ROUSSEAU ON HUMAN EQUALITY

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Rousseau's *Discourse on the Origins of Inequality Amongst Men* is patently a work of social criticism, one which argues that inequality is at the root of our problems, that what is wrong with our civilisation is its tolerance of inequality. Artificial inequality (what he calls 'moral or political inequality' (SD 131)) plays a crucial role in Rousseau's diagnosis of our social ills; furthermore, its replacement with an artificial equality is, for him, the way to avoid them. Yet several writers have gone well beyond these obvious points, ascribing to Rousseau the idea that prior to any social convention human beings are already of equal worth and/or naturally desire to be treated as if they are of equal worth. I shall argue that these suppositions do no work in Rousseau's argument; there is little reason to attribute them to him.

To make my case, we need to examine Rousseau's critique of civilised society, as presented in the *Second Discourse, Emile* and in *The Social Contract*. The first section distinguishes a social critique focused on human happiness from one based on considerations of justice. I'll expound these two lines of thought in sections two and three, arguing that they neither attribute to us a natural desire for equality which civilisation frustrates nor postulate that human beings have 'equal moral value'. In the final section we shall ask why Rousseau thinks that human beings can live well together in developed societies only if they treat each other as equals.

1. Two Social Criticisms

There are at least two criticisms Rousseau makes of developed societies. These criticisms need not be in competition with each other and perhaps, in Rousseau's own mind, they are but two sides of the same coin. In any case, it will help us to present them separately.

Misery: As man grows more civilised he becomes more unhappy.

Misery is about the typical man and the normal life. Rousseau tells us that social man is miserable whilst man in the state of nature is not (SD 149-50). An unfortunate community of 'savages' might be miserable and perhaps there are contented individuals amongst the civilised but these possibilities are not relevant to the assessment of human social forms. Some less obvious points should also be noted.

First the issue here is whether civilisation makes us unhappy, not whether civilisation is on the whole a good thing or even a good thing for us. For example, it might be that becoming more civilised is the only way to develop our skills and talents, the only way to perfect ourselves (SD 167 and 184). In that case, it *might* also be that civilisation is on the whole better for us even though it makes us miserable (SD 141, 150-1 and Note IX). I shall pass no comment on this. The truth of *Misery* would in any case constitute a major count against civilisation.

Rousseau says that happiness involves the satisfaction of our desires (E. 80-1). A desire is a psychological state that motivates us to pursue the object of desire and which manifests itself in feelings of discontent when frustrated or in satisfaction once fulfilled. Frustration is always somewhat miserable but we should not infer that happiness means getting whatever you happen to want. There is a difference between people's *natural* desires, desires that they already have or will develop provided others do not interfere and *artificial* or *instituted* desires that develop only as a result of the intentional activity of human beings. Rousseau assumes that people naturally desire what is good for them and so getting what you *naturally* want will make you happy but he adds that our desires and passions may be perverted in various ways (E. 212-3). For example, society can make people servile and boast 'of the peace and quiet they enjoy in their chains' (SD 177). Rousseau would not regard such contentment as genuine happiness for these people are deprived of freedom, a fundamental human good. Discussing people driven by 'factitious passions' (SD 186) to pursue various 'alleged goods' (E. 228) Rousseau says that success brings them 'pleasure

without happiness' (SD 187) and that they are really 'suffering' (E 227). Happiness for Rousseau is the fulfillment of desires for things that both are and seem to be worth desiring. A happy person need not be especially reflective or insightful – they might not consider the value of the things they pursue – but happiness is incompatible with pursuing worthless (or apparently worthless) things.

Second, a social criticism lacks bite if it simply highlights an unavoidable feature of the human condition. The process of social development, however it goes, likely involves a fair amount of pain and frustration if only because, as people's desires become more complex and sophisticated, they are less easily satisfied. Were Rousseau's point just that a simple life is, in this respect, a safer life (at least given the availability of basic necessities), it could be quickly conceded (E. 177) but *this* should not make us doubt the worth of civilisation.[1] A society need not be miserable even though it contains a fair amount of pain and frustration, provided that a range of successes and satisfactions are also available. Rather *Misery* should be read as claiming that civilisation produces a systematic mismatch between desire (whether natural or unnatural) and reality while leaving open the possibility that we might have reached a comparable level of social development without entering such a vale of tears.

Having clarified the content of *Misery*, how might one establish its truth? Given that unhappiness involves a systematic mismatch between desire and reality we must discover what human beings desire and whether the world as they find it is likely to satisfy them. Since we are in the business of social criticism, the social environment is especially relevant and our assessment of *Misery* will involve a mixture of psychology and sociology. Rousseau is very sensitive to the fact that your desires are shaped by your social environment and his defence of *Misery* rests on the idea that civilisation leaves us with desires that are systematically unsatisfiable. The issue for Section 2 is whether a desire for equality is among them.

[1] For Rousseau's later and more Stoical view of desire and happiness, see RSW: 54-8.

Let's introduce Rousseau's other line of social criticism:

Injustice: As society grows more civilised it becomes systematically unjust.

Like *Misery*, *Injustice* highlights a fundamental flaw with civilisation assuming things could have evolved differently, that a developed human society could exist without systemic injustice. Though wrongdoing will always be with us, we may hope the basic structures of society need not embody injustice.

As we shall see, Rousseau certainly thinks of civilisation as unjust. The issue is whether the principles of justice Rousseau relies on to arrive at this conclusion presuppose natural human equality. One may wonder how anything could. Human beings are admired for their natural excellences of body and mind, for skills and capacities that are developed through training and education, for where they stand in the social hierarchy or for the social role that they play. All three forms of esteem reflect some sort of value or worth that the beholder sees in the one admired and it is perfectly obvious that each of these sources of personal merit are distributed rather unevenly amongst us.

Yet many writers postulate another kind of personal worth, a value possessed equally by all human beings. Opinions differ over the basis of this value (and over the extent to which it is shared by other creatures) but the features of human beings which give us this value are assumed to be natural or pre-conventional so that our possession of this value does not depend on whether anyone acknowledges our value.[2] Furthermore, this value is the ground for principles of justice, principles with a special weight in determining how we relate to other people, generating both our rights and our obligations. These principles require us to treat human beings in a way that shows respect for their equal value as humans and since that value does not depend on society's recognition of it, the requirement to respect that value and the principles that

[2] Candidates for this role include psychological capacities like rationality, free will, perfectibility and sentience. These are features of ourselves that we value but which are distinct from the rights and obligations they ground.

rest on it are also independent of social recognition. Many authors call this value 'moral value', a value which lies at the foundations of 'morality'.[3]

Now Rousseau does indeed seem to ground people's notions of what we owe one another, of how we are obliged to behave towards one another, in a sense of how much we are each worth. Speaking of a period of history in which people have begun to evaluate one another in terms of relative strength, beauty and intelligence, Rousseau comments:

