

ROUSSEAU ON GENERAL WILL AND SOVEREIGNTY

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ABSTRACT

Rousseau is one of the most complicated thinkers in the entire history of political theory and at the same time the most influential. He had an intellectual diversity of knowledge from music to botany, philosophy to literature and was one of the founder members of the so-called romantic school in literature and politics.

He was looked upon by many as the supporter of liberty, equality and fraternity; the slogan widely used by the defenders of democracy. Yet, he has often been criticized as the intellectual forbearer of twentieth century totalitarianism. Such paradoxes are widely spread in his intellectual works.

Together with Hobbes and Locke, Rousseau has exerted the most profound influence on modern European intellectual history. The modern meaning of sovereignty (but not popular sovereignty) was introduced by Jean Bodin in 1576. According to the New Columbia Encyclopedia, sovereignty is "the supreme authority in a political community".

The origin of popular sovereignty, on the other hand, goes most directly back to what is called the social contract school of the mid-1600s to the mid-1700s.

Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean-Jacques Rousseau (1712-1778) were the most important members of the social contract school. They all postulated that the nature of society, whatever its origins, was a contractual arrangement between its members. The reason men entered society However, their theories differed markedly in other respects.

Hobbes' writing in "Leviathan," published in 1651, claimed that the first and only task of political society was to name an individual or a group of individuals as sovereign. This sovereign would then have absolute power, and each citizen would owe him absolute obedience. Hobbes' concept meant that popular sovereignty only existed momentarily. In modern terms we might say that it consisted of "one man, one vote, once".

Locke in his writings e.g. Second Treatise of Government, published 1690, claimed as Hobbes before him, that the social contract was permanent and irrevocable, but the legislature was only empowered to legislate for the public good. If this

trust was violated, then the people retained the power to replace the legislature with a new legislature. It is unclear whether Locke repositied sovereignty in the people or in the legislature. Though he was less absolute than Hobbes, he clearly didn't intend popular intervention to be commonplace. If anything, Locke's vision is probably closer to the British view of Parliamentary sovereignty.

Rousseau claimed that laws enacted by the legislature could only address the common good of the society's members and they could only extend the same rights or obligations to all citizens. Rousseau, however, didn't elaborate on what would happen if these conditions were violated, but he did propose mechanisms to find out what the "general will" was and he did see the legislative powers as vested in the people itself.

Thus, there was a development in political theory from the very limited role played by the people in Hobbes' theories, to the more significant popular sovereignty of Rousseau.

The most important original literature that forms the basis for Rousseau's theory of sovereignty is his Social Contract, published in 1762. However,

there are several smaller works that Rousseau wrote that are of some use in defining his theory of sovereignty, among them: The Discourse on the Origins and Foundation of the Inequality among Men, the Geneva Manuscript were widely appreciated.

Like his predecessors Hobbes and Locke, Rousseau begins his theory of Social Contract with the state of nature. Rousseau believes that there are two main features that man possesses in the state of nature. First is sympathy for the sufferings of others i.e. compassion but this trait produces no relationships among individuals. Since individuals are rarely in contact with each other in the state of nature. Rousseau's concept of the state of nature contains another critical element: freedom. According to this analysis, freedom in the state of nature is not real freedom. It is more impulsive and instinct-driven, and directed towards personal gratification.

Power, honesty, authority, money, an unlimited desire for acquisition, distrust, envy cannot be found in the state of nature. These are the products of society. And these elements, in effect, made people unequal.

There was no morality, no reason, no virtue, no distinguishing of good from bad, it follows that in that state, man actually surrenders to his passions. He was free and independent, but there was no direction in his life. Man was a noble savage being subject to natural law. Man in the state of nature is a 'stupid and unimaginative animal'. It is only by coming into a political society that he becomes an intelligent being. He cannot be virtuous in the state of nature, because virtue is the characteristic of men who are conscious of morality. Man can only realise his full nature by living in a society, under law.ⁱ

Rousseau's main intention was to make the political state out of the state of nature. He wanted to establish a new type of political society which will maintain the same freedom that man had in the state of nature. It was his strong belief that when man had left the state of nature and became a social

being in the fullest sense, he had realised his own nature as man.

The state of nature was man's original state, not his natural state. The formation of civil society had far reaching consequences. As a result of his entry into civil society, man got transformed from a brutish into a human, moral being. Instead of being a slave of his passions, he lived according to conscience, according to rules he imposed on himself.

All this Rousseau summarises in these sentences: "For to be driven by appetite alone is slavery, and obedience to the law one prescribes for oneself is liberty. Once these distinctions are granted, it is so false that there is, in the social contract, any genuine renunciation on the part of the private individuals that their situation, as a result of this contract, is really preferable to what it was beforehand; and, instead of an alienation, they have merely made an advantageous exchange on an uncertain and precarious mode of existence for another that is better and surer. Natural independence is exchanged for liberty."

Man is following himself. However this "obedience," has a moral ground. Accordingly, freedom can no longer be the uncontrolled behaviour of separated and independent individuals. This freedom has got a direction. It is the general will which determines our actions.

