

Conflicts of Claims of Justice

“Thus, as the most powerful or the most miserable claimed, on the basis of their strength or of their needs, a kind of right to another person’s goods, equivalent, according to them, to the right of property...A perpetual conflict arose between the right of the stronger and the right of the first occupant, which only led to fights and murders...”

Discourse on the Origin and the Foundations of Inequality Among Men, Part II, para 29.

Passages on Justice

“the notion of justice which it produces follow from each person’s preference for himself ...the general will...must issue from all in order to apply to all...everyone necessarily submits to the conditions which he imposes on others...” (Book II, Chap4, para5-7)

“All justice comes from God, he alone is its source; but if we were capable of receiving it from so high, we would need neither government or laws...justice, to be admitted to us, has to be reciprocal.” (Book II, Chap6, para2)

Social Contract

The Power of Law

“Putting the law above man is a problem in politics which I liken to that of squaring the circle in geometry.”(Government of Poland, Chap1, para5.)

“The legislative power is the heart of the state...It is not by laws that the State subsists, it is by the legislative power...Why, then People must believe that nothing but the excellence of the ancient wills could have preserved them for so long...That is why the laws, far from growing weaker, constantly acquires new force in every well-constituted State...whereas wherever the laws grow weaker as they grow older it is proof that there is no longer any legislative power...”

(Social Contract, Book III, Chap11, para5)

lawgiver, the fourth kind of law(morals), censorship, civic religion, patriotism, national institutions...

Rousseau's Voluntarism

“...all, being born free and equal, alienate their freedom only for the sake of their utility...” (Book I, Chap2, para3)

“...conventions remain as the basis of all legitimate authority among men.” (Book I, Chap4, para1)

“a convention that stipulates absolute authority one side, and unlimited obedience on the other, is vain and contradictory.” (Book I, Chap4, para6)

Ongoing capacity of exit or control.

Social Contract

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but since each man's force and freedom are his primary instruments of self-preservation.... "To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before." (Book I, Chap6, para4)

Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole. (Book I, Chap6, para9)

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Freedom: Ongoing Control and Non-dependence

These considerations are important and serve to resolve all the contradictions in the social system. There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, in no way detrimental to freedom and engenders no vice. Dependence on men, since it is without order, engender all the vices, and by it, master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is to substitute law for man and to armed the general wills with a strength superior to the action of every particular will. (Emile, Book II)

Sovereign will cannot be represented: every individual's ongoing power of consent/dissent

sovereignty...nothing but a collective being, can only be represented by itself; power can be transferred, but not will. Indeed, while it is not impossible that a particular will agree with the general will on some point, it is in any event impossible for this agreement to be lasting and constant. It is even more impossible to guarantee such an agreement, even if it did always obtain; it would be an effect not of art, but of chance...If, then the people promises simply to obey, it dissolves itself by this very act, it loses its quality of being a people...

(*Social Contract*, Book II, Chap1. para3)



General will and sticky division(minority)

Finding general will through oppositions

a consider difference between the will of all and the general will...when an adequately informed people deliberates, the general will would always result from the large sum of small differences...if there are partial societies, their number must be multiplied...

*...the agreement between all interests is formed by opposition to each one's interest. If there were no different interests, the common interest would scarcely be sensible...

(*Social Contract*, Book II, Chap4. para3)

The natural and legitimate tendency of self-preference

Why is the general will always upright, and why do all consistently will each one's happiness, if not because there is no one who does not appropriate the word each to himself, and think of himself as he votes for all? Which proves that...the notion of justice follows from each one's preference for himself and hence from the nature of man; that the general will, to be truly such...must issue from all in order to apply to all, and that it loses its natural rectitude when it tends toward some individual and determinate object; for then judging what is foreign to us we have no true principle of equity to guide us....
an admirable agreement between interest and justice...

(*Social Contract*, Book II, Chap4. para5, 7)

The Power of Law: the Lawgiver

How will a blind multitude, which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation?

For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of the State, the effect would have to become the cause...men would have to be prior to laws what they ought to become by means of them...Lawgiver can use neither force nor reasoning, he must of necessity have recourse to an authority of a different order, which might be able to rally without violence and to persuade without convincing.

 (Social Contract, Book II, Chap6[10], Chap 7[7])