> As soon as men had begun to appreciate one another and the idea of consideration had taken shape in their mind, everyone claimed a right to it, and one could no longer deprive anyone of it with impunity. From here arose the first duties of civility even among Savages, and from it any intentional wrong became an affront because, together with the harm resulting from the injury, the offended party saw in it contempt for his person, often more unbearable than the harm itself. Thus everyone punishing the contempt shown him in a manner proportionate to the stock he set by himself, vengeances became terrible and men bloodthirsty and cruel. (SD 166).[4]

Here the sense of having been wronged rests on one's 'setting a certain stock' on oneself. Now it would be mad for everyone to set the same stock on themselves in respect of their strength, beauty and intelligence, for human beings patently vary in this regard (SD 131). Is Rousseau postulating another basis for

[3] Kant postulates a value of this sort when interpreting both Rousseau and Genesis (Kant 1983: 52-3). Kolodny says that such an equality of value is assumed by 'most modern theories of morality' (Kolodny 2010: 170) and he attributes that assumption to Rousseau at p. 193, whilst also expressing some doubts about the attribution (see n.9). Neuhouser reads Rousseau as separating an attitude of respect that is due to persons *qua* persons and is the foundation of morality from an attitude of personal esteem which aptly varies from individual to individual (Neuhouser 2008: 59-67), though he concedes that Rousseau does not 'explicitly distinguish' the two (p. 63).

[4] Conversely amongst savage men without a sense of personal consideration, there can be no resentment at injury (SD 218). The word 'arose' implies that duties exist only where those subject to them appreciate that they (and others) are subject to that duty. This should be distinguished from the claim that the duty is conventional i.e. that the *ground* of the duty is the fact that it is socially recognised or agreed (Owens 2022: 66-9).

consideration that does not vary between human beings, one that grounds these 'duties of civility'?[5]

In another passage Rousseau explains that though non-rational animals are not subject to the Natural Law, they are still beneficiaries of it for:

> since they in some measure partake in our nature through the sentience with which they are endowed, it will be concluded that they must also participate in natural right and that man is subject to some kind of duties towards them. Indeed, it would seem that if I am obliged not to harm another being like myself, this is so less because it is a rational being than because it is a sentient being (SD 127-8).

Our attention is here drawn to the possibility that we may owe certain things to creatures who are generally regarded as being lower down the moral hierarchy like the animals (SD 162). Bearing that possibility in mind, let's return to the earlier passage. One might take the phrase 'everyone claimed a right to it' to imply that all felt entitled to *equal* consideration simply in virtue of being human but one might also interpret this phrase as meaning that everyone felt entitled to *some* consideration in virtue of being human (and perhaps to more than the animals) but a degree of consideration that might well vary from person to person 'proportionate to the stock he set by himself'.[6] On this reading, though a subset of our duties of civility is grounded in the features that make us all human, the points of difference between us, and the hierarchy of worth they imply, may still play the greater role in fixing our duties.

For now we should keep an open mind on whether Rousseau's case for *Injustice* or *Misery* presupposes thoughts about human equality. *Injustice* is the business of the third section; first let's consider why Rousseau endorses *Misery.*

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[5] (Neuhouser 2014: 67) initially suggests that the passage should be read in this way but when he returns to the passage again in note 26 p. 187, Neuhouser concedes that 'it is not unambiguously clear that 'duties of civility' refers to the respectful treatment that all persons as such deserve (equally).' See also (Neuhouser 2008: 114-5).

[6] I'm assuming that 'equal treatment' involves more than treating everyone in the way they deserve, or in whatever way is appropriate to their nature.

2. Misery

For Rousseau, a fundamental problem with civilisation is that it encourages the development of what he calls amour-propre.

> Amour-proper is only a relative sentiment, factitious, and born in society, which inclines every individual to set greater store by himself than by anyone else, inspires all the evils men do to one another and is the genuine source of honor. (SD 218).

In the present section we shall consider how amour-propre generates the evil of misery, in the next the evil of injustice.

Rousseau introduces amour-propre by contrasting it with another form of self-love, namely amour de soi-meme (SD 218). Amour de soi-meme 'is a natural sentiment which inclines every animal to attend to its self-preservation' (*ibid.*). Animals are incapable of feeling amour-propre because, lacking reason, they cannot make the comparisons that amour-propre involves. Men, capable of comparing themselves with other men, develop this 'relative sentiment'.

The fact that amour-propre involves a desire to be superior to other humans together with Rousseau's assertion that it 'inspires all the evils men do to one another' might lead us to infer that what we naturally want and what is really good for us is to be, in some fundamental way, each other's equals. Perhaps civil society is a scene of misery because it frustrates this natural desire. This reading is suggested by a passage from Kant that has proved influential amongst recent interpreters of Rousseau.[7] In a section entitled 'The Original Pre-Dispositions of Human Nature' Kant postulates

[7] Having quoted this passage, Rawls remarks that 'Kant is the best interpreter of Rousseau' (Rawls 2007: 199-200). The passage also catches the attention of (Cohen 2010: 116) for whom 'the fundamental idea is indistinguishable' from Rousseau's and Dent who says that in this passage Kant is drawing on ideas of Rousseau about 'the moral standing of humanity' (Dent 1998: 65).

> A form of self love which is physical yet involves comparison (for which reason is required); that is, only in comparison with others does one judge oneself happy or unhappy. Out of this self-love originates the inclination *to gain worth in the opinion of others*, originally, of course, merely *equal worth*: not allowing anyone superiority over oneself, bound up with the constant anxiety that others might be striving for ascendancy; but from this arises gradually an unjust desire to acquire superiority for oneself over others. (Kant 1998: 51)

Kant leaves it rather unclear both why the original desire was only for equality and exactly how the desire to acquire superiority arose.[8] Why should anyone fear that others might strive to gain ascendancy over them if they want only equality (Kolodny 2010: 178)? There may be an innate need for some form of recognition from one's fellow creatures, a need stimulated by regular social contact which then develops into Rousseau's 'inclination to set greater store by oneself' but why suppose that, for Rousseau, some original desire for *equality* of status with one's fellows plays a role in this process? I'll suggest that, in its fully developed form, amour-propre is thought to lead to misery not because it frustrates a natural desire for equality but for two other reasons. First, it has an internal logic that makes it insatiable. Second it frustrates the natural desire not to be under the control of other people. Thus, civilised man loses the 'repose and freedom' that ensures the happiness of the 'Savage' (SD 187).