FORMATION OF GENERAL WILL

The most important benefit of civil society is the formation of the general will; the will which supports the common good. It is only the command of the general will, which binds the individual because he has agreed to be bound by it. It is the will which is common to all members of the community, the will which makes the community what it is as contrasted with the wills of the individuals or of other associations. It is a combination of contract and participation. Once the general will is found, the individual following it is simply obeying himself. He is as free as he was in a state of nature.ⁱⁱ

With the formation of general will, men have given up their natural freedom and have exchanged for it a civilized freedom broader and more certain than that which they previously enjoyed, each giving himself to nobody. Man agrees to conform to that which is characteristic of the community formed by the contract. This is the General Will which emerges with the creation of the “public person” that is the community. Once the general will is found, the individual following it is simply obeying himself.

The General Will is something inside each man as well as in society as a whole, so that the man who is coerced by the community for a breach of the law, is, in Rousseau’s view, to be brought back to his true self. By penalizing a law breaker, society is correcting him. When Rousseau says that man should be forced to be free, then he is thinking here of the individual, who is enslaved by his passions, disobeys the voice of the law or the general will, within him. Thus, Rousseau’s concept of freedom or liberty differs from Locke. Locke defines liberty in terms of laws, set up by a constitutional state. He emphasizes positive laws that secures men’s rights and avoids laws that imperil men’s liberty. But for Rousseau law means just, fairness and moral behavior. It is an expression of general will. It is just because the general will is by definition righteous.

Though, Rousseau’s notion of general will, may sound authoritarian, but the authority he favours is different from mere power. It is based on conscious and vocal assent. Legal penalties are devices for helping the individual in his own struggle against his own passions, as well as a device for protecting society against the anti-social depredations of law breakers.ⁱⁱⁱ

Law for Rousseau by definition is just an expression of general will. But there can be a dichotomy between true law and actual law, between law as it should be and law as it is seen in the existing world. The law supported by him in the Social Contract is the law in true sense. These are rules made by the men, as sovereign and obeyed by them. Same is the distinction between the general will and the will of all. Everyone agrees to accept the

decision of the majority in the formulation of the law. But the members of the majority whose decision is accepted do not ask themselves who did it, as an individual demand, but what the General Will demands; thus it is the majority interpretation of the general will which is binding and not the majority will. This is how it can be morally obligatory for the minority to accept.^{iv}

In the political state, however, an individual cares for the others. It is the general will which tells him not to care solely about himself. The general will is again our own will, but now this is a sophisticated will, more giving and generous in nature.

ROUSSEAU’S CONCEPT OF SOVEREIGNTY

“Sovereignty” is derived from the Latin word *superanus* meaning supreme. It means that in every full-fledged or independent state there is an ultimate authority, an authority from which there is no appeal. This authority is supreme both in internal and in external matters. Internally, no individual or group of individuals has the legal right to act contrary to the decisions of the sovereign power. In external matters too, the sovereign state is supreme.

Bodin, the first western writer to develop a systematic doctrine of sovereignty, defines it as “the supreme power over citizens and subjects, unrestrained by law”. The term sovereignty has many meanings in political theory such as political sovereignty, legal sovereignty, internal and external sovereignty, limited and relative sovereignty. There is another possible division of the notion of sovereignty which divides it into two major theories of sovereignty-the classical theory and the constitutional theory of sovereignty. The main difference between these two theories is how the concept of sovereignty is related to the state authority.

The classical theorists believe in unlimited sovereignty which is the source of all rights and is absolute in nature. While the constitutional theorists believe in the legal document - constitution, which

means that state authority infers its power from the constitution.

Rousseau's theory of sovereignty combines these two opposite elements of sovereignty in it. One, that wholly belongs to the classical theory of sovereignty (unlimited power), and the second that contradicts it (popular sovereignty). But unlike the classical theorists, he does not give absolute sovereignty to the state.

Before giving a shape to his theory of sovereignty, Rousseau read the works of his predecessors, Hobbes and Locke. They all believed that the state was a result of an agreement among people. The purpose of the state was the protection of those people to which it owed its being, and they also agreed that the sovereign must have enough power to provide such protection. Also these theorists had tried to limit the power of sovereigns under one principle or another, except Hobbes who insisted that sovereignty must be unified and absolute. Rousseau accepted Hobbes's argument at one point but rejected Hobbes's notion that men can either be governed or be free. Rousseau, who loved liberty so much, believed he could show that it was possible for men to be at once free and members of a political society. His solution to the problem of how to be at the same time ruled and free might possibly be expressed as democracy. Men can be both ruled and free if they govern themselves. It is possible when man retains sovereignty over himself. Obligation in such circumstances is wholly distinct from bondage; it is a moral duty which draws its compulsion from the moral will within each man.

It is this argument which differentiates Rousseau from Hobbes and Locke. They believed that sovereignty was transferred from the people to the ruler as a result of the Social Contract. Rousseau is original in holding that no such transfer of sovereignty needs or should take place: sovereignty not only originates in the people, it ought to stay there.^v

Rousseau's conception of sovereignty is an unlimited one. According to him sovereignty is inalienable, indivisible and it cannot err. Rousseau's understanding of sovereign power puts him in the category of the classical theory of sovereignty.

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ⁱ Rousseau, The Social Contract Theory, pg-32

ⁱⁱ Sibley, H.Q, Political Ideas and Ideologies, A History of Political Thought, pg 396-97

ⁱⁱⁱ Rousseau: The Social Contract, pg-34

^{iv} Rousseau: The Social Contract, pg-38

^v Rousseau, The Social Contract, pg-30