

【논문】

## Freedom under the General Will

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【Subject Class】 political philosophy, ethics, history of philosophy

【Keywords】 Rousseau, general will, moral freedom, civil freedom, natural freedom, freedom and equality

【Abstract】 Rousseau claims that the social contract, by constraining us to act in accordance with the general will, makes each of us “more free” than we would be in the state of nature. I offer an interpretation of this claim. I argue that 1) the general will makes each of us “more free” in the sense that that governance by the general will puts each of us in a better position to exercise moral freedom, i.e., to properly exercise our freedom of will; 2) partly by promoting various kinds of equality, which in turn may be possible only by limiting some individuals’ freedom to execute actions; but that 3) this sort of limitation would be unobjectionable on the appropriate understanding of the distinctive importance of human freedom. On this account, egalitarian laws are made justifiable by appeal to the fact that promoting moral freedom has an importance that is prior to the importance of increasing individuals’ freedom as power to execute actions.

What man loses by the social contract is his *natural freedom* and an unlimited right to everything that tempts him and he can reach. What he gains is *civil freedom* and property in everything he possesses. ... To the preceding one might add to the credit of the civil state *moral freedom*, which alone makes man truly the master of himself.

J.J. Rousseau<sup>1)</sup>

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1) *The Social Contract*, in *The Social Contract and Other Later Political Writings*, ed.

Rousseau believes that the social contract – an agreement by each individual with every other individual to act in accordance with the general will – is necessary for the promotion not only of our physical and economic well-being, but also of our freedom (SC 1.6.4/OC 3.360).<sup>2)</sup> In particular, by constraining us to act in accordance with the general will, the social contract makes each of us “more free” than we would be in the state of nature (E 461/OC 4.841).

The claim that we are “more free” in the civil state, however, is complicated by the fact that Rousseau employs several different conceptions of freedom. Working through these conceptions and the relations among them will be much of the work of this paper, but it will be helpful to start with a short summary.

Rousseau distinguishes broadly between what I will call freedom as *power of execution* and *freedom of will*. Freedom as *power of execution* is an animate being’s ability to carry out or execute actions. Rousseau discusses two kinds of right in relation to this species of freedom (SC

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Victor Gourevitch (Cambridge: Cambridge Univ. Press, 1997), Book I, Chapter 8, paragraphs 2-3 (emphases added). Henceforth e.g. ‘(SC 1.8.2-3).’ Rousseau’s other works are cited parenthetically with page numbers, using the following abbreviations and editions: *Discourse on the Origin of Inequality* (DI) in *The Discourses and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge Univ. Press, 1997); *Discourse on Political Economy* (DPE) in *The Social Contract and Other Later Political Writings*; *Emile or On Education* (E), trans. Allan Bloom (Basic Books, 1979); and *Oeuvres Complètes* (OC), ed. Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, Bibliothèque de la Pléiade, 1959-1995).

2) The general will is a will that is (i) derived from a deliberative process in which all citizens participate in common and (ii) aims to protect and promote the common interests of the parties to the social contract (SC 1.6.3, 9/OC 3.360, 361; SC 2.1.1/OC 3.368; SC 2.3.2/OC 3.371). In contrast, an individual’s private will aims to protect and promote that individual’s private interest. When an individual wills from the perspective of her private will, she takes into account only what is good for her, whereas when she wills from the perspective of the general will, she considers also the good of all other parties to the social contract (e.g., SC 2.1/OC 3.368-69; DPE 13/OC 3.252).

1.8.2/OC 3.365). *Natural freedom* is the right to perform whatever actions we physically can, and is constrained only by the limits of our individual physical and intellectual capacities. In particular, natural freedom is *not* constrained by any institutional obligation to refrain from interfering in others' performance of actions. In contrast, *civil freedom* consists of the rights that we have in the civil state to act within the legal permissions, protections, and prohibitions defined by the dictates of the general will. Upon entering the social contract, we agree to give up our natural freedom in return for civil freedom: we forego claims to whatever our natural capacities give us access to and agree instead to act in accordance with the law as prescribed by the general will. In virtue of characteristics of the general will that I go on to examine, the general will tends to equalize individuals' powers of execution, in particular through laws that limit some individuals' and increase other individuals' powers of execution.

Human freedom also includes *freedom of will*, or the psychological capacity to evaluate and choose which actions to perform. When we properly exercise our freedom of will, we achieve *moral freedom*. As we will see, failure to achieve moral freedom comes from two sources: domination by the appetites, and subjection to the wills of others. The general will, on Rousseau's view, is necessary in particular to contain the second of these sources: by instituting a general will, we create conditions that help us avoid subjection to other wills, and so conditions that are conducive to achieving moral freedom.

At least two questions arise from this story. First, if the general will equalizes — rather than maximizes or even just increases — our freedom as power of execution, in what sense can Rousseau claim that *everyone* is “more free” in the civil state? The answer to this question turns out to depend on a second question: how, on Rousseau's view, are freedom as

power of execution and freedom of will related?

In this paper, I offer answers to these two questions. Briefly, when Rousseau says that we are “more free” in the civil state, he should be understood to mean that governance by the general will puts us all in a better position to exercise moral freedom, that is, in a better position properly to exercise our freedom of will. Further, limits on individuals’ powers of execution are unobjectionable at least insofar as they are necessary to promote moral freedom. This is because the distinctive importance of human freedom lies in the ability to attain moral freedom.

