him, and consider himself in voting for all."²³ Thus it is not a matter of selfishness vs. altruism, but of what may be called intense selfishness vs. mediated selfishness, i.e., selfishness mediated and moderated by sympathy and fellow-feeling. It is not a matter of expecting people to be altruistic, if that means giving up a good one now possessed and handing it over to someone else, it is only a matter of expecting people to be willing to forego an additional good that one might acquire, if acquisition of that

additional good were to cause someone else -- who, of course, is no mere anonymous "anyone," but a neighbor -- to lose a good he now possesses.

Rule 3 is intended to give moderate selfishness a relatively greater influence, as compared with intense selfishness, by distancing voters from the kinds of calculations that intense selfishness would want, and need, to make. Suppose a monarchical government is in the public interest and that the voters know this to be the case. They are more likely to vote in favor of monarchy, and so in favor of the public interest, if the question is put "in the abstract," rather by naming "a particular person" as the proposed king.²⁴ They are more likely, that is, to vote what they know to be the common good, if that is all they know, than if they also know who the king is to be and so can calculate whether he is likely to favor them personally or disfavor them. As for Rule 2, Rousseau, so far as I am aware, is one of the first thinkers to recognize -- what is now a sociological truism -- the extent to which the form in which a question is asked influences the answer given.

Taken together, then, Rules 2 and 3 do indeed have a tendency to moderate intense selfishness, and Rule 4 tends to reduce the influence of faction. But will the combined effect of these rules be enough to produce the result Rousseau hoped for? That depends on what his hopes were, and his hopes seem to have been on the whole modest. He certainly never expected all members of any assembly to vote against changes that were not Pareto improvements. The most he hoped was that enough members would vote in this way for there to be a good

chance that the common good would stand revealed as the central tendency of the distribution of all votes.

For my part, I confess to being less sanguine than Rousseau about how likely it is that the general will would be revealed as the central tendency of the distribution of votes. I think it would be difficult to distinguish between a central tendency that results from the manipulations of a cynical administration (or from the maneuverings of a combination of factions) and a central tendency that results from the fact that a majority of voters has voted for what they believe to be the common good. (I suspect that lurking somewhere in the background of Rousseau's thought is an outside expert -- himself! -- who knows how to distinguish the "good" central tendency from "bad" ones.) Nevertheless I do not know of anyone who has formulated better rules for discovering the general will, and I believe that Rousseau's rules might sometimes work, especially in the small, homogeneous groups for which they were intended.

(3) Supposing that, at least on some occasions, the rules do work, is it then the case that on those occasions the members of the group are "at once free and [yet] subject to laws they have not agreed to"? That they are is of course Rousseau's central thesis -- his whole purpose in introducing the concept of the general will was a moral one. Unless men and women consent to be subjects, compulsion -- an essential element in all political organizations, even the smallest -- is immoral. But does the concept of the general will (as I have interpreted it) solve the problem of consent? My answer is that it does, but that the conditions within which the problem is solved are

so narrow -- so special -- that for practical purposes, in distinction from theoretical ones, the problem is left almost where it was before The Social Contract was written.

It is possible to reconstruct Rousseau's thinking in the following way: the central tendency of the pattern of voting in an assembly discloses the general will of that assembly, i.e., the public interest, inasmuch as most members of the assembly have a good idea of what the public interest is and they have been asked a purely factual question, for instance, "Has the administration acted in the public interest since the last meeting of this assembly?" Members whose votes deviate from this central tendency will be subject to a law which they opposed; they will not be free. For instance, if the public interest is found to be inconsistent with retaining the administration, those who voted for it will have a different administration imposed on them. But these deviant voters fall into two distinct categories: (i) the relatively small set of those who (mistakenly) believed that the present administration had acted in the public interest, and (ii) the larger set of those who believed that the administration had not acted in the public interest but who nonetheless voted for it because they believed it to be in their own private interest.

The problem of consent is solved for both subsets of deviants, but in different ways. (i) Like the majority -- just as much as the majority -- the members of the first subset voted for, and want, the public interest. They differ from the majority only in that they made a simple factual mistake about what the public interest is. Though

they voted to retain the administration and so are now subject to an administration they opposed, they voted for the public interest and so are also free. In Aristotelian terms,²⁵ they and the majority agreed on the major premise of the practical syllogism and differed only on the minor premise. They agreed with that majority -- to use one of Aristotle's examples -- that "Poison is bad"; they and the majority differed about whether "This is poison" is true of the liquid in this particular bottle. Now that the voting has shown that "This is poison" is true, not false as they mistakenly believed, they willingly turn away from the liquid they were about to drink; in abstaining from drinking the potion they are doing what they want. For these deviant members of the assembly, then, the problem of consent is solved.

(ii) Those who deliberately voted their private interest instead of what they knew to be the public interest are in an altogether different situation: they will now be living under an administration which they do not in any sense want for they did not accept the major premise of the Aristotelian syllogism that the majority and the first subset of deviants share. But the members of this second subset of deviants -- by voting their private interests, instead of the public interest -- have in effect taken themselves out of the community. They are -- at least for the present -- in the position of those who, at the original foundation of the state, voted against establishing it. If they remain in it, rather than emigrating, they are only "resident foreigners": they are subject to laws which are not subject to their own choosing, but by remaining instead of leaving, they give a possibly grudging and only ex post

consent.