To see how this all works we must trace the evolution of amour propre.[9] Let's start with what I'll call the *Concern for Natural Evaluation*. This is a desire to be evaluated favourably by the people around you and it generates emotions like pride and shame (SD 166). The phrase 'natural evaluation' alludes to the fact that

[8] In Rousseau's text, amour-propre first enters Emile's mind in the form of a desire to be 'in the first position' (E. 235) and initially appears the *Second Discourse* as a desire to be esteemed more than others (SD 166) or else 'claim the first rank as an individual' (SD 161). Dent maintains that these are 'inflamed' forms of amour-propre to be contrasted with an 'equable amour-propre' that demands only recognition as a fellow person (Dent 1988: 60-1). For an incisive textual critique of Dent's reading, see (Inbar 2019).

[9] (Kolodny 2010) and (Neuhouser 2008: Chapters 2 and 3) provide very helpful discussion of the varieties of amour propre. My formulation of the various 'Concerns' differs a bit from Kolodny's.

the features for which you wish to be evaluated favourably are what Rousseau calls 'natural qualities' (SD 170) features whose positive value is independent of their being well regarded (or even noticed) by others. Rousseau has in mind excellences like strength, dexterity, intelligence, and he adds, physical beauty.

Rousseau clearly thinks that natural excellences are genuine goods, that those more excellent in these respects should take pride in themselves and that others should admire them. Conversely shame and contempt are often appropriate reactions to their absence.[10] One motivated by the Concern for Natural Evaluation also wants to have their natural excellences recognised by others. They need have no interest in deceiving people about their personal worth – for them the good of being favourably evaluated is conditional on the appraisal being deserved – but they do want the merited admiration of others.

Now what could be wrong with wanting other people to be aware of your real merits? Isn't my life genuinely enriched when I enjoy other people's recognition of my excellences? It is good for us to share with others the pleasure we take in the things around us and why not the pride we take in ourselves?.[11] True some unlucky people are not well endowed and once the Concern for Natural Evaluation gets going, they don't just miss out on the good of deserved pride and approbation but may also suffer the evils of shame and contempt. Still, we have yet to see why these costs should outweigh the corresponding benefits.

Rousseau does have a problem with the Concern for Natural Evaluation, namely that if you desire the good opinion of others then, to that extent, you put yourself into their power. His point is not just that new desires create new possibilities of frustration and disappointment – the wish for a natural excellence can also be frustrated – it is that other people directly control whether this desire is going to be satisfied. Others do not directly control how strong or intelligent you are but,

[10] As to pride, see the passage from (E. 62) quoted below. As to contempt, Rousseau himself speaks of the 'useless lives' of 'sickly and ill-constituted' children (E. 53).
[11] (Kolodny 2010: 174 and 197-8). Interestingly Neuhouser sees amour-proper, when interpreted along the lines of a Concern for Natural Evaluation, as a new a powerful source of human sociability, distinct from altruism (Neuhouser 2014: 69).

at least for Rousseau, they do directly control whether they judge you to be strong or intelligent.[12] Thus even where their admiration is merited, your desire for it means that your happiness now depends on whether others happen to be mistaken about you, are feeling uncharitable towards you or simply ignore you.

Here we encounter one of Rousseau's most distinctive and recurring themes, namely the idea that dependence on others is intrinsically problematic and, in the end, fatal to our welfare (SD 159 and SD 176-7). Indeed, he goes so far as to say that

> In the relations between man and man the worst that can happen to one is to find himself at the other's discretion (SD 176).[13]

These sentiments strike me as misguided but I shall make two more concessive observations. First the dependence generated by the Concern for Natural Evaluation is only partial. I may be frustrated that others don't recognise my strength or intelligence but this doesn't prevent me enjoying my own natural qualities; after all their value does not depend on their social recognition.[14] Secondly the unhappiness one feels when one's virtues go unrecognised is not caused by the frustration of some desire to have a certain standing relative to other people; as yet comparisons of that sort are playing no role. These points should make us reluctant to ground Rousseau's endorsement of *Misery* entirely on his horror of social dependence.

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[12] For Rousseau judgements of both fact and value are free acts over which we have direct control (E. 204-6). Here (and at E. 280) Rousseau adopts Descartes's doctrine of judgment and offers us similar advice about how error might be avoided. For this reason, Rousseau tends to assimilate what look like rather different forms of social dependence. One might think that being subject to someone's command is rather different from wanting their good opinion or even as accepting their testimony on a matter of fact (E. 207) but Rousseau regards all three as objectionable forms of dependence (RSW: Third Walk).

[13] See also (E. 84 and 244). Rousseau says the same about tamed animals (SD 177) and so it is unclear whether our need for freedom is meant to be a product of our possession of those distinctively human features: reason and free will (SD 141). See (Neuhouser 2014: 153-4).

[14] Rousseau says of the state of nature: 'Every individual human being views himself as the only spectator to observe him, as the only being in the universe to take any interest in him, as the only judge of his own merit' (SD 218). For example, Man in the state of nature feels proud of his 'superiority over the other animals' (SD 162) and prior to entering society Emile is encouraged to be 'his own competitor' and to take pride in surpassing his own past self (E. 184).

Amour-propre emerges clearly with what I'll call the *Concern for Competitive Evaluation*. This also involves the social recognition of one's natural qualities but the Concern here is to be recognised as better than others. At a certain stage in history:

> The one who sang or danced the best; the handsomest, the strongest, the most skillful, or the most eloquent came to be the most highly regarded, and this was the first step at once towards inequality and vice (SD 166).

Now it might be argued that this Concern is already implicit in its predecessor because natural qualities like strength, intelligence and attractiveness are in fact positional goods. What makes your life go well is not your absolute strength but your strength relative to the challenges you face, for the usefulness of your strength depends on whether it will enable you to control your natural and social environment. Perhaps that is so but I shan't attribute to Rousseau the view that my strength is any less admirable simply because I find myself in a cave with a stronger man or animal, that the worth of these traits depend on their usefulness in any particular social context. One animated purely by the Concern for Natural Evaluation need have no direct interest in such comparisons. By contrast, the Concern for Competitive Evaluation can be satisfied only by socially recognised inequality, by being thought better.

For Rousseau, admiration felt for 'the handsomest, the strongest' and so forth is well grounded (Neuhouser 2008: 93-7). It is a genuine achievement to be better than others in these respects:

> Each advances more or less according to his genius, his tastes, his needs, his talent, his zeal and the occasions he has to devote himself to them…. None of us has measured the distance that can exist between one man and another. What soul is so base that he has never been warmed by this idea and does not sometimes in his pride say to himself "How many men have I

> already surpassed! How many I can still reach! Why should my equal go further than I?" (E. 62)[15]

For Rousseau, your relative as much as your absolute strength, intelligence and beauty and so forth are suitable subjects of self-evaluation, of pride and shame (E. 339). Once more, Rousseau is worried only where you pine for *other people's* recognition of your relative merits, for that makes you dependent on their acknowledgement of your victory and thereby puts your well-being under their direct control. On the contrary view I floated earlier, if it is a good thing to be best in some respect (as Rousseau allows) then it is also a good thing to be thought to be best in that regard but rather than adjudicating this point, let's ask whether the Concern for Competitive Evaluation is any *more* problematic than its predecessor.