I begin by exploring in more detail the different conceptions of freedom at work in Rousseau’s thought (section I). I then examine the social and psychological phenomena that Rousseau believes threaten freedom (section II), and how living under the general will, and in particular its various egalitarian features, is meant to address these threats (section III). This will help us understand the relation between freedom as power of execution and freedom of will, and the particular importance of being able to achieve moral freedom (section IV). We will then be able to see why Rousseau would generally not view laws that constrain inequality by limiting some individuals’ powers of execution as objectionably restricting freedom (section V).

## I . Freedom as power of execution and as a quality of the will

Rousseau most explicitly distinguishes among different conceptions of freedom in a passage in the *Social Contract*, where he presents the “entire balance” of entering into the social contract (SC 1.8.2/OC 3.364). Here he says:

What man loses by the social contract is his *natural freedom* and an unlimited right to everything that tempts him and he can reach. What he gains is *civil freedom* and property in everything he possesses. ... To the preceding one might add to the credit of the civil state *moral freedom*, which alone makes man truly the master of himself; for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom. (SC 1.8.2, 3/OC 3.364, 365, emphases added).

Rousseau goes on further to distinguish natural and civil freedom by the way in which each can be constrained. Whereas natural freedom “has no other bounds than the individual’s forces,” civil freedom is “limited by the general will,” or, more precisely, the laws that result from the deliberations of the general will (SC 1.8.2/OC 3.365). Suppose that I am trying to pluck persimmons from a persimmon tree. My natural freedom to do so would be limited by my ability to climb the tree, balance myself on its branches, persuade you to let me stand on your shoulders, and so forth. Natural freedom among individuals is unequal because it varies with differences “in age, health, strengths of Body, and qualities of Mind” (DI 131/OC 3.131).<sup>3</sup> For example, your being taller, stronger, nimbler, or better able to persuade others than me would, other things being equal, afford you greater natural freedom to pluck persimmons from the persimmon tree.

Civil freedom, on the other hand, consists of the rights to perform whichever actions are permitted or protected by the laws of the civil state (SC 1.8.2/OC 3.365). The laws of the civil state affect citizens’ rights to perform actions in two ways. First, citizens have the civil freedom to

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3) Rousseau calls inequality of the former sort *natural inequality*. The latter kind of inequality, or *moral* or *political inequality*, “depends on a sort of convention, and is established, or at least authorized by Men’s consent” (DI 131/OC 3.131). Political inequality consists of “the different Privileges which some enjoy to the prejudice of others,” such as greater wealth, social honor, or social power (DI 131/OC 3.131). See also section II.

perform whichever actions are not prohibited by law. I have the civil freedom, for instance, to buy an iPad from Apple's online store, if no law prohibits my doing so. But, second, the laws of a civil state may afford citizens freedom to perform certain actions by *limiting others'* rights to perform actions. A law that prohibits restaurants from serving whites only, for example, would afford non-whites the freedom to eat at restaurants that otherwise would not serve them food.

Natural freedom and civil freedom, then, are different ways of structuring what we might call *freedom as power of execution*, or the ability to carry out or execute actions. Unsurprisingly, power of execution is a kind of freedom that we share with other animals, or a trait that we can detect by "consider[ing] only Physical Man" (DI 140/OC 3.141). Rousseau believes, however, that human beings are free in another sense. One of the distinctive traits of our species is that we have *freedom of will*. Whereas other animals are driven to do things merely by the forces of their sensible nature, such forces do not, in themselves, lead us to perform actions (DI 140-41/OC 3.141-42). Rather, we must *will* actions, that is, evaluate the various actions that we might perform and choose to perform the actions that we do. Thus "the principle of every action is in the will of a free being" in the sense that, the forces of our sensible nature notwithstanding, it is only as a result of the will's evaluating and choosing a possible action that a human being would perform that action (E 280/OC 4.586).

As with many of our psychological capacities, we can be better or worse at exercising our freedom of will. The capacity to evaluate and choose actions is

...like the solid and hearty foods or the full-bodied wines fit to feed and fortify robust temperaments used to them, but which overwhelm, ruin and intoxicate weak and delicate ones that are not up to them (DI 115/OC

3.112-13).

On Rousseau's view, we only truly exercise our freedom of will when we attain *moral freedom*. One is "really free" when one exercises moral freedom, and otherwise "only apparently free" (E 445/OC 4.818). More specifically, attaining moral freedom requires that we will actions according to two standards. First, moral freedom requires that we evaluate and choose to act on forces of our sensible nature, e.g., our appetites and passions, only when our conscience and reason deem them appropriate to act on, rather than simply because we have them (E 444-46/OC 4.817-18). Reason, in this domain, tells us not "to want what we cannot obtain," while conscience warns against "letting ourselves be conquered by temptations" without regard to "the law of duty" (E 445/OC 4.819).

The second standard has to do with our relations with other people. Moral freedom requires that we should not be *subjected* to the will of another (SC 1.8.3/OC 3.365; E 84-85/OC 4.308-11; E 280-81/OC 4.586-87). Subjection to the will of another is the condition of acting in accordance with that person's will regardless of its substantive content. So, for example, someone who does whatever the Great Leader wills her to do simply because the Great Leader has so willed would be subjected to the will of the Great Leader.

