

The Concept of a General Will

The American system of government assumes that there are certain fundamental human rights, such as freedom of speech and association, of which the individual must not be casually deprived by other men. These natural rights are held to be gifts from the Creator. While the state should insure that as birthrights they are sustained, at least equal care must be taken to see that the state itself does not trespass upon them.

To accomplish this delicate objective the founding fathers devised a balanced political structure, designed to protect minorities against the majority, right down to that minority of one, the individual. This protection is justified by the belief that men as individuals, and in their voluntary social combinations, are in general moral persons, respectful of the rights of others and therefore worthy of freedom. But since this trust is by no means always justified, ample powers of coercion over the unruly are given to political government, both local and national. These

coercive powers, however, are most carefully balanced against each other, to insure that they shall not be used arbitrarily.

The men who wrote the Constitution were fully aware that in thus trying to reconcile Order with Freedom they were steering between Scylla and Charybdis. Madison posed the eternal problem in equally timeless words when he wrote: "In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself." And later in Number 51 of the *Federalist* he concludes that this "great difficulty" has been at least theoretically solved for the United States:

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each [is] subdivided among distinct and separate departments.¹ Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Those words were first printed on February 8, 1788, ten years after the death, in France, of a man whose political thinking was as brilliant, though far more erratic than that of James Madison, and whose influence throughout the world has been deplorably greater. Indeed it may be said that the struggle between the American and Rus-

¹ By "departments" Madison here means the division into executive, judicial and legislative branches, not departments of the executive branch in the sense of Department of State, etc.

sian ideologies today stems directly from the sharply antagonistic philosophies of James Madison, the Virginian, and Jean Jacques Rousseau, the uprooted Genevese. "Ideas have consequences," though it may take a long time for them to come to full fruition.

It was Rousseau's tremendous achievement to establish the conception of a "general will," for the triumph of which omnipotent government is the instrument. The conception is in theory thoroughly democratic, and indeed Rousseau deserves to be honored as the father of untrammelled political democracy. But the concept of the general will is also fundamentally, and in practice ruthlessly, opposed to that faith in the potential of the individual on which the government of the United States is founded.

Yet Rousseau's idea of a *volunté générale*, set forth with tremendous impact in the brief compass of his *Social Contract*, does not deny validity to individualism but on the contrary is based on the conviction that man is by nature good. The general will is not supposed to be capricious, passionate or instinctive. It is, rather, the whole of which all the individual wills in any community are parts. It is the composite, at any given moment, of the presumably rational judgment of all mature and competent members of the group. Without individuality as its basis, in other words, there could be no general will.

Conversely, it must be admitted, there can be no individuality worthy of the name without agreements in the nature of what Rousseau calls "the social contract." The unrestricted individualism of the savage in a state of nature

is not enviable. What we really mean by individualism is the latitude of a person to choose for himself among the many fruits of a civilization in which he actually participates. It is not merely unfair but also impossible to cut oneself off from the disagreeable results of collective action, while continuing to benefit substantially from those regarded as pleasurable.

“Man is by nature a political animal,” who for self-fulfillment needs contact with his fellows—in work, worship and play, in matters spiritual, intellectual, aesthetic and material. On that point Aristotle said the last word.² The prolonged helplessness of human infancy, man’s unique ability to formulate and communicate abstract ideas, his habitual sociability as well as his need for cooperation—these and other distinctive human characteristics combine to demand that association which of itself creates society. And social contact implies some form of that social contract on which Rousseau placed deserved emphasis in his immortal essay under that title.

The social contract may, of course, be implicit rather than explicit. It may be as simple and elementary as the convention which allows the batter three strikes in a game of baseball. Or it may involve a constitutional division of power so complicated and refined that a supreme court must be established to interpret its bearing in any given case. The social contract, again, may be accepted willingly by citizens who have been given a continuing voice

² *Politics*, Bk. I, Ch. 2 (Jowett translation).

in its application; or it may be enforced by terrorism on unwilling subjects. But these diversities, whether of importance or of acceptability, are all secondary to the fact that there is some form of social contract behind every form of social organization, and that no member of any such organization can with impunity ignore the terms made applicable to him.

In England, which has no written constitution, some eminent political thinkers have since the French Revolution denied any validity to the theory of the social contract. Sir Frederick Pollock, for instance, called it a "plastic fiction," while admitting morosely that it "became one of the most successful and fatal of political impostures."³ Of course it would be impossible to prove, as Rousseau intimates, that groups of prehistoric savages at some time covenanted with each other to change the state of nature into orderly political societies. But such evidence is not necessary to validate this part of his argument. In our own history there are numerous instances, such as the Mayflower Compact, where men confronting primitive conditions individually accepted generalized rules and regulations for cooperative ends. Hamilton, in the concluding issue of the *Federalist* (No. 85), anticipates that the States will form the Union by "compacts."