At the next meeting of the assembly these deviants will have an opportunity to rejoin the community by voting, this time, for the public interest, rather than for their varied private interests. This is still another reason why, in Rousseau's view, the regularly constituted "periodical assemblies" of the citizens are so important.²⁶ By giving the citizens a regular opportunity to approve or disapprove their provisional government (all governments without exception are of course "provisional"), we not only reduce the danger of usurpation; we also preserve the moral foundation of the state, for if the citizens do not reject the provisional government and replace it by another, they thereby consent to it, and so approve (provisionally) all the decrees to which, in the interval since the last assembly, it has subjected them.²⁷

Thus the problem of consent is solved -- but only for small, homogeneous groups and for them only on those occasion when one can be confident -- if, indeed, one can ever be really confident -- that the general will has emerged in the voting. This limitation -- which Rousseau certainly felt to be a limitation -- explains his insistence that states be small. It was more important, in his view, that states have a moral foundation than that they be viable, let alone powerful and successful, in the modern, eighteenth century world of large nation-states.

But Rousseau was not wholly satisfied with what we have called a theoretical solution of the problem of consent; he wanted actual -- as it were, viable -- states to have a moral foundation. It was

essential, therefore, to find ways of generating a sense of -- a passion for -- the common good in groups so large and so diverse that the common good is not immediately evident to all the members of those groups.

Hence his recommendations in the essays on Poland and Corsica for the systematic cultivation of "patriotic zeal." What he proposed specifically for Poland would apply mutatis mutandis to any large nation-state: Develop distinctive national institutions that give form to the character, tastes, and customs of the Polish people; introduce distinctive Polish dress; revive or introduce public games distinctive to Poland; create a truly national educational system with only Poles for teachers and in which the children learn to read by reading Polish literature. The customs thus revived or newly introduced "may be good or bad; that is not the point: even if bad they will endear Poland to its citizens" and so foster a sense of communality that will override the multitudinous private interests of the diverse groups that make up modern Poland.²⁸

That strong, even if only temporary, consensuses can be produced in large states is well-known -- one might say, painfully well-known. Italy under Mussolini in the heyday of his success, Germany under Hitler before things began to go sour in Russia, England in the desperate days of Dunkerque are examples. Though Rousseau had no idea, naturally, of the power of modern techniques of persuasion, he was by no means unaware of the other face of "patriotic zeal." He recognized that by utilizing such means as those he recommended for Poland "the prince derives a great advantage in preserving his power

despite the people."²⁹

How to prevent his misuse of this power may be said to be a problem of practical politics, but there is a theoretical problem as well. Rousseau was aware that in very large and very heterogeneous groups there is no immediately obvious common good, but it seems not to have occurred to him that in such groups there may be no common good at all. That is, in such groups there may be no way of improving the lot of some people without affecting others adversely. In such groups, as we have seen, Pareto optimality may be reached at a very low level of all-round satisfaction. If that is the case, if no common good already exists, patriotic zeal cannot generate one; at most it will produce only a fictive, or pseudo, common good. Unlike the veil of ignorance that Rule 3 is intended to cast over the private interests that might otherwise prevent citizens from concentrating on the public interest, patriotic zeal may be a veil that obscures the hard truth that no public interest exists. It would seem, then, that either some new definition of the public interest has to be formulated or that no modern state has a moral basis. That Rousseau put this dilemma so forcefully is a major contribution to political theory.

FOOTNOTES

1. For instance, John Plamenatz in Man and Society, I, 394.
2. For instance, Franz Haymann in "La loi naturelle dans la philosophie politique de J.-J. Rousseau" in Annales de la Société Jean-Jacque Rousseau, 30 (1943-45), pp. 96-7.
3. Among them -- alas! -- at one time the author of this paper: see A History of Western Philosophy, IV, 138.
4. Richard Fralin, Rousseau and Representation, New York, (1978), pp. 86-7.
5. The Social Contract (translated by G. D. H. Cole), IV, 2.
6. Ibid., II, 3 (note).
7. Ibid., IV, 1.
8. Ibid., II, 3.
9. Ibid., II, 2 (note).
10. Ibid., III, 18.
11. Ibid., IV, 1.
12. Ibid., II, 3.
13. "To see without feeling is not knowledge." Emile (Dent, 1911), p. 183.

14. Ibid., p. 174.
15. The Social Contract, I, 5.
16. Ibid., I, 6.
17. Ibid., IV, 1.
18. Since the French reads "une personne morale" (Vaughan II, 43), Cole is textually correct. Watkins translates the phrase as "artificial person," which is almost certainly closer to Rousseau's meaning. Watkins presumably took into account the corresponding sentence in the first version of The Social Contract, which is longer and which explicates the phrase: "Par où l'on voit que le souverain n'est par sa nature qu'une personne morale, qu'il n'a qu'une existence abstraite et collective, et que l'idée qu'on attache à ce mot ne peut être unie à celle d'un simple individu" (Vaughan I, 460).
19. Ibid., II, 4.
20. Ibid., II, 3.
21. Ibid., IV, 1.
22. Ibid., III, 18.
23. Ibid., II, 4.
24. Ibid., II, 6.
25. For instance, Eth. Nic., 1147 a 1-1147 b 5.

26. The Social Contract, III, 18.
27. Some people may want to argue that a third subset of "deviants" is possible and that for them the problem of consent is not solved. It is possible, these people will suggest, that the majority is mistaken about what is in the public interest and that some of those who differ from the majority are correct about what it is. Rousseau would disallow this possibility. (1) In small homogeneous societies most people are bound to know how they and their fellow citizens have been affected by the government's policies, i.e., bound to know what is in the public interest. (2) The verdict of the majority is the only criterion available for judging what is in the public interest: to say that the majority may be mistaken can only mean that at some future time the majority will reconsider and change its mind.
28. Government of Poland, Chapters III and IV.
29. The Social Contract, III, 18.