Now, we might follow someone's will regardless of its content because we *choose* to do so. Consider, for example, someone who chooses to do whatever his wife wills him to do whatever the content of her will, i.e., whether or not he takes her will to be reasonable, would otherwise want to do the thing being willed, etc. (perhaps he deeply craves her approval). In what sense, we might ask, should we think of this person as unfree? Here the distinction between freedom of will, as a

psychological capacity, and moral freedom, as a certain kind of exercise of that capacity, becomes important. As in the case of being driven by appetites, the problem here is not a failure to exercise freedom of will; for this is psychologically impossible. The problem, rather, has to do with the way in which freedom of will is exercised.<sup>4)</sup> Rousseau's thought seems to be that, in order properly to exercise freedom of will, we must at least retain the possibility of rejecting another's will if we find its substantive content to be unacceptable. For sure, we may take the fact that some particular person – or, more specifically, someone with whom we stand in a particular kind of relation – wills that we do something as a consideration in favor of acting in accordance with that person's will. This consideration may appropriately shape our choices about what to do. But even in cases like this, we cannot completely turn a blind eye to the content of the person's will and at the same time remain “really free”; in order to attain moral freedom, we must reserve for ourselves a genuine willingness to reject acting in accordance with the will upon our evaluation of its content. We can see the point intuitively by considering examples of acting in accordance with the will of another that lack this evaluative feature. Thus a husband who is so beholden to his wife's will that he gives her *unconditional* authority over the actions he will perform seems, in some important sense, to be unfree, even as he chooses to structure his relation with her in this way.<sup>5)6)</sup>

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4) That is: we cannot fail to exercise freedom of will, though we can – and often do – fail to exercise moral freedom.

5) What if the husband has become so eager for the positive regard of his wife that he comes to endorse the *content* of his wife's will, whatever it may be? I think Rousseau might say in this case that the husband shows failures both to avoid subjection and to evaluate and choose among his appetites and passions in accordance with reason and conscience. The husband who endorses, for example, his wife's will that he lose fifteen pounds in a week or steal for her would be failing to exercise moral freedom on both of Rousseau's standards. (Compare Neuhauser 2008: 79-80 (suggesting that someone who obeys another's will out of an

## II. Threats to freedom in unstructured social interaction

We now see what Rousseau believes our freedom consists in, and how it can be compromised. To understand the claim that living under the general will makes us “more free,” we need to examine the kinds of threat to freedom that Rousseau believes obtain in social interaction unstructured by a general will (call this sort of interaction *unstructured social interaction*). As we will see, some of these threats are *class-insensitive*: they affect individuals regardless of their socioeconomic class. Other threats are *class-sensitive* and, in particular, disproportionately affect those in lower socioeconomic classes. Unstructured social interaction is marked by both class-sensitive and class-insensitive threats to moral freedom, or conditions that encourage subjection. Threats to powers of execution, on the other hand, tend to be class-sensitive: absent a general will, inequalities will tend disproportionately to limit socioeconomically disadvantaged individuals’ powers of execution.

Rousseau’s account here relies on certain assumptions about how our psychological makeup interacts with the social fact that we are *dependent* on each other. Begin with the fact of dependence. Dependence is the

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all-consuming desire for recognition might better be described as lacking integrity rather than showing compromised freedom, since it is unclear whether he has “any will ... of his own at all”). I prefer the interpretation here because it seems more readily to accommodate the distinction between the psychological capacity for freedom of will and the normative conception of moral freedom.)

- 6) Notice, on the other hand, that subjection concerns how we relate to other *wills*. If Robinson Crusoe orders Friday to stay on the island, Friday may reject this demand but physically be unable to leave the island. In this case, the failure to act does not amount to a failure to exercise moral freedom. Because we are dealing here with natural necessity, which “has no morality,” and not our relations to other wills, or “the moral order,” the question of freedom simply does not arise (E 85, 235/OC 4.311, 522).

condition of having to rely on some person or thing other than oneself for the satisfaction of one's needs (E 66, 84/OC 4.287, 309). Dependence, then, is a common phenomenon that can take a variety of forms. Economic cooperation (e.g., community farming, market economies, or, indeed, any production of goods using division of labor), reliance on natural resources (e.g., drinking water), and various kinds of psychological reliance (e.g., on a friend's confidence, a colleague's esteem, antidepressants, etc.) are all examples of dependence.

Rousseau sometimes seem to hold that dependence on other persons just is subjection. He claims at one point, for example, that "The only one who does his own will is he who, in order to do it, has no need to put another's arms at the end of his own" (E 84/OC 4.309). But this could not be Rousseau's considered view. For Rousseau believes that (i) all social interaction involves dependence; and that social interaction is both (ii) desirable and (iii) compatible with freedom. It is on Rousseau's view the realization that one's life could go much better through mutual economic dependence, or "some crude idea of mutual engagements and the advantage of fulfilling them," that leads to sustained social interaction (DI 163/OC 3.166). Social interaction, in turn, makes possible an array of valuable human capacities and activities, including language, complex thought, and personal relationships such as friendship or familial relations (DI 163-164/OC 3.166-68). Further, Rousseau must believe that social interaction is compatible with freedom, i.e., that it is possible to be dependent but free. For Rousseau's project in the *Social Contract* is to find a way in which individuals could both gain economic benefit through social interdependence and realize their freedom (SC 1.6/OC 3.360-62).<sup>7)</sup>

Rousseau seems more specifically to be concerned, then, about a

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7) Neuhouser (1993: 374) emphasizes this point.

certain sort of dependence, namely the sort in which it is difficult to satisfy one's needs without subjecting oneself to another's will. Dependence of this sort, at least if it is sufficiently enduring, raises the opportunity cost of exercising moral freedom to the point that we could not reasonably expect individuals consistently to incur the cost. Dependence on others for basic economic needs shows the problem here in a particularly straightforward way: when poor individuals are constantly "forced to receive or steal their subsistence from the hands of the rich," it should be unsurprising that at least some of these individuals subject themselves to the wills of the rich, so that the rich and poor fall into relations of "domination and servitude" (DI 171/OC 3.175).