Up to and including the Constitution, however, American social contracts have always been of limited scope. It has been generally believed, for instance, that man-

³ Sir Frederick Pollock, *Introduction to the History of the Science of Politics*, Macmillan & Co. (London 1919) p. 79.

made rules must not intervene between the individual and his God. Thus the social contract drawn up by Roger Williams in 1636, for settlers in the then new town of Providence, specified that it should apply “only in civil things.” The difference, and the danger, in Rousseau’s *Contrat Social* was in its all-inclusive, totalitarian nature. No aspect of human life is excluded from the control of that general will which Rousseau called “the essence” of the social contract. In his own words:

Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale, et nous recevons en corps chaque membre comme partie indivisible du tout.⁴

Certain consequences follow inevitably from the assumption that everybody “places in common his person and all his power under the supreme direction of the general will.” The thesis suggests, as Rousseau himself proceeds to emphasize, that “whosoever refuses to obey the general will must in that instance be restrained by the body politic, which actually means that he is forced to be free.”⁵ To most Americans this still seems an impossibly contradictory assumption—that one can be “forced to be free.” But in the communist dogma it is a truism: one that traces directly to the above quotation.

⁴ *Du Contrat Social*, Livre Premier, Ch. 6me. *Each of us puts his person and all his 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.*

⁵ *Ibid.*, Ch. 7me. Voltaire’s comment on this passage: “Tout cela n’est pas exposé assez nettement.”

The seductive argument of Rousseau is that a change in the character of individual self-determination is brought by the agency of the social contract. As and when it is adopted, whether actively or passively, man passes from the state of nature to the state of civilization. In so doing he exchanges his natural liberty for what Rousseau calls civil liberty. Or, as we may put it in English, under the social contract man exchanges Liberty—an individual attribute of varying intensity—for Freedom—an external condition created and controlled by social action.

It is politically significant that while the French use *liberté* extensively, their language has no word for “freedom.” And while the Germans emphasize *Freiheit*, they have no word for “liberty.” A good deal of the sharply differing history of these two great peoples might be deduced from these respective linguistic deficiencies. Since English is rich enough to possess the two words, at least the politically minded among us would do well to observe the subtle but very real distinction between them. Later we shall more closely consider the thesis that Liberty is an individual aspiration whereas Freedom is a generalized condition. As Rousseau says, the natural liberty of some must be restrained in order that the generality may enjoy civil liberty, or freedom. Conversely, however, the deprivation of freedom may well intensify the spiritual element in liberty.

There is no flaw in Rousseau’s argument that society must have rules, and that those rules inevitably encroach on personality. If the warden permits me to play solitaire

in my prison cell I am at liberty to cheat all I want; nobody else is affected thereby. But if my freedom is somewhat enlarged, to permit me to play bridge with three fellow-prisoners, I must observe the rules of the game, arbitrary though they may seem to me. For the freedom of a social game I have surrendered the liberty I had at solitaire. And if that simple illustration is acceptable, it goes a long way to prove that the social contract is a necessary consequence of social contact—is far from being mere “chaff and rags” as Edmund Burke so bitterly described it when the connection between the “general will” and the Reign of Terror in France became unmistakable.⁶

American political thinkers, instead of vainly denying validity to the doctrine of social contract, have concentrated on setting limits to its exploitation by political rulers. Where Rousseau is most open to criticism is for the conclusion logically drawn from his dogmatic assertion that a mystical general will is “the essence” of the social contract. Inevitably this means that the political sovereignty necessary to make the general will effective must be both indivisible and unquestionable. In both respects the American form of government is the living refutation of this argument. Sovereignty in this Republic is not merely divided, as it must be in any federation, but is also definitely limited in behalf of minorities as against majorities. It is perhaps too much to say that Madison’s thinking denied any validity to the conception of a general will.

⁶ Quoted, Pollock, *op. cit.*, p. 94.

But it was certainly careful to insure that if there is a general will it shall not at any time or place ride roughshod over the individual.

This is not only a matter of Constitutional guarantees. Protection is also afforded by the Common Law and by the clear distinction Americans make between society and state. Rousseau's refusal to admit any such distinction has been widely accepted in Europe, and is indeed a tenet of European socialistic as well as communistic thought. But American political thinking has preferred to follow the lead of John Locke, who in some respects anticipated Rousseau's idea of the social contract, but pointed out that it operates on both a private and a public level—a differentiation which Rousseau denied.