The desire to be recognised as best is usually much harder to satisfy than the desire to be recognised as good and the former desire can be satisfied only in so far as the corresponding desire in others is frustrated. The possibilities of conflict multiply and of joint satisfaction diminish precisely because of the fixation on inequality. On the other hand, competition need not be a zero-sum game provided everyone can win at least some of the time; if I have the best voice whilst you have the largest muscles, we both enjoy a reasonable amount of success. People generally desire to be best in some spheres not others and don't expect to prevail forever. True, one may now be inclined to harm other people in order to make it the case that one is at least for a time the strongest or the most beautiful (SD 171) but this temptation is lessened by the natural human capacity for pity or compassion (SD 152-4 and 166). Furthermore, we can't gratify the Concern for Natural Evaluation by harming others. Collective misery still seems some way off.

[15] This capacity for perfectibility is one of the things that distinguishes us from the other animals. It is something we can be proud of but also joins amour-propre as 'the source of all our miseries' (SD 141). Some might take the phrase 'my equal' towards the end of the passage as evidence that underlying the admitted inequality of personal worth deriving from different degrees of personal development is a more fundamental equality of value. As the paragraph which follows makes clear, Rousseau is instead expressing optimism that you can make yourself better than others even if they have more learning or training.

The development of competitive desires is coeval with the irruption of romantic love. Such love involves a reciprocal desire to be regarded as being better, more attractive, and more desirable than anyone else (SD 154-6, 165 and E. 214). You may adore someone's looks or intelligence but romantic love seems to involve a kind of admiration that transcends any specific feature. You see this person as better than anyone else and you wish to be seen in the same way by them (Inbar 2019: 470-3). Because the lover does not want to win in only one sphere, romantic love is more demanding than ordinary competitive desires. On the other hand, the social recognition it seeks is limited in extent: most want the love of one or two people at a time. It is at least possible for everyone to be loved by someone, so the development of romantic love need not herald systematic frustration.

It is unclear why either the Concern for Natural or for Competitive Evaluation, should lead to general misery and Rousseau appears inclined to agree. He says that the stage of history at which these two concerns appear on the scene 'must have been the happiest and most lasting epoch' being a point 'in the development of human faculties occupying a just mean between the indolence of the primitive state and the petulant activity of our amour-propre' (SD 167). Clearly some further evolution of amour-propre is needed to propel us towards misery.

The next step in the process is what I'll call the *Concern for Social Evaluation*. This differs from the Concern for Natural Evaluation in that the qualities for which you wish to be admired are in the following sense artificial: you have them just in so far as you are thought to have them. Now for Rousseau this category of artificial qualities contains two rather different phenomena. When amour-propre first becomes 'interested' we are still at a stage at which 'the only qualities that could attract consideration' are the natural qualities. To satisfy their Concern for Social Evaluation, people begin to 'affect' virtues of 'mind, beauty, strength and skill' (SD 170); they come to wish others to admire them for the appearance as well as the reality of natural excellence. For Rousseau such 'deceitful cunning' (SD 170) even when successful brings 'pleasure without happiness' (SD 187): ill-

grounded good opinion is not a genuine good. That seems plausible but Rousseau regard this pseudo-good as being worse than a mere distraction from sources of genuine happiness on the now familiar grounds that 'man, who had previously been free and independent is now so to speak subjugated … especially to those of his kind, whose slave he in a sense becomes' (SD 170). Unlike with the Concern for Natural Evaluation, the good opinion of others is sufficient as well as necessary to satisfy our Concern for Social Evaluation: our dependence on others for this pseudo-good is complete. On the other hand, it will very often be either impossible or at least far too costly to deceive people about your natural qualities and so the temptation won't be there. And as yet there is nothing competitive about the Concern for Social Evaluation; perhaps you just want a decent rating.

Unfortunately, we have yet to appreciate the full scope of the Concern for Social Evaluation. Events like the development of agriculture and metallurgy and the accompanying division of labour necessitate more complex forms of economic and political organisation, creating a series of artificial goods: property, money, social status and political office (SD 167-73). I call them 'artificial' to contrast them with natural qualities that exist regardless of whether anyone recognises their existence. No one is a landowner, an aristocrat or a ruler in the state of nature and if enough of us treat you as rich, noble, or in authority over others, our treatment makes it so.

Whether or not these artificial goods are pseudo-goods, it is a fact that people are admired for their house, their wealth, their aristocratic lineage and their political power. We need not suppose that these artificial goods were created to satisfy the Concern for Social Evaluation but once they appear that Concern acquires a new focus. People may want to be rich and socially powerful, as they want to be strong or clever, primarily in order to control the world around them but unlike strength and intelligence, wealth and authority yield such control only when recognised by others. And once they have been recognised, people may also want to be seen as rich and powerful in order to be admired for their riches and

power. That further desire is no less intelligible than the desire to be admired for one's strength.

One worry raised by this further development is that the goods now being pursued are (like false impressions) pseudo-goods because their 'value' is the product of 'whim and convention' (E. 207). Is this worry well-founded? Can't convention imbue things with a genuine value. Indeed, it is arguable that the value of at least some of the things Rousseau regards as natural qualities depend in large part on their social meaning. Can singing or dancing be good without anyone to appreciate them? And could we all be completely wrong about their merits? Be that as it may, we shouldn't base the case for *Misery* on contentious axiological assumptions.

We should also avoid placing too much reliance on Rousseau's idea that the worst thing that can happen to one is to be dependent on others. Since the goods now in question exist only when socially recognised, the pursuit of them puts you into the power of others in a deeper way than did previous forms of amour-propre for you possess them only in the eyes of others, a dependence that, for Rousseau, harms the rich powerful quite as much as the poor and powerless (SD 170) (E. 83-4 and 338). But, as already noted, the underlying assumption here is questionable. Does dependence on their good will really put you under their thumb in an objectionable fashion (like being subject to their commands)? And isn't this in any case an inevitable concomitant of living with others, rather like reliance their testimony (RSW: Third Walk)?

A stronger case for *Misery* may be built on the idea that amour-propre is all consuming and insatiable, an obvious recipe for misery. There is more than one element to this. Firstly, with the introduction of artificial goods, the objects of possible consideration expand indefinitely and so the potential scope of amour-propre becomes unlimited. One might conclude that, possibility being the destruction of contentment, our amour-propre has become inflamed once people devote themselves to assuaging it by the acquisition of social prestige but there is a gap in the argument for *Misery* here as the case of natural qualities shows.