Another reason that individuals find themselves in the situation of having to choose between satisfying their needs and exercising moral freedom is that individuals who engage in social interaction are likely, absent proper political arrangements and education, to develop a detrimental version of what Rousseau calls *amour-propre*, or a certain kind of self-love. *Amour-propre* consists of (i) an evaluation of ourselves as having a certain kind of worth *relative to* others; and (ii) a concern that *others* evaluate us as having such worth (DI 218, note 15/OC 3.219-20). It is what makes us want "to have a position, to be a part, to count for something" in the eyes of other members in the community (E 160/OC 4.421).<sup>8)</sup>

*Amour-propre* necessarily makes us dependent on the opinions of others, because it can be satisfied only by *their* evaluating us as having a

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8) The complexities of *amour-propre* have been the focus of much recent work on Rousseau. I will not here examine the entire range of ways in which *amour-propre* may affect human life, or try to identify the precise psychological principles that explain it. It will suffice for our purposes to focus on the effects of *amour-propre* on human freedom. For more thorough discussion than I can attempt here, see Kolodny 2010; Neuhauser 2008; Cohen 1997; Dent 1989 (especially ch. 2).

certain worth. Further, because satisfying the needs of *amour-propre* is tied up with our sense of self-worth, we feel these needs in an especially intense way (DI 166-67/OC 3.169-71; E 246-53/OC 4.537-49). As with dependence in general, though, dependence on the opinions of others for the satisfaction of *amour-propre* need not lead to subjection. Whether it does depends on the particular understanding that we have of our comparative self-worth. This understanding itself is not fixed:

... to decide whether among [*amour-propre* and the passions generated by it] the dominant ones in [Emile's or anyone's] character will be humane and gentle or cruel and malignant ... we must know what position he will feel he has among men, and what kinds of obstacles he may believe he has to overcome to reach the position he wants to occupy (E 235/OC 4.523-24).

One of the most important tasks of political institutions and education, on Rousseau's view, is to help form conceptions of comparative self-worth that would discourage us from trying to satisfy our *amour-propre* through relations of subjection (E 235-36/OC 4.523-24). In particular, it is important to develop an understanding of our comparative self-worth that includes the thought that, however else we may be unequal, all of us are *moral equals*. *Amour-propre* would then generate a need to be regarded by others as their moral equal, however else they regard us along non-moral dimensions. In addition to reflecting the truth about human beings (E 225/OC 4.509; E 41/OC 4.251), this understanding of self-worth rules out, through its particular content, the otherwise tempting possibility of trying to gain from them the kind of opinion that we crave through relations of subjection. For, whatever else moral equality among persons involves, it is incompatible with subjection (DI 180/OC 3.186; DPE 10/OC 3.248-49).

The point can be made clearer by considering an alternative version of

*amour-propre*, to which Rousseau believes we are prone in social interaction without the appropriate forms of political arrangement and education. Given our psychological makeup, we are likely in this kind of interaction to develop an understanding of our worth as superior to others, along both moral and non-moral dimensions. Our *amour-propre*, then, creates needs to be evaluated by others as being superior to them, along moral and other dimensions. In Rousseau's terms, our *amour-propre* becomes *inflamed* (E 247/OC 4.540). Inflamed *amour-propre*<sup>9)</sup> threatens freedom in at least two ways. First, because inflamed *amour-propre* lacks the content constraint of moral equality, it brings back on the table (as it were) the option of trying to satisfy the needs of *amour-propre* through subjection. The temptation to do so, moreover, is greater because inflamed *amour-propre* requires a particularly demanding form of evaluation by others, namely as being superior to them: inflamed *amour-propre* is "never content and never could be, because this sentiment, preferring ourselves to others, also demands others to prefer us to themselves" (E 213-14/OC 4.493).

Second, inflamed *amour-propre* interacts with political inequality<sup>10)</sup> in mutually intensifying ways, which in turn exacerbates the problem of freedom-threatening dependence. Political inequality fuels individuals' inflamed *amour-propre* by opening up the possibility of a seemingly endless range of conventional forms of comparative advantage. Scales of natural inequality are exhausted by a handful of physical and intellectual variables. But with the social hierarchies that mark political inequality, the stakes become much more diverse – profitable stocks and dividends, political offices, positions of stardom or prestige, and so on. Moreover, there is no natural limit to how high we can climb in social hierarchies:

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9) Here I follow the adjectival usage popularized by Dent (1989).

10) See note 3.

we could always, it seems, earn more money, greater power, more distinctions of honor, and so forth.

Inflamed *amour-propre*, in turn, makes political inequality more severe. For when individuals feel the need to be recognized as superior to others, they tend to act in ways that magnify social hierarchies. Superior social positions provide one of the most unambiguous ways of satisfying inflamed *amour-propre*, because they are constituted precisely by others' recognition of superiority: "by Men's consent," these positions are socially recognized "Privileges which some enjoy to the prejudice of others" (DI 131/OC 3.131). Indeed, inflamed *amour-propre* makes individuals *want* there to be greater social stratification:

...if one sees a handful of powerful people and rich men at the pinnacle of greatness and fortune while the masses grovel in obscurity and misery, it is because the former value the things they enjoy only to the extent that the others are deprived of them, and they would cease to be happy if, without any change in their own state, the People ceased to be miserable (DI 184/OC 3.189).

