

Rule of Public Will and Law According to Rousseau's Social Contract

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ABSTRACT

Rousseau was among the first persons who warned against unbridled material progresses in the modern world. He believed that the tools man has created to dominate over his surrounding nature and world have captivated him. Emergence of these conditions led him to accept the yoke of servitude and deprived him of calm and happiness.

This vision, which considered human civilization as the source of corruption and decadence and deemed most of his achievements as the main root of social inequalities and the factor for injustice among human beings, turned to a motive of creating one of the most important philosophical works of the 18th century, namely, Social Contract.

In this discourse we are going to study some of the key concepts in Rousseau's social theory such as coercion, slavery, justice, power, the rule of law and exercising collective will in a political structure.

KEYWORDS: human civilization, corruption, political structure, social theory.

1. INTRODUCTION

From his first critical work "A Discourse about Sciences and Art", Rousseau stresses that throughout history the human wisdom and knowledge, instead of being applied to acquire freedom, equality, kindness, was used in the way of extremism, luxury, vengeance, and answering to some of the paltry desires of man so much so that it has led to social inequalities and slavery of modern man.

Affected by the ideas of John Lock and Hobbs and while explaining their social views, he refers to two concepts of gathering and unit that can determine the fate of a nation in confronting various issues. The first concept in a non-unified and heterogeneous human complex which don't have common goals; whereas a unit means bond, solidarity and like-mindedness among members of a nation with a single goal whose forces are each linked like the rings of a chain. Individuals of a unit participate in society spontaneously and not because of having no choice. They both pursue the goals of the unit and consider the public demands in this participation; but the individuals of a gathering participate involuntarily. Hobbs, too, has used 'population' for the non-unified elements of a gathering and 'nation' for solid and homogeneous forces.

The book Social Contract consists of four books: In the first book Rousseau studies concepts like right, slavery, obedience, coercion, power and justice in the political and governmental structure. The second book focuses on the public will whereas the third book surveys features of different kinds of governments. Finally, the fourth book is about the way to enforce law in different systems.

Rousseau sets all concepts and subjects of the book as a mechanism for reaching the rule of law and public will.

But the rule of law sometimes is against freedom. Therefore, he poses questions such as: Is social commitment of individuals tantamount to losing their freedom and independence? Can't the political rulers establish security and calm in society without restricting freedom of the individuals? How can make a bond between freedom and individual values with the dominant standards of a social structure?

DISCUSSION AND STUDY

Rousseau considers social bonds as a source of gaining access to more power which not only the citizens benefit from its outcome but they resist better against mishaps; and this unity can even lead to more security in the civil society.

In the fourth chapter of the book he writes about slavery, "No human being has natural rule over his fellowman."

But he finds roots and reasons of slavery and oppression in the oppressed rather than the oppressor; because the oppressed gradually gets used to his servitude and humility and loses required will to rise up against his sinister fate:

"Coercion created the first slaves, while cowardice and lack of will (will power) perpetuated it." (Rousseau, P: 67)

He believes that a non-democratic government makes obedience of its rule an obligation for the people for continuation of its governance. In this egoistic structure individuals abide by such a system not in a spontaneous way but as a result of inevitability and the consequences of rebellion against the government:

"Rousseau's aim is that human beings obey the law dutifully and not out of enforcement. The issue of right which is accepted to be obeyed by equal and independent individuals should be done with observance of each person's demands and preservation of equality and justice among them." (Pezillo, p: 73)

As he deems coercion unlawful for continuation of power and creation of right, Rousseau puts forward the notion of social contract as the only way to create lawful might between statesmen and people and among people themselves:

"Since coercion does not create right, so the base of any legitimacy can only be the contracts that are set among humans." (Rousseau, P: 74)

The most important topic of the book is the public will which Rousseau calls it a blissful element in the social system:

"It is only the public will that can lead the forces of the society according to its ultimate goal which is public good."(Rousseau, P: 139)

As per the social contract although individual should prefer congregational rights and demands to his individual demands; this does not mean to abandon one's individual rights but it means deeming important congregational demands in the domain of social relations. Accidentally, Rousseau believes that one of the duties of a government is to protect individual capabilities and maintaining demands and capacities of the citizens.

