

How Hobbesian was Rousseau? How Rousseauian was Hobbes?

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The questions, How Hobbesian was Rousseau? and the related (and I think more important) one, How Rousseauian was Hobbes? have been playing an increasingly prominent role in the literature on Rousseau in recent years. For example, in Istvan Hont's Carlyle Lectures we find the claim that Rousseau's denial of natural sociability in the Second Discourse was essentially Hobbesian, though Hont was not interested in that work in pursuing the question of the resemblance between them into the Social Contract - and what he did say implies that there may be some marked dissimilarities in that area. As another example, Robin Douglass's 2015 book Rousseau and Hobbes, written as he acknowledges partly in response to the Benedict Lectures which I gave at BU sixteen years ago but did not publish, concentrates on what Rousseau says about Hobbes in his various works, and concludes that Rousseau's main concern was to show how Hobbesian were in fact the respectable writers whom Rousseau wished to attack, particularly Grotius; Douglass admits that the denial of sociability looks like Hobbes, but he takes this to show merely that "Rousseau's problems were ones of a Hobbesian nature" and that "many of his ideas on how these problems should be resolved were set out in opposition to Hobbes. This is particularly evident in his discussion of sovereignty", which Douglass takes to involve the "Lockean" idea of a division between legislative and executive power, rather than the Hobbesian concept. Other recent examples could be given of people trying to pin down just what the puzzling relationship between the two writers was, such as Isaac Nakhimovsky's ground-breaking study of Fichte as both a kind of Hobbesian and a kind of Rousseauian.

As I said, I gave some lectures sixteen years ago in which I too tried to wrestle with this question, and one reason why I did not publish them was that I was not sure that I had got the right answer. In the meantime I got interested in an issue which I had not dealt with in the

Benedict Lectures, the centrality in Rousseau's thought of the distinction between sovereignty and government, a distinction whose history and significance I traced in my 2012 Seeley Lectures published as The Sleeping Sovereign (2015). But one of the things that struck me as I thought about this issue was that it too was - surprisingly - an example of just the curious relationship between Hobbes and Rousseau that I had earlier tried to understand, since it turned out that Hobbes in De Cive had provided a similar account of the difference between sovereignty (imperium) and government (administratio), though its resemblance to the account in Rousseau had never, I think, been observed before. (It should be said at this point that everything I shall say about Hobbes relates to De Cive, or to some extent to his English version of that work, the Elements of Law; De Cive was the book which French readers always studied most carefully, in either the original Latin or one of the two seventeenth-century French translations. They also read the second part of the Elements in a French translation, but not the first part until a translation appeared in 1772). So I came to think that it was time once again to revisit the question as a whole. To give a full answer would take a lengthy book; in this paper I can do no more than sketch what the argument of such a book might look like, and invite your help in refining it.

The first thing to say is that one of the reasons why this question has arisen in a rather more pointed fashion in our generation than in previous generations is that there has been a great increase in the study of the responses to Rousseau among his contemporaries (I am thinking particularly here of Roger Barny and Michael Sonenscher, and of Hont himself). And it is undeniable that the early readers of the Second Discourse and the Social Contract saw Hobbes lurking behind both books. For instance, Louis Castel of Toulouse wrote in his L'homme moral

opposé à l'homme physique de Monsieur R*** against the Second Discourse (1756) that

One can believe that M. Rousseau has Hobbes fully in his sights, so that he can refute him in the parts of his system which are impious; but one cannot see that Hobbes's impiety fully revolts him. If he refutes it, it is in the process of competing with it or supplanting it...

And when he read the Social Contract Rousseau's old friend the Genevan Jacob Vernet said of Rousseau, very perceptively, that

believing with Hobbes that men are born the enemies of one another, and that our worst enemies are our superiors, like him he remedies this by Despotism, though locating it in a different place. Whereas Hobbes gives arbitrary power to a Prince, Mr Rousseau (who knows no middle ground) instead gives a similar power to the multitude.¹

Vernet was alluding here to the first appearance in print of Rousseau's celebrated letter of the previous year to Mirabeau in which Rousseau said explicitly that there was no middle position between "the most austere democracy" and "the most perfect Hobbism"; the letter was published in Mirabeau's Précis de l'Ordre Légal of 1768, and thereafter reprinted and noted regularly; it was included in Rousseau's Oeuvres of 1782 and subsequent editions. So widespread was this reading of Rousseau at the time that there is good reason to think that the souring of the

¹ Lettre d'un citoyen de Genève à un autre citoyen (1768)

relationship between Rousseau and Diderot in the mid-1750s was occasioned by Diderot's anxiety about his former protégé's apparent Hobbism; it was this which led him incongruously to add a long discussion of Rousseau to his Encyclopédie article on "Hobbisme", trying to make clear to the readership that Rousseau and (by implication) other Encyclopédistes should not be thought of as Hobbesians.