Importantly, the competition thus triggered creates a new use for wealth. Wealth itself functions as a status symbol, and so can just as such satisfy the needs of inflamed *amour-propre*. But since wealth is the social distinction that is "the most immediately useful to well-being and the easiest to transmit," it can "readily be used to buy all" the other distinctions that inflamed *amour-propre* leads us to value, such as "reputation, honors, and preferment" (DI 184/OC 3.189). In a community in which inflamed *amour-propre* is pervasive, then, the competition for greater wealth over others becomes especially intense, and economic inequality deepens. This, in turn, makes more serious the first kind of problematic dependence that we examined above, namely enduring dependence on others for the satisfaction of basic material needs.

The magnification of social hierarchies, further, eventually leads to *rigid* social hierarchies. In particular, political inequality tends to increase natural inequality. As gaps between the socioeconomically better-off and worse-off increase, individuals are left in unequal positions to develop their physical and intellectual capacities, and natural inequality “must increase in the human species as a result of instituted inequality,” such as the “prodigious variety of educations and ways of life” that results from social stratification (DI 158/OC 3.160-61). Eventually, natural “differences among men, developed by their different circumstances, become more perceptible, more permanent in their effects,” i.e., start permanently to shape “the fate of individuals” in social life (DI 170/OC 3.174).

To summarize: in a society in which inflamed *amour-propre* is pervasive, subjection becomes more likely for both psychological and economic reasons, i.e., because individuals crave others’ evaluations of superiority along competitive hierarchies with no natural ending point; and because economically disadvantaged individuals are repeatedly faced with the choice between exercising moral freedom and satisfying basic material needs.

The psychological threat to freedom here is class-insensitive; those who occupy higher socioeconomic classes are no less immune to this threat:

...man, who had previously been free and independent, is now so to speak subjugated by a ... multitude of new needs to the whole of Nature, and especially to those of his kind, whose slave he in a sense becomes even by becoming their master; rich, he needs their services; poor, he needs their help, and moderate means do not enable him to do without them (DI 170/OC 3.174-75).

The economic threat that results from the exacerbation of political inequality, on the other hand, is class-sensitive; it more severely affects

those in lower socioeconomic classes.

The exacerbation of political inequality, meanwhile, also affects individuals' freedom as power of execution in a class-sensitive way. Thus another fallout of increased political inequality, along with the repercussions of this fact for natural inequality, is that inequalities in natural *freedom* become more severe. Certainly, the rich may "need the services" of the poor even in their affluence, but it is also true that, in a society of "fatal inequality," there is a range of actions that the rich are able to perform in virtue of their wealth and are simply unavailable to the poor (DI 171/OC 3.175-76).<sup>11)</sup>

### III. Freedom and the general will

How, then, might institutionalizing a general will correct for the threats to freedom that arise in unstructured social interaction? Put broadly, the answer is that the general will, when appropriately realized, creates conditions that help us more reliably exercise moral freedom. The general will does this, importantly, by constraining various kinds of inequality, including inequalities in individuals' powers of execution.

To see how this works, it will be helpful first to have in view some of the institutional building blocks of Rousseau's notion of the general will.<sup>12)</sup> Recall that Rousseau understands the social contract to be an

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11) The point here seems to me to be part of a recurrent theme in Rousseau's work, namely on the sorts of social and psychological benefit we can and cannot obtain through wealth.

12) I will obviously not be able here comprehensively to examine Rousseau's account of the general will or what commentators take to be its various ambiguities, unclaritys, or internal tensions. Doing so, further, will not be necessary for answering the questions at hand in this paper. My focus here, then, will be on (i) clarifying how Rousseau believes the equalizing measures that he builds into his

agreement among individuals to put all of their actions “under the supreme direction of the general will” (SC 1.6.9/OC 3.361). Rousseau envisions the general will as resulting from a collective deliberative process, in which the contracting parties, under institutional safeguards designed to secure equal opportunities for political influence (e.g., safeguards to prevent factions), deliberate and cast votes on questions of how best to further the common good, understood in terms of the parties’ interests in (i) physical and economic well-being; and (ii) freedom (SC 4.1.7/OC 3.439; SC 2.3.3, 4/OC 3.371, 372; SC 1.6.4/OC 3.360). The system of laws of the civil state results from the deliberative process of the general will. These laws track the general will: legislation consists in the appropriate framing of the content of the general will. In particular, the laws of the civil state are framed in general terms, so that although the law can create privileges and socioeconomic classes, “it cannot nominate this person or that for admission to them” (SC 2.6.6/OC 3.379). Members of the civil state are *citizens* insofar as they participate in the deliberative process of the general will, and they are *subjects* insofar as they are subject to the laws of the civil state (SC 1.6.10/OC 3.361).