Rousseau holds that we desire to cultivate our natural excellences and, in a passage quoted earlier, he says that no one can know 'the limit of what man can attain and beyond which he cannot go' (E. 62). Yet Rousseau nowhere implies that we are driven into a state of misery by an insatiable and all-consuming drive to perfect ourselves.

The addition needed to make this part of argument work is the idea that unlike our desire to perfect ourselves, our amour-propre is intrinsically competitive, embroiling us in a zero-sum game (SD 171). Amour-propre in its final manifestation takes the form of the *Concern for Competitive Social Evaluation*. This last Concern is implicit in its predecessor given that the value of money, social status and political authority depends entirely on how much of it I have relative to other people. I can buy this house with my money only if I am able to offer more than anyone else and I can order this person around only if I am above them in the hierarchy. In this respect the artificial goods differ (in Rousseau's eyes) from the natural goods considered earlier which are not positional in the same way and we can have enough of the natural goods without having everything we might want. Here finally is a plausible account of why the desire for artificial goods is a source of endless frustration. It is not just that there is no limit to what we might want of them; rather to desire these goods at all just is to desire to have more of them than other people, a desire whose widespread gratification is impossible and a recipe for endless struggle (Kolodny 2010: 189 and 191-2).

In this section I've described several lines of thought, all of which lead Rousseau to believe that civilisation is a scene of misery because it is an incubator of our amour-propre. Some strike me as more convincing than others but none rests on the idea that civilisation frustrates some natural desire for equality. Rather the evolution of amour-propre leads to misery because it generates desires that cannot be satisfied. [16]

[16] In (E. 213-4) Rousseau implies that very young children already have an insatiable form of amour propre for they require the impossible when they demand of their carers that they prefer the child to themselves. Rousseau doesn't explain why the child's amour de soi should lead them

3. Injustice

So far we have taken Rousseau's problem with society to be that it makes us miserable but perhaps our starting point was mistaken, perhaps Rousseau's basic objection to society is that it is a scene of injustice because it fails to recognise the natural equality of human beings. Though Rousseau is reluctant to separate questions of justice from questions of interest (SC 41 and RSW 35-6), we may get a better handle on what he takes our basic interests to be by considering questions of justice.

We can't infer much from Rousseau's use of the language of equality when describing human beings in the state of nature. Rousseau certainly maintains (e.g. SD 131) that social inequality as we have it 'cannot be explained as a direct or necessary consequence of natural inequalities' (Neuhouser 2014: 23) but the artificiality of inequality does not entail the naturalness of equality.[17] Indeed Rousseau implies that there are natural inequalities which would justify social inequality (SD 188).[18] Hobbes also believes that actual social inequalities are artificial without supposing that human beings in a state of nature owe each other anything out of respect for our equal worth. In the one sense of personal value that Hobbes does acknowledge (i.e. the possession of power), the inhabitants of the state of nature are only approximately equal.[19]

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to make such demands. Furthermore, taking this aspect of child psychology to be fundamental would render Rousseau's long discussion of the evils of civilisation redundant.

[17] Dent and Cohen both take various passages from *Emile* that pass skeptical comment on the social hierarchy to support the idea that there is an 'equality in human standing' (Dent 1998: 71) and an egalitarian form of self-regard that is 'intrinsically reasonable because it conforms to a correct understanding of human beings, of our "true relations" as equals in virtue of our common human nature' (Cohen 2010: 102). (Compare (Rawls 2007: 198-9)).

[18] Thus, Rousseau is not rejecting the natural elitism of Plato and Aristotle in quite the way that Neuhouser suggests (Neuhouser 2014: 7-8), though (like Plato) Rousseau does indeed deny that actual social hierarchies reflect differences in natural worth.

[19] For approximate equality see (Hobbes 1994: 74) and for the worth of a man as his social power, see (Hobbes 1994: 51). At one point Rousseau attributes to Hobbes the 'Aristotelian' view that our rulers are naturally superior to us (SC 43), ignoring Hobbes's explicit rejection of this idea (Hobbes 1994: 96-7). Perhaps Rousseau wishes to obscure the fact that he agrees with Hobbes in saying that 'in the state of nature there is a de facto equality that is real and indestructible, because it is impossible in that state for the difference between man and man by itself to be great enough to make one dependent on the other' (E. 236).

Rousseau's references to human equality in the state of nature usually do no more than indicate the absence of social inequality. For example, in *Emile* Rousseau speaks of men being equal 'in the natural order' (E. 41-2) in a paragraph where he is clearly contrasting 'man's estate' with the various social roles which men can occupy. Later he says of pre-social Emile that 'all men are still equal in his eyes' (E. 160) to indicate the child's ignorance of the *social* hierarchy, not his appreciation of the equal value of all men *qua* rational agents. Still later, in a discussion of the cultivation of pity, we are told to 'respect your species' and 'not dishonor man' but the danger against which these maxims are directed is not that we will overlook the equal worth of all humans but rather that we will empathise too much with the sufferings of those further up the social hierarchy who deserve less sympathy because they bring their troubles on themselves (E. 225-6). Finally, Rousseau warns us against allowing Emile 'to believe himself to be of a more excellent nature and more happily born than other men'. Is that because such an attitude would ignore the natural equality of men? Rousseau's point is rather that, despite being an 'ordinary mind', Emile is 'happily placed' in respect of 'his rank in the human species', only because of his educator whose efforts would provide a more suitable object for his admiration (E. 245). 'Great men' on the other hand feel their superiority and rightly so (ibid).[20]

It might be suggested that, before critiquing the social order as unjust, one must have in hand principles of justice which apply regardless of whether they are socially recognised, principles systematically violated within our own society but not in all possible societies nor in the state of nature. A problem with reading Rousseau in this way is that he seems (like Hobbes) to reject the whole idea of

[20] At (E. 277-8) the Savoyard Vicar claims that 'everything is made for me' because his intellectual superiority over the animals puts him in the 'first rank' of species. He continues that he is 'content with the place in which God has put me' because he sees 'nothing, except for Him, that is better than my species.' No comment is made about how we should compare ourselves with hypothetical beings of a superior species. The contrast with Kant is instructive. Kant starts with the claim that 'nothing living on earth can compete with us' and so men have dominion over the animals but he continues that we must 'regard all men as the equal recipients of nature's gifts', finally concluding that in man's rationality 'is to be found the basis of the unqualified equality of mankind with higher beings, whose natural endowments may otherwise surpass his beyond all comparison' (Kant 1983: 52-3), God (as well as superior species) presumably *not* excepted.

natural justice, the notion that people in the state of nature owe each other anything at all.[21] Unlike Hobbes, Rousseau maintains that natural man feels no inclination to harm other men and is sometimes led to help them by a natural pity felt at the sight of suffering. but these un-Hobbesian inclinations operate as much in the 'savage's dealings with animals as in their interactions with their fellow men and involve no sense of obligation' (SD 127-8; E. 222-3 and 225).