So the resemblance between Hobbes and Rousseau was not merely something which later historians observed; it was fully recognised by Rousseau's first readers. But what were they responding to, and why did they on the whole disregard Rousseau's own attacks on Hobbes? To try to provide an answer to these questions, I shall begin with the Second Discourse, and then turn to the political theory of the Social Contract, since any account of the relationship between Hobbes and Rousseau must begin with the claim in the Discourse that "all the rules of natural right" could be derived "without its being necessary to introduce [the principle] of sociability", conjoined with the claim later that "Hobbes had seen clearly the defects of all the modern definitions of natural right". The general background to what I am going to say is that for Rousseau, natural man did not act on the basis of principle; Rousseau mocked "the philosophers" who supposed natural man "capable ... of forming, by highly abstract chains of reasoning, maxims of reason and justice." Instead, he was driven by feelings, or by psychological propensities of various kinds, and in particular by amour de soi, what one might call "self-protectiveness", and pitié, compassion for other men (and other creatures) as long as his own essential interests were not at stake (summed up by the slogan, Do good to yourself with as little evil as possible to others). Immediately after his remark about sociability in the Preface, he explained his position as follows.

we shall not be obliged to make man a philosopher before he is a man. His duties toward others are not dictated to him only by the later lessons of wisdom; and, so long as he does not resist the internal impulse of compassion, he will never hurt any other man, nor even any sentient being, except on those lawful occasions on which his own preservation is concerned and he is obliged to give himself the preference. By this method also we put an end to the time-honoured disputes concerning the participation of animals in natural law: for it is clear that, being destitute of intelligence and liberty, they cannot recognise that law; as they partake, however, in some measure of our nature, in consequence of the sensibility with which they are endowed, they ought to partake of natural right; so that mankind is subjected to a kind of obligation even toward the brutes.

As his remark about animals makes clear, the point of Rousseau's notion of pitié was precisely that it did not involve mutuality, or any genuine sociability.

We shall look in vain in Hobbes for a comparable account of human feelings, but that misses the interesting point. Hobbes was not very concerned with the psychological basis of his theory; as I have said in various places, he does not really give us a genuinely foundational account of the natural law. It is true that human beings characteristically fear death, but Hobbes was well aware of the fact that they can choose to die; what lies at the foundation of his theory is the observation that because of the salience of the fear of death, men in general will not blame other men for protecting themselves. As he said in De Cive, "It is not therefore absurd, nor reprehensible, nor contrary to right reason, if one makes every effort to defend his body and limbs from death and to preserve them. And what is not contrary to right reason, all agree is

done justly and of Right.” It is sometimes hard for modern readers to grasp this, since we tend to think that what is not “contrary to right reason” is what we ought to do. But Hobbes grew up in a world deeply suffused with the model of Christianity, according to which it is best if we live a certain kind of life, but we cannot be blamed if we do not; this is precisely the difference between counsel and command which plays such a central role (for instance) in Grotius’s moral theory. It is psychologically possible for men to live a fully Christian life, but it is “natural” or understandable if they do not. This way of looking at moral questions in effect moves the point of view from that of the agent, asking what should I do, to that of the observer, asking what shall I condemn? And I think that is essentially Hobbes’s perspective - though of course the answer to the question will involve a theory of what is characteristically important to human beings.

So Hobbes was not interested in the kind of account which Rousseau produced; Hobbes was indeed a “philosopher” who talked about natural man as a means of clarifying moral principles and not - at least directly - as imagining a possible type of creature. It is noteworthy that all his examples of men in a state of nature are in fact of men living to some degree a socialised existence, such as “travelling masons”. But what is striking is how far the principles which he set out corresponded to the psychological propensities of Rousseau’s account; it is as if Rousseau took the Hobbesian laws of nature and relocated them at the psychological level. Let me explain this. As we all know, Hobbes based his theory on two principles, the right “that each man protect his life and limbs as much as he can” and the law “to seek peace when it can be had; when it cannot, to look for the means of war”. From the latter, as he made clear in chapters II and III of De Cive, stem a whole series of “derivative” laws