The most straightforward way in which the general will promotes freedom is through participation in the general will itself, and is suggested by Rousseau’s summary of the “balance” of entering into the civil state that we examined earlier. By each participating as citizens in the deliberative process of the general will, members of the civil state ensure, in some significant sense, that they are subject only to laws of which they are the authors (SC 1.8.3, 2.3/OC 3.365, 3.371-72). In at least this sense, everyone obeys only “the law [she] has prescribed to [her]

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account of the general will are connected to the thought that we are all “more free” in the civil state; and (ii) examining how Rousseau would respond to the objection that these equalizing measures may leave some of us less free, insofar as the measures may reduce some of our powers of execution.

self” (SC 1.8.3/OC 3.365).<sup>13)</sup>

More generally, the general will also creates conditions conducive to exercising moral freedom through the laws to which members of the civil state are subject. For the system of laws that results from the general will, Rousseau argues, “guarantees ... against all personal dependence” (SC 1.7.8/OC 3.364).<sup>14)</sup> “All personal dependence” exaggerates the point. Our discussion of inflamed *amour-propre* should make it clear that political and legal institutions could not entirely solve the problem of avoiding subjection. For inflamed *amour-propre*, as we saw, can lead to freedom-threatening dependence in all interpersonal relations, on many of which, it seems, the influence of political and legal institutions would

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13) An anonymous reader for *Chul Hak Sa Sang* has suggested to me that the formation of a general will may involve overcoming inflamed *amour-propre* and being able to will in accordance with the demands of reason, and in this sense may itself count as moral freedom. While I cannot here fully explore the complicated relation between freedom and reason that this suggestion seems to assume (see, e.g., Neuhaus 2008: chs. 6-7), it seems to me that the discussion in this paper could accommodate the suggestion. Briefly, an important part of the thought might be that willing in ways consistent with a recognition of the moral equality of others is constitutive of willing from the perspective of the general will, so that failures to meet the standards of the former activity at some point make it the case that we are no longer engaged in the latter activity. At the same time, it may be worth noting that the point I make in the text – about being subject only to laws that one has prescribed for oneself – requires neither acceptance of the constitutive relation nor its realization in citizens’ willing. Thus we can recognize a sense in which someone who engages in the institutional procedures of the general will (public deliberation, voting, etc.) entirely from the perspective of her private will (e.g., perhaps she always votes for the proposals that would best further her private economic interests, wherever the pieces may fall for other subjects of the civil state) is, simply in virtue of her participation in the institutional procedures, subject only to “the law [she] has prescribed to [her]self.” Similarly, I go on in this section to argue that the general will may *contribute* to the development of non-inflamed *amour-propre*; this argument also is both compatible with and independent of the constitutive relation suggested here.

14) Compare Neuhaus’s interpretation of the “forced to be free” passage (1993: 372-73 and *passim*).

be limited.<sup>15)</sup> And it seems to be Rousseau's considered view that solving the problem of freedom-threatening dependence also requires a particular form of education (E bk. 4).

Nonetheless, government by the general will can help, in important ways, to prevent the kinds of situation that incline individuals toward subjection. The general will does this, specifically, by (i) limiting political inequality; and (ii) communicating to individuals an affirmation of their comparative worth as moral equals.

The general will can help to contain political inequality in two ways. First, the general will affords individuals *civil freedom*. Civil freedom, recall, consists of the rights to perform whichever actions are permitted or protected by the laws of the civil state (SC 1.8.2/OC 3.365). Unlike natural freedom, which is unequal along scales of natural and political inequality, civil freedom is equal across citizens: no matter how strong or weak, clever or slow, or rich or poor we are, the law will afford us a common set of legal protections and permissions (SC 1.8.2/OC 3.365; SC 2.11.2/OC 3.391-92). The general will, then, establishes a certain kind of formal equality among citizens, ensured importantly by the general nature of law that we noted above. That is, "the social pact establishes among Citizens an equality such that all commit themselves under the same conditions and must all enjoy the same rights" (SC 2.4.8/OC 3.374).

Second, Rousseau believes that a well-legislated civil state would institutionalize laws that substantively constrain political and especially *economic inequality* among citizens. In particular, the general will would ensure that "no citizen be so very rich that he can buy another, and none

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15) For example, it seems that there would be only so much that these institutions could do to address the kinds of dependence that we find in our example of the married couple in section I.

so poor that he is compelled to sell himself” (SC 2.11.2/OC 3.392).<sup>16)</sup> The justification for constraining substantive inequality appeals to the threats to freedom that such inequality creates, along with the tendencies toward inequality that we examined in section II. Thus although “freedom cannot subsist without” equality, “the force of things always tends to destroy equality,” so that “the force of legislation ought always to tend to maintain it” (SC 2.11.1, 3/OC 3.391, 392).<sup>17)</sup>

The general will’s institutional equalizing measures, further, serve what we might call an important *expressive function*. For the institutional egalitarianism of the general will, including its procedural safeguards for equal individual opportunity to influence the content of the general will (SC 2.3.3-4/OC 3.371-76; SC 4.2/OC 3.439-41), the substantive guarantee of equal institutional rights, and the promotion of economic equality, is naturally understood as expressing a conception of persons as moral equals (SC 1.9.7/OC 3.367; SC 4.2.5/OC 3.440). The general will, in this sense, expresses a communal commitment to understand everyone as being of equal moral worth regardless of her position in various social hierarchies. It thereby discourages the development of inflamed *amour-propre*.<sup>18)</sup>

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16) Examples of specific policies include taxation “proportioned to individuals’ means” and luxury taxes whose revenues are used for poverty relief (DPE 30, 35; OC 3.270-71, 276).

17) I return to this point in section V.

18) Rousseau’s account here seems to anticipate Rawls’s view that institutions can shape individuals’ sense of self-worth, i.e., that “In a well-ordered society ... self-respect is secured by the public affirmation of the status of equal citizenship for all” (Rawls 1999: § 82). Like Rousseau, Rawls believes that equality in basic liberties and the status of equal citizenship can afford individuals a sense of their worth independent of their particular socioeconomic means. In Rawls’s theory, the message is made clearer by the ordering of the principles of justice: “the precedence of liberty entails equality in the social bases of respect” (Rawls 1999: § 82).