Locke's great influence on the founding fathers goes far to explain why the difference between society and state is generally recognized on this side of the Atlantic. Society is the voluntary collective action of individuals in areas where the state is not concerned. If the state is concerned whenever people gather for any purpose, as Rousseau implies, then of course the state absorbs society and the latter has no independent existence. Because the rules of society are voluntarily adopted they generally do not possess the coercive force of the laws that the state makes binding. And that is one reason why the state tends to encroach upon and diminish the areas controlled by society, which currently are becoming steadily less extensive everywhere.

On the moral scale, however, society is clearly a type

of organization superior to the state, since its authority is based on individual agreement rather than on external coercion. Morally speaking, it is reactionary rather than progressive whenever the state expands its authority at the expense of society. Governmental handouts, subsidies and interventions of every kind, no matter how dressed up with a specious humanitarianism, are essentially coercive measures by the state, encroaching more and more on the voluntary action of society. The taxes paid by the individual, to support the expanding galaxy of governmental welfare measures, diminish by just that much what he might contribute under the promptings of his own conscience through associations and in directions of his own choosing.

Of course this truism does not imply that all voluntary associations are in themselves desirable; nor that they can be permitted to operate without any state control. A murderous teen-age gang is as much an expression of voluntary association as is a Sunday school. And we are all now familiar with the appalling corruption that has affected the leadership of a large portion of trade unionism in the United States. It is noteworthy, however, that juvenile delinquency has tended to increase with the extension of compulsory education, and that labor racketeering has developed with the legalization of compulsory trade unionism. There is a strong case for saying that the greater the degree of governmental intervention in the affairs of society, the greater will be the internal corruption of society, justifying—or being used to justify—ever more

intervention and thereby an ever closer approach to totalitarianism. This regressive movement is certainly away from the course charted by the Constitution of the United States—and the fact that this tendency is commonly called “democratic” helps to explain why the founding fathers so hated and feared that seductive word.

The reason for their negative attitude is apparent from any close consideration of Rousseau’s theory of the general will. If the general will is to become a reality all voluntary associations must be subject to rigorous governmental controls. The means by which this result is accomplished can properly be called democratic. The first adumbration of Rousseau’s theory is in his early (1756) *Discourse on Inequality*, a social condition which he calls “the first source of all evils.” Biologically absurd as this assertion is, it paves the way for the conception of the general will as set forth six years later in the *Social Contract*.

If all men are equal, not only before the law but in their physical, mental and spiritual composition, then any differences among individuals are wholly secondary, and the concept of a general will, binding them all in uniformity, ceases to be fantastic. By a reasonable development of the original fallacy Rousseau argues that every adult who subscribes to the general will thereby acquire citizenship. All being equal, all citizens must enjoy an equal voice in any elections that are permitted. The only exceptions are the wrong-headed individuals who deny validity to the concept of the general will.

The assumption that only the recalcitrant oppose the general will soon leads to the conclusion that it is always voiced by the majority and that dissenters therefrom are outlaws. They should, indeed, be regarded as worse than outlaws. By rejecting the fiction of the general will these "enemies of the people" may also be said to have rejected the fact of the social contract, of which the general will is "the essence." Dissenters are therefore self-defined traitors to the community based upon the social contract, and as such deserve extermination.

By the same token, however, adherence to the doctrine of the general will by somebody living under another political sovereignty makes him a *concitoyen*, who should if possible be liberated from bondage. Edmund Burke, who was one of the first to see the full implications of Rousseau's doctrine, estimated that in 1796 one-fifth of the influential people in England and Scotland were "pure Jacobins," eager to assist revolutionary France against their own country.⁷

This international aspect of Rousseau's democracy, developed in behalf of world revolution by the communists, has had a strong appeal for idealists who are properly appalled by the narrowness and bigotry of flamboyant nationalism. A system which simultaneously promises emancipation at home and brotherhood in foreign relations—*Liberté, Egalité, Fraternité*—could not fail to exert a strong emotional appeal, especially to youth. "Bliss was

⁷ First Letter "On a Regicide Peace," *Works of Edmund Burke*, Little, Brown & Co. (Boston 1869) Vol. V., p. 285.

it in that dawn to be alive," declaimed the young Wordsworth at the outbreak of the French Revolution, "but to be young was very Heaven!" Much the same enthusiasm, in due course, was aroused in John Reed and other more modern Jacobins by the "Ten Days That Shook The World" from Russia.