To grasp the complexities here, we must distinguish three different phases of human evolution: the first is the stage of the *human animal* or '*savage'*, the second the stage of *man* or of *humanity* and the third the stage of the *moral person* or the *citizen*. The terminology is taken from Rousseau but, as he confesses, his use of terminology is not always consistent and he sometimes elides important distinctions. In particular, he uses 'state of nature' both narrowly to refer to collections of 'savages' and also more broadly to encompass all pre-civic men (Neuhouser 2014: 26 n.6). For example, in the *Social Contract* Rousseau initially says that the 'transition from the state of nature to the civil state … out of a stupid and bounded animal made an intelligent being and a man' (SC 53) but he later distinguishes between 'moral persons' who are inside our social order and mere 'men' who have been expelled from it (SC 65). The latter category also includes people in societies different from our own: 'Every patriot is harsh to foreigners. They are only men.' (E. 39). 'Men' so understood are not 'stupid animals' for they are capable both of moral agency and of entering agreements, yet they are not part of (any relevant) civil society.

Let's begin with the stage of the human animal. The human animal or 'savage' is free of obligation because they don't understand what obligation is: 'savages' are not wicked precisely because they do not know what it is to be good' (SD 151) and so feel no resentment at injury (SD 154 and 218). The difference between

[21] Rousseau says that 'savages' have no use for the notions of justice (SD 154), nor the ideas of virtue and vice (SD 150). Within the primitive family 'mutual attachment and freedom are its only bonds' (SD 164). Natural men (including young children) have no conception of property (SD 154 and 161), put no weight on promises (SD 163; E. 101-2). They feel no obligation to accede to the requests of others, however reasonable (SD 151) nor to reciprocate benefits received (E. 233-4). See also (SC 66). This is all very Hobbesian and Rousseau compliments Hobbes on spotting 'the defect of all modern definitions of natural right.' (SD 151)

human beings and the other animals is that the former are born with an inchoate sense of justice, one that first manifests itself in the resentment of infants when they think themselves intentionally harmed (E. 66, E. 97 and E. 289). Once this sense of justice is awakened, we enter the stage of man.

The principles of justice (which I'll call the 'principles of humanity') that apply at the stage of man impose what we earlier called the duties of civility forbidding one to gratuitously harm others and also those protecting what Rousseau calls 'real property' (SC 54). These duties apply to us regardless of whether we have in any sense agreed to them. At the third and final stage, legal personality is invented, creating persons who own 'artificial property' and inhabit political institutions as citizens. The appearance of these social phenomena with their associated obligations does require general agreement: the moral and political inequality they institute 'depends on a sort of convention, and is established or at least authorised by men's consent' (SD 131). Still not just any old set of social rules binds us, even once adhered to. Some social arrangements are without normative force where they systematically violate certain third stage principles that I'll call *principles of reciprocity* (SC 66).

If I have got Rousseau right, there are in fact two forms of justice appearing at different stages of moral development. The principles of humanity directly govern the interactions between any human beings capable of recognising them; the principles of reciprocity apply directly to those social norms that a sub-set of humanity have adopted to regulate their interactions and indirectly to those interactions themselves. Our question is whether either type of principle must be grounded in the idea that all human beings are of equal value. We'll consider the principles of humanity in this section and the principles of reciprocity in the next.

Rousseau discerns two basic principles of humanity:

> of which one interests us intensely in our well-being and our self-preservation, and the other inspires in us a natural repugnance to seeing

> any sentient Being, and especially any being like ourselves, perish or suffer. It is from the co-operation and from the combination that our mind is capable of making between these two principles, without it being necessary to introduce into it that of sociability, that all the rules of natural right seem to me to flow; rules which reason is subsequently forced to reestablish on other foundations, when by its successive developments it has succeeded in stifling nature. (SD 127)

As we have seen, pity ensures that man is not simply indifferent to others. Yet even once duty enters his thoughts, preference for self is still there in the foundations:

> his duties towards others are not dictated exclusively to him by the belated lessons of wisdom, and as long as he does not resist the internal impulsion of commiseration, he will never harm another man or even any sentient being, except in the legitimate case when, his preservation being involved, he is obliged to give himself preference. (*ibid.*)

At this point 'morality is beginning to enter into human actions' (SD 167) and man becomes subject to the duties of civility. Those duties may, as previously indicated, be based on the idea that we are each owed a certain consideration but the newly moralised man does not imagine that other humans matter as much as he does, a selfish bias Rousseau describes as 'legitimate'. This bias may have to be modified or eliminated at the third stage once social institutions are established but that is another matter.[22]

To a first approximation, the principles of humanity ask us to leave each other alone; they do not include positive requirements of 'sociability' like giving aid where needed nor reciprocating benefits received (E. 223-4).[23] Still there is more

[22] Is this selfish bias simply a feature of a primitive stage of moral development that we transcend once imagination gives wings to pity and introduces a general benevolence into our thoughts? That might seem to be foreshadowed in E. 252-3 until the passage concludes with a fatal qualification: 'This is the wise man's first interest, after his private interest'.
[23] When Rousseau says that, prior to convention, 'I owe nothing to those whom I have promised nothing' (SC 66) he is referring to positive duties, not to duties of forbearance.

to people than their bodies. Our obligation not to interfere with others extends to their 'real property' e.g. to the crops they have planted. The whole idea of 'real property' might look to be in tension with Rousseau's insistence that property is a creation of society and that originally 'the fruits [of the earth] are everyone's and the earth no one's' (SD 161) but we must distinguish the social institution of ownership as we have it from 'the origin of property' (E. 98) or 'the right of first occupancy' (SC 54-5). In several places Rousseau endorses the Lockean idea that people can, subject to certain conditions, acquire the right to possessions by manual labor prior to the establishment of any institution of property.[24] As soon as men exercise foresight and engage in agriculture 'the first rules of justice necessarily follow' dividing up the land amongst them (SD 169). For example, Emile cannot plant his beans where the farmer has already planted his melons (E. 98-9). This is consistent with the fact that the earth is given to all provided each is 'able to have something' (SD 169). Since some are more talented and hardworking than others, the process of division gives rise to what Rousseau calls, in a striking phrase, 'natural inequality' (SD 170).

I doubt Rousseau views these developments as problematic. On the contrary, he says that 'moral inequality authorised by positive right alone, is contrary to Natural Right whenever it is not directly proportional to physical inequality' (SD 188) with the implication that all would be well if only the social hierarchy reflected pre-conventional inequalities like differential ability and effort. Respecting the fruit of other people's labour involves acknowledging that some may deserve more, provided all have a chance to stake a claim on the world proportionate to their differential deserts and each respects the claims of others, at least in so far as that is consistent with their self-preservation. Furthermore, none of this threatens our interest in not being under the thumb of other people since each has the chance to establish a sphere of their own.