#### IV. Willing and executing: why we should care about freedom

Suppose that the general will functions so as to promote equality in the ways outlined above.<sup>19)</sup> Return now to Rousseau's claim that the social contract makes each contracting party "more free." We might wonder about the sense in which this is true for those who are socioeconomically advantaged in unstructured social interaction. Consider, for example, the exchange of natural freedom for civil freedom as a way of structuring individuals' powers of execution. Recall that the equality established through civil freedom comes partly from limiting the powers of execution of some individuals; part of institutionalizing a scheme of rights is affording protection from others' interference in the exercise of these rights. My institutional right to hold a rally criticizing a conglomerate's corporate policies, for example, comes at the expense of an institutional permission for the conglomerate to deploy security to break up the rally. For at least the rich and powerful, then, it may seem unclear how they are left "more free" by transitioning to the civil state from a social arrangement in which their freedom to perform actions is a function solely of the force that they can produce through their physical and intellectual capacities (SC 1.8.2/OC 3.365). That is, it may seem to the rich and powerful that, in at least one important sense, they become less free in the civil state.

One response that Rousseau might give here is that entering the civil state makes even the socioeconomically advantaged more *secure* in their powers of execution. At various points in the *Social Contract*, Rousseau seems to appeal to the Hobbesian thought that, given facts about human

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19) For discussion on specific institutional possibilities, see, e.g., Cohen 2010, especially ch. 5.

capabilities, it is impossible in the state of nature for any one group of individuals to be secure in their advantages over any other group (SC 1.3.1/OC 3.354). The social contract corrects for this problem by providing everyone with a stable scheme of rights protected by a centralized system of enforcement. That is, in entering the civil state, we “exchange” our “force which others could overwhelm in favor of right made invincible by the social union” (SC 2.4.10/OC 3.375). Each thereby becomes “more free,” we might think, in the sense of being able more securely to enjoy her freedom to perform the actions that she would.

The problem with this response is that it is in tension with Rousseau’s account of how freedom is threatened in unstructured social interaction. For, as we saw, an important part of the story here is that social interaction, unless it is structured by a general will, tends to produce not only expansive but also *rigid* social hierarchies. Political inequality becomes severe not only contemporaneously but also over time, so that moving across classes becomes increasingly difficult. But under the kinds of rigid hierarchy that Rousseau envisions, concerns about security seem to become less urgent for the socioeconomically advantaged. The conglomerate family, for example, could probably expect its wealth to remain in the family for the foreseeable future whether or not it enters into the social contract; the force of worries that “others could overwhelm” it, then, seems to be unclear.

The better response, I think, appeals to Rousseau’s account of the particular importance of human freedom. Let’s examine this account in more detail. Rousseau holds that freedom is one of the “essential Gifts of Nature” that any human being must be “permitted to enjoy” just insofar as she is a human being (DI 179/OC 3.184). Freedom, further, is one of the “constitutive elements” of human beings, and “man’s noblest faculty” (DI 176/OC 3.180-81, 179/OC 3.184). This is why it is a non-negotiable

aim of the social contract that the contract help protect and promote freedom (SC 1.4.4, 1.6.9, 1.8).

The point to note is that Rousseau is in these passages discussing the *capacity to evaluate and choose* actions, that is, freedom of will or freedom as opposed to “tranquil subjection,” rather than freedom as power of execution (DI 177, 176/OC 3.181). Rousseau develops this view further in connection with the human capacity to perform right or wrong or good or bad actions. Losing the capacity to evaluate and choose our actions, Rousseau argues, would “deprive all morality from our actions,” because it is only in virtue of our capacity of choice that it makes sense to attribute to ourselves moral qualities (SC 1.4.6/OC 3.356; E 280-81/OC 4.585-87). Without the freedom of will to choose to perform the actions that we do, there would be no meaningful sense in which any action is morally good or bad or right or wrong. When we see, for instance, that someone has acted in ways that conform to virtue, we would still think that this person should be commended only if she had acted in those ways because she had decided to do so (E 280/OC 4.585-87). Correspondingly, freedom of will is what makes for the particularly rewarding sense of happiness we feel when we perform “right actions”: “it is in order to deserve this satisfaction that we are ... endowed with freedom” (E 281/OC 4.587).

But what, then, about freedom as power of execution? We might intuitively think that power of execution is the kind of thing that it is always good to have more of. For how could it not be a good thing that we are able actually to perform the actions that we would? Rousseau believes that something like this is true of non-human animals. He does not, however, believe that the same holds of humans. It is good that non-human animals are able to do whatever they would, on Rousseau’s view, because their psychological makeup inclines them to do only

things that are good for them. Non-human animals are equipped with “an ingenious machine to which nature has given senses in order to ... protect itself against everything that tends to destroy or to disturb it” (DI 140/OC 3.141), and “have exactly the faculties necessary to preserve themselves” (E 81/OC 4.305). But the “human machine” is importantly different (DI 140/OC 3.141). Here we return to a particular feature of human freedom of will, namely that we can be better or worse at exercising it. Because we can exercise our free will poorly, we can choose to act in ways that would be bad for us, or wrong of us. Thus “dissolute men abandon themselves to excesses which bring them fever and death” because “the will continues to speak when Nature is silent” (DI 140/OC 3.141). And “Moral evil is incontestably our own work” and, specifically, a result of “the abuse of freedom” (E 281/OC 4.587).