Distinguishing between the two concepts of power and will, he considers the first factor capable of being seceded because of corruptibility and the second factor also capable of being seceded- especially when it has sprung from the capabilities of public:

"Since the right of ruling is the enforcement of public will it can never be seceded to other(s) and the fact that the ruling board- as nothing more than a collective entity- cannot grant representativeness to other(s) power can be seceded but the will cannot be seceded."(Rousseau, P: 141)

Pezillo considers Rousseau's theory of public will as a prelude for reaching a democratic society:

"With the help of public will political might would link to the will of each of the citizens: The hypothesis of democracy won't find a firmer basis than this situation."(Pezillo, p: 77)

Rousseau always prefers public will to private will "because private will is naturally inclined toward acquiring more advantages while public will seeks equality."(Rousseau, P: 142)

In the egoistic and monarchic systems, he believes that the lack of citizens' protest against egoistic rulers is not the sign of their content but indicates their fear of expressing their discontent:

"Long silence of the citizens before their egoistic rulers is not the sign of content because fear hinders the way so that all individuals of the nation will express discontent and protest against the owners of power."(Rousseau, P: 146)

According to the social treaty citizens, despite difference in mental abilities and capabilities, enjoy equal rights and obligations; and there is no upper hand or lower hand in this regard.

According to the social treaty any act of the ruling system, meaning any official act stemming from public will, would make all citizens equally obliged and benefited.

If human being has no choice but abiding by social life and abandoning natural and primitive system of the past which restricts his freedoms, the only solution is the establishment of law and social contracts among citizens that would maintain his lost freedoms. Therefore, abiding by the law- which is surely just and wise- not only isn't an obstacle on the way of freedom but it is an opportunity for its emergence and expansion:

"Although in this case human being deprives himself from his natural advantages more advantages will be gained, all his faculties work and spread, his thoughts become further expanded and his emotions more humble."(Rousseau, P: 122)

Belief in this treaty is belief in the point that the political might of the rulers has stemmed merely from the social contract of citizens so that it could guarantee independence, freedom and equality among them. This means that the ruling board gains its legitimacy from the people. The main mission of the ruling board is to set up the public will.

Rousseau distinguishes between public will and the will of all. Public will is the sum of the ideas and demands of the public; but the will of all- since it has its roots in a series of the ideas of each of the citizens- is basically focused on personal demands of individuals. Just because of this he prefers public will to the will of all; for, it takes the rights and demands of all social classes:

"Public will just takes common public interest into account while the will of all seeks private interest."(Rousseau, P: 153)

Rousseau always places public will superior to individual wills which should be directed in a course. But the law is superior to both. That's why presence of wise legislators can help enhance the level of public awareness:

"Public will is always right and correct but no prudent thought guides it."(Rousseau, P: 195)

Rousseau's doesn't define freedom as individuals' absolute will to do whatever they intend but riddance from slavery and servitude or not defying others' dominance is the very meaning of freedom:

"When a person does whatever he wishes usually does what is contrary to the desire of others. Freedom means defiance of others' dominance rather than enforcing one's own will."(Rousseau, P: 238)

In Rousseau's opinion the general orientation of communities leads the elimination and annihilation of the poor and further empowerment of powerful individuals. Basically, the ratified laws also respect the rights of the powerful.

Thus, since man abandoned lonely life in nature and came toward civilized life has always been the victim of supremacy by his fellowmen. If in the past he would struggle against fierce nature to survive, today he should fight with humans and their laws to protect its entity.