So why think that as society becomes more civilised it becomes systematically unjust? The problem arises 'once inheritances had increased in number and size

[24] ((SD 169-70), (E. 97-9) and (SC Chapter 9)). See (Neuhouser 2014: 88-108) for a helpful discussion of the difference between these forms of property.

to the point where they covered all the land' (SD 171). Now it is no longer the case that everyone has a chance to stake a claim on the world proportional to their deserts; some are being excluded from humanity's common inheritance while others have more than they could ever need (SD 172). Unlike real property, this more extensive form of ownership requires the 'consent of humankind' (ibid.) and that agreement must satisfy various conditions (explored in the next section) to be valid. The agreement which the rich propose to the poor in the *Second Discourse* with a view to protecting their own holdings does not satisfy these conditions (SD 173). The landless are now forced to work for the landholders and so the process of subjugation begins, which renders life not just unfair but, in Rousseau's view, intolerable. We have entered an illegitimate version of stage three.

In this section I hope to have shown that the principles of humanity do not rest on any notion of natural human equality. On the contrary they seem to authorise systematic discrimination both between self and other and between men who are naturally unequal, though Rousseau maintains that the effects of legitimising these discriminations are for a long time rather modest due to the favourable conditions of life and our mutual independence in the state of nature. Once we have reached the crisis that brings the stage of man to a close, our society must be re-founded on new principles if it is to remain legitimate. Do those principles of reciprocity at least presuppose natural human equality?

4. Artificial Equality

Book One of the *Social Contract* ends with

> a comment that should serve as the basis of the entire social system; it is that the fundamental pact, rather than destroying natural equality, on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that while they may be unequal in force or in genius, they all become equal by convention and by right. (SC 56) (Cf. (E. 189))

Consider the tantalising phrase 'rather than destroying natural equality'. Is that an implicit acknowledgement or an implicit denial of a natural equality among humans? What is clear is that physical inequality is to be replaced by a conventional equality, that men must in this sense 'become equal' if they are to live well together. Yet from the fact that the course of social development involves three inter-connected phenomena – misery, injustice and inequality – it does not follow that we can get rid of the first two by abolishing the third. We must ask how instituting an artificial equality will cure the ills of civilisation.

Let's start with *Injustice*. The norms governing our interactions at this final stage of our social evolution, those defining artificial property and political authority, come into force only by agreement. Not that we can agree to anything we like. The principles of reciprocity tell us which agreements bind and so we must examine what Rousseau says about the validity conditions of a promise. These principles of reciprocity form the bridge between the stage of man and the stage of the citizen: they apply to agreements made by men, agreements which turn men into a different kind of creature, namely citizens (Durkheim 1960: 92-104).

Men should enter into an agreement only when the benefit they may expect from it is commensurate with the potential costs to them of keeping it (SC 64). People sometimes make unconscionable bargains but, for Rousseau, such agreements do not bind. That might be because their content indicates that there must have been some procedural flaw which undermines the validity of the bargain: the person didn't understand what they were agreeing to, they were agreeing only under duress, they been tricked or didn't know some crucial fact and so forth. Rousseau finds each of these flaws in the contract that sets up the miserable and unjust Civil Society of the *Second Discourse* (SD 172-9). On the other hand, it might be that regardless of any such procedural flaw, an agreement binds only if it is reasonable for both parties to enter into it. I'll take it that an agreement flawed in either of these ways can't form the basis for a just society.

Here we must attend to the two features of human nature already noted (a) self-interestedness and (b) the desire not to be dominated. Men cannot bind themselves simply for the benefit of others nor give up that which (in Rousseau's view) is worth most to them, namely their own freedom. Rousseau is not saying that one is entitled to break a promise whenever it is in one's interests to do so; that is the attitude of the 'savage' or the child who does not understand what a promise is (SD 163 and E. 100-2). Rousseau's point is about the making of the promise: we can bind ourselves by means of a promise only in so far as it yields some benefit to both parties. Rousseau's discussion of why we can't sell ourselves into slavery nicely illustrates these points. Man cannot 'give himself gratuitously' (SC 45) and that is exactly what a slavery contract would involve since it completely surrenders something for which there can be no adequate compensation, namely our freedom (ibid. and SD 176 and 179). Rousseau sometimes writes as if one can't even be understood as intending to make such a promise ('the right to slavery is null, not only because it is illegitimate but because it is absurd and meaningless' (SC 48)). Be that as it may, the promise's unconscionability ensures that does not bind (ibid.).[25]

In explaining the validity conditions of agreements, we have yet to go beyond (a) and (b). In particular, we have yet to conclude that parties to any valid agreement must benefit equally from the agreement, a condition that many if not most actual agreements fail to satisfy; it often seems sensible to accept the lesser benefit if the alternative is that you both lose out. Yet Rousseau does appear to think that the agreement which sets up a legitimate Civil Society must treat the parties to the agreement as equals, that both our self-interest and our yearning for freedom are consistent with this move only in so far as the social pact institutes an artificial equality between the parties (E. 189). And, it may be asked, why should that be so unless our self-interest and our yearning for freedom all

[25] Rousseau also says that he shall not 'pause to inquire' (SD 178) whether one lacks any right to divest oneself of the essential gifts of nature 'such as life and freedom' because one thereby 'debases one's being' ((SD 179). See also (SC 45-6)). This looks like a different line of thought, replacing the idea that the contract is invalid because unfair with the claim that you have no right to make it because of an obligation of self-respect grounded in the value of your humanity. Rousseau seems reluctant to rely on the latter idea and in any case, we are a long way short of the conclusion that our obligations may be grounded in the pre-conventionally *equal* value of men.

along involved a desire (or a demand) to be recognised as the equal of our fellow human beings just as Kant supposed, a need which grounds the principles of reciprocity? [26]

Here is another possibility. The agreement with establishes Civil Society sets up political and legal authorities entitled to give the citizens orders which they are obliged to obey. Unlike the other forms of social dependence considered earlier, entering this novel nexus of command and obedience (i.e. of directive authority) clearly threatens to undermine our liberty and frustrate our desire not to be dominated by others. The only way to meet this threat is to base the social contract on principles of reciprocity grounded in notions of equality. Thus, the principles of reciprocity must establish equality within Civil Society because that form of social organisation involves such directive authority.

I'll develop this line of thought a little further below but to motivate the rejection of the Kantian alternative, we need not recover the precise reasoning behind Rousseau's claim that Civil Society must be egalitarian. We need only recall Rousseau's insistence that entry into such a society requires a radical transformation both in the workings of human self-interest and in the kind of freedom that matters to us. However we understand the connection Rousseau makes between equality, freedom and self-interest within a just society, the presence of that connection tells us little about how things were before the social contract, in the ages of man and of the human animal; it establishes no link between pre-conventional forms of human freedom or self-interest and any natural equality amongst human beings (Inbar 2019: 482-3).