The account that emerges from these remarks is roughly as follows: we should care about increasing animals’ freedom as power of execution because and *insofar as* this freedom allows animals to do as they should. As it turns out, what non-human animals are inclined to do generally is just what they should do. No such reliable connection obtains, however, between the actions that humans will to do and what they should do. More specifically, whereas non-human animals should act as they are inclined, human animals should perform only actions that result from the exercise of moral freedom. This is why the project of creating conditions conducive to moral freedom is so important and, in particular, has an importance that is *prior* to the project of increasing individuals’ powers of execution. That is, the latter project becomes important only insofar as (or to the degree that) the former project is realized.

## V. Conclusion: freedom and objections to egalitarian laws

We are now in a position to understand the sense in which everyone becomes “more free” upon entering the social contract. Under the general will, everyone, regardless of her place in social hierarchies, becomes “more free” in the sense that she is in a better position to exercise moral freedom, in virtue of the kinds of social condition that the general will creates. On Rousseau’s account of how these conditions can be obtained – i.e., by institutionalizing various kinds of constraint on inequality – it is true that not everyone will become “more free” in the sense that everyone’s powers of execution will increase. But once we understand whether and why we should care about different kinds of freedom, we see that limits to individuals’ powers of execution are unobjectionable insofar as (or to the degree that) they are necessary to protect against threats to everyone’s moral freedom.

I conclude with an observation about Rousseau’s understanding of the relation between freedom and equality, which the preceding discussion brings into focus. We saw earlier that Rousseau gives an argument for egalitarian laws – laws designed to limit various kinds of inequality among citizens – that relies on a certain kind of instrumental justification: reducing inequality is important because doing so reduces the likelihood of subjection, or promotes the exercise of moral freedom. Thus equality is one of the “principal objects” of legislation “*because* freedom cannot subsist without it” (SC 2.11.1/OC 3.391, *emphasis added*).<sup>20</sup> This

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20) This passage may suggest that equality is important on Rousseau’s view *only* because it is instrumental to freedom. (See, for example, Neuhaus 1993: 386.) Other passages in Rousseau’s works suggest a wider range of egalitarian arguments, many of which have an instrumental structure and proceed via assumptions about

justificatory structure shapes, in turn, the structure of objections to egalitarian laws that limit some individuals' powers of execution. We might bring out the point by contrasting the dialectic on Rousseau's account here with a popular way of framing debate about egalitarian laws. On this way of framing the debate, the question whether we should implement egalitarian laws often comes down to questions about how to resolve a fundamental conflict between the values of freedom and equality. Progressive tax regimes designed to constrain economic inequality or laws that prohibit the exclusion of minorities from various sectors of social life, for example, result from choices to promote equality among citizens by limiting the freedom of at least some citizens (to, for example, dispose of their income as they please, or associate only with certain groups in social life). Objections to egalitarian laws, then, consist of claims that these laws unacceptably infringe upon some people's freedom for the sake of promoting equality.

On Rousseau's account here, this way of framing the debate mislocates the conflict. Insofar as the reason for legislating egalitarian laws is to help promote moral freedom, the relevant conflict is not between freedom and equality, but rather between different kinds of freedom. Resolving this conflict, then, requires taking into account the priority that moral freedom has over freedom as power of execution. To be sure, it may be that some egalitarian laws can be implemented only by limiting

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the relation between inflamed *amour-propre* and various social and psychological ills, such as for example unhappiness, anti-social behavior, unacceptable harms to self-respect, and alienation from one's true self (e.g., DI 218, note 15/OC 3.219-20; E 235/OC 4.522). So, sociologically, the phenomena that inform the various instrumental arguments will tend on Rousseau's view to occur together, in particular as symptoms of a society in which inflamed *amour-propre* is pervasive. Nonetheless, it may be worth noting that the discussion here is compatible with Rousseau's thought containing resources for multiple and analytically distinct arguments for egalitarian laws.

some citizens' freedom as power of execution. On Rousseau's way of understanding the dialectic, we evaluate whether limitations of this sort are objectionable importantly by examining whether and how the laws that require them help to create social conditions conducive to the exercise of moral freedom. If the laws appropriately help to make all of us "more free" in *this* sense, then this fact can make unobjectionable limitations to freedom in the other sense.<sup>21)</sup>

투 고 일: 2013. 07. 23.  
심사완료일: 2013. 08. 14.  
게재확정일: 2013. 08. 15.

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21) For helpful comments on earlier drafts of this paper, I am grateful to Christine Korsgaard, T.M. Scanlon, members of the Harvard Workshop in Moral and Political Philosophy, and anonymous readers for *Chul Hak Sa Sang*.

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국문요약

## 일반 의지 아래의 자유

송 지 우

루소에 의하면, 우리는 사회계약을 통해 일반의지를 따르기로 함으로써 각자 자연상태에서보다 “더 자유”로워진다. 이 논문은 루소의 이러한 주장에 대한 해석을 제시한다. 요컨대 1) 일반의지에 의한 통치는 우리 각 개인의 도덕적 자유의 행사, 즉 자유 의지의 올바른 행사를 더 수월하게 하며; 2) 그 과정에서 우리 가운데 일부는 의지한 바를 수행할 자유를 제약받지만; 3) 이는 인간 자유의 특징적인 중요성에 비추어볼 때 부당한 제약이 아니다. 이 해석에 따르면, 평등주의적 법은 도덕적 자유가 의지한 바를 수행할 자유에 우선하는 중요성을 가짐에 근거해 정당화가능해진다.

**주요어:** 루소, 일반 의지, 도덕적 자유, 시민적 자유, 자연적 자유, 자유와 평등