From this point of view ratification of laws is no more than a resort to legitimize the power of the emperor; for, it has always been at the direction of the powerful and the mighty. It is as if civilization has been the only alternative and the single course ahead of the human community:

"Eventually human being inevitably chose civilization and he had no choice but to continue this course. He had no way to go except defending society with all its limitations and unpleasant manifestations."(Rousseau, P: 65)

The legislators' awareness of climatic, cultural and historical characteristics of people and gathering of laws compatible with the conditions and ability of the citizens indicates their learnedness:

"It is no matter if the best law is ratified, but it is important to ratify a law that is in the best conformity with national condition and the nation can tolerate it easily."(Rousseau, P: 213)

The third book studies the characteristic of states and types of governments. In a general definition it considers the best government to be the one which does not put the nation under harassment and tight conditions for the sake of its own survival; and does not prefer its entity to the entity of its people:

"A good government is the one that is always ready to sacrifice the government for the nation and not the nation for the government."(Rousseau, P: 264)

Social treaty which is the bond between the statesmen and people will remain till the governance of the statesmen is not out of coercion, threat or force; or else the treaty will have no credit:

"As soon as the government usurps the right of rule the social treaty will be nullified and all ordinary citizens will gain their natural freedoms not as per the duty but coercively and will be obliged to obey the government."(Rousseau, P: 265)

In the fourth book, the writer broaches on the manner of establishing law in different ways such as election, right of vote, public associations, etc.

Rousseau considers right of vote as one of the manifestations of the rule of public will and unanimity as the source of might for public demands; though enjoying this advantage can get a ceremonial form like many other manifestations of democracy. Sometimes in the egoistic and hegemonic systems, too, referendums are shaped to deceive public opinion. Rousseau writes on such systems:

"Citizens are trapped in the whirlpool of slavery: they have neither freedom nor will. In such a vicious system, as a result of fear and flattery, individuals express their ideas with hue and cry. There is neither thinking nor counseling so admiration or cursing becomes gain momentum."(Rousseau, P: 414)

The writer finds another fake instance of right of veto among the senators of the ancient Rome as the representatives who used to compete to curry favor with the Emperor rather than defending the demands and rights of people.

In chapter 4 of book 4 Rousseau considers formation of Comice (public circles) at the public square of the city and establishment of civil associations within the newly founded ancient Rome as the signs of the rule of public will and the role of citizens for participation in civil affairs and determination of their fate; though nature-admiring inclinations and his extreme love for rural life is displayed in his lauding of the Romans who had preferred rural life and efforts for agriculture to convenient civil life; just as they had continued supporting the republic system which was paid much attention by Rousseau.

Rousseau considers inquisition of others' beliefs as blameworthy especially those beliefs that are not contradictory to the laws and rights of individuals:

"I can't help being upset when human beings don't have full freedom of having religious beliefs and a person dares investigate inside others' conscience."(Rousseau, P: 514)

Rousseau has put forward many of his social theories under the impact of Hobbs' views. By nature, human being is not a social being but it is the relations ruling over the society that force him to choose such a method. Although individual links with his society due to the social treaty and is committed to observe social principles; this does not mean ignoring individual values and one of the duties of government is to create opportunity for each and every citizen to obtain prosperity and show his individual ability.

Conclusion

Although social contract is a political and social treatise it is not devoid of Rousseau's idealistic vision because the writer depicts man as he is and not as he should be.

Enjoying independence is the most important and the greatest achievement and advantage of the natural or primitive man. But as he entered civilized society he was denied of this independence because every member of the society should be under the power and dominance of the forces superior to him.

One of the aims of the writer in this book is also to find a way for establishing reconciliation between man's freedom-seeking force and the rulers' preservation of relative might. This is because all philosophers had concerned about gaining freedom and elimination of might-seeking and stubborn forces. He believes that gaining this aim, which can make justice and equality possible, won't be done except social treaty; for, this civil treaty is able to, besides individual independence, bring equality for citizens. Therefore, gathering just laws not only restores a part of the primitive freedom of man; it also reduces some of the social inequalities. It means the individual ability of every citizen should be put at the service of materializing what public will wishes.

In fact public will, which is built up of the link among ideas of the various strata and classes, acts as a unity-inspiring force so that each of the citizens, as the committed members of this social treaty will have an effective participation in materializing the aims of this public will.

From Rousseau's point of view although social contracts restrict man's natural domain of movement and freedom; most men don't abide by it; for, they gain civil freedom instead even though it has a smaller domain compared to the natural freedom yet it is confirmed by public will and society.

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