If the concept of the general will had been voiced by itself, instead of being cleverly tied in with the valid theory of social contract, it would never have taken root and blossomed as is the case. The major fallacy is too obvious. In the last analysis some ruler must interpret and promulgate what is assumed to be the general will. The more sacrosanct the allegedly popular desire, the more authoritarian must be the power of those in a position to give it realization. A single, unified popular will obviously implies a single, unified governmental direction, to make the will effective. Moreover, in Rousseau's words: "La volonté générale est toujours droite et tend toujours à l'utilité publique." "The general will is always right, and always tends towards public utility."⁸

By "droit(e)" Rousseau very likely meant "straight-forward" or "honorable." His revolutionary followers, however, for their own political purposes soon equated the word with "correct." With that translation the phrase

⁸ *Op. cit.*, Livre Deuxième, Ch. 3me. Bertrand de Jouvenel, in his comprehensive *Essai sur la Politique de Rousseau*, argues that to Rousseau himself the general will meant no more than a general conception of the moral law. But that generous judgment only intensifies the danger of tyranny when the concept is made applicable to political life, as it was almost immediately.

has had momentous consequences. Since the general will must come to a precise conclusion in any particular issue, and if this single conclusion alone is "right," then there can be no justification for political opposition. The party that represents "the people" is the only one that speaks for democracy. It must not only dominate, but must extinguish all organized opposition to its program.

To see the implications of Rousseau's doctrine is to understand the bloody chaos of the French Revolution, the course of which was so profoundly influenced by his ideas. But Napoleon, when he successfully made himself the embodiment of the general will, did not attempt to eradicate a mystical concept so helpful to his ambitions. And under the strain of our times the concept has revived to give doctrinaire support to the ruthlessness of fascism, of nazism and of communism. In all these cases the theory of government has been essentially that inspired by Rousseau: the denial of local self-government in behalf of centralized power; the steady usurpation of the legislative and judicial functions by the executive; the elimination of any organized opposition to the *Fuehrer Prinzip*; the progressive encroachment on every form of free association by the state to the end that the latter alone directs, proclaims and rules—but always with ironic lip service to "the people."

If the concept of the general will brings dictatorship in its train at home, the result in foreign relations is no less certainly a continuous threat of war. The nearest approach

to unanimity in the thinking of any community is always found when an enemy is present or effectively portrayed. Therefore any absolute ruler is likely to bolster his position by telling his subjects that their security, for which he takes all responsibility, is threatened. Beyond that, the spokesman of the general will can do much to promote a crusading and missionizing fervor—to bring the truth to those with less enlightened government.

The leaders of this messianic movement may, of course, renounce all conquest or imperial design, in keeping with their always humanitarian announcements. This was Robespierre's attitude early in the French Revolution, as it was Lenin's when communism gained control of Russia. But, even when sincere, such restraint is likely to give way before the more dynamic position of a successor—a Napoleon or Stalin—who must be aggressive in order to establish his own repute. Thus international stability is doubly disturbed, not only by the danger of aggression, but by the feeling that "preventive war" may be the best way to overcome a threat that is psychological as well as physical in nature.

The influence of Jean Jacques Rousseau has not been the less tremendous because many whose thinking has been affected by this warped genius are today unfamiliar even with his name.⁹ To attribute the rise of the monolithic

⁹ To understand the almost psychopathic character of Rousseau one should read his own *Confessions*, since 1953 available in English in a well-translated *Penguin* edition. Rousseau begins this uninhibited autobiography

state entirely to the often inconsistent ideas of this one neurotic personality would of course be overdrawn. But what we do find in the doctrines of Rousseau is the evil seed from which, with cultivation, the brambles of modern totalitarianism have spread. Voltaire summed it up fairly, when he wrote to thank Rousseau for a presentation copy of the latter's *Discourse on Inequality*. "I have received your new book against the human race and thank you for it," said the great French cynic. "Never was such cleverness used in the design of making us all stupid! One longs, in reading your book, to walk on all fours."

And if in a large part of the world people no longer dare to walk upright, with their faces towards the heavens, it is in no small measure Rousseau's doing. "Man is born free," complained this enemy of the human race, "yet everywhere he is in chains."¹⁰ After two centuries of experience with his remedial formula it is high time to bring the aphorism more in line with truth. Man is born in chains, yet under a government of limited and divided powers he may still be free.

with the statement: "I am like no one in the whole world." Nature, he says, broke "the mold in which she formed me." It is of the irony of history that Rousseau himself then proceeded to design a political mold into which men everywhere are now being involuntarily compressed.

¹⁰ *Du Contrat Social*, Livre Premier, Ch. 1er.