Rousseau's exposition here is somewhat clouded by the ambiguity of the term 'state of nature' (SC 53). As already noted, that phrase could refer to a primitive amoral phase in human life or else could include the whole course of history before the appearance of a legitimate social order. The entry of morality into the world surely involves major psychological as well as normative developments

[26] 'The remedy for our trouble consists in a social world properly arranged to cohere with our true nature and the natural state of our amour-propre' i.e. one constructed on principles of reciprocity that ensure 'a just, happy and stable society' (Rawls 2007: 207).

and if (contrary to what was said in the last section) notions of human equality appeared at the same time as morality as such, it would be tempting to see the one as being grounded in the other. What we are now discussing is a later and largely hypothetical development – one laid out in *The Social Contract* – that replaces the pre-conventional morality of man with the conventional morality of the citizen. Only then does equality come to play a role at the foundation of our social life.

The radical transformation involved in entering a just society was signaled in the passage quoted earlier from the *Second Discourse* where Rousseau speaks of the need for reason to re-establish the rules of natural right 'on other foundations' (SD 127). The rules of 'natural right' here refer to what I called the principles of humanity applying to the interactions of men *qua* men. In civil society, these are to be replaced with laws governing citizens alone. Our dealings with 'foreigners' are not constrained by such laws but only by the principles of humanity e.g. those defining real property (SC 54).

Discussing the role of the Legislator in the *Social Contract*, Rousseau comments

> Anyone who dares to institute a people must feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual would as it were receive his life and his being. (SC 69).[27]

The creation of 'moral persons' and their psychology is coeval with the institution of the social structures in which they are to live, changing one's relations both with those inside and those outside the social net.[28] As to the outsiders, 'natural commiseration … lives on only in a few great Cosmopolitan Souls who cross the imaginary boundaries that separate Peoples and … embrace

[27] This passage from the *Social Contract* is quoted approvingly by Marx (Marx 2000: 64). Compare Rousseau's remark in *Emile* that 'one must choose between making a man and a citizen, for one cannot make both at the same time' (E. 39). The idea that the establishment of socialism will require the transformation of human nature was endorsed by many subsequent authors.
[28] For discussion of this transformation and of the role of the Legislator in effecting it, see (Gauthier 1990: 91-109).

the whole of Mankind in their benevolence' (SD 174).[29] For the insiders, the end of their solitary existence reforms their sense of self and of freedom.

The transformation of self-interest occurs as we enter a social structure governed by the principles of reciprocity:

> The commitments which bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. Why is the general will always upright, and why do all consistently will each other's happiness, if only 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 equality of right and the notion of justice which it produces follows from each one's preference for himself and hence from the nature of man. (SC 61-2)

Similarly: 'since each gives himself entirely, the condition is equal for all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest.' (SC 50). True each citizen retains a 'particular will' which might tempt him to free ride but the good citizen is ruled by a general will which takes the common interest alone as its object (SC 52-3). [30]

A parallel replacement of natural freedom by a quite different conventional freedom (SC 50 and SC 53-4) occurs once we establish

> a convention which is legitimate because it is based on the social contract, equitable because it is common to all, and secure because the public force and the supreme power are its guarantors. So long as subjects are

[29] In *Emile*, Rousseau expresses ambivalence about such cosmopolitans, fearing they might neglect their civic duties (E. 39). He does recommend inducing a generalised benevolence in Emile but at this stage Emile is associating with other men as men rather than as fellow citizens (E. 252-3). The 'general will' is a will that constitutes us as fellow citizens and *not* a will 'each of us has out of our being and rank as persons to one another' (Dent 1988: 70).
[30] Inbar suggest that this all involves extending our amour propre to encompass our fellow citizens by cultivating patriotic sentiment (Inbar 2019: 480-2).

> subjected only to conventions such as these, they obey no one but only their own will (SC 63). (See also E. 85)

Unlike natural freedom, such civil freedom cannot subsist without equality (SC 78). In a just society, there is no danger of being dominated by the particular will of another or as Rousseau puts the point elsewhere 'each, by giving himself to all, gives himself to no one' (SC 54). Rousseau goes on to imply that civil freedom is not merely different from natural freedom but actually superior to it and 'alone makes man truly the master of himself' (ibid. and E. 461) Thus justice and interest are reconciled in a regime of equality but only once all three have changed beyond recognition.

Let's return for one last time to the Kantian reading of Rousseau. Having invoked Kant's authority as 'the best interpreter of Rousseau', Rawls offers us a second reason for attributing to Rousseau the belief that human beings naturally desire equality:

> The reason is that if *amour-propre* is not at first, as Kant says, a desire merely for equality, and if it is not ready, assured of that equality by societies' institutions, to grant in reciprocity the same equality to others, what psychological basis is there in human nature, as Rousseau conceives it, to make such a society possible? (Rawls 2007: 200).

Whether or not Kant's is the only answer to Rawls's question, we should refrain from attributing that answer to Rousseau. Rousseau is explicit both that the principles of a just social order have a foundation dissimilar from anything that preceded them (SD 127) and that it needs the particular genius of the Legislator, not just the normal course of human evolution, to bring these new resources to bear on the task of constructing an order that is just, happy and stable. Society must have its origins in human nature but what lies at the end of that process is utterly different from what was there at the start.

Kolodny prefaces his discussion of Rousseau with the observation that

> Most modern theories of morality claim that there is a kind of worth or claim to respect that all human, or rational, or sentient beings possess equally and unconditionally (Kolodny 2010: 170).

Though this idea was indeed central to the ethics of Rousseau's successor Kant, it wasn't shared by the predecessor who exercised the greatest influence over Rousseau, namely Hobbes, and nor is it present in the work of his contemporary and sometime friend Hume.[31] As has recently been pointed out the idea, however congenial, is hard to justify and so a critique of social inequality that did not rely on it would be of great theoretical interest.[32] Be that as it may be, without clear textual grounds we should not attribute a belief in fundamental human equality to Rousseau.[33]

Works by Rousseau frequently cited have been identified by the following abbreviations:

2D: Discourse on the Origin and Foundations of Inequality among Men, in *The Discourses and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

E: *Emile*, trans. Allan Bloom (New York: Basic Books, 1979).

RSW: Reveries of the Solitary Walker (Oxford: Oxford University Press, 2011)

SC: *The Social Contract,* in *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

[31] On the occasion when Hume comes closest to considering it, it is rejected (Hume 1985: 582-3).
[32] For example (Waldron 2017).
[33] Many thanks to Felix Koch for comments. A first draft of this paper was written during the summer of 2017. I expect the paper to remain unpublished and so this may be treated as the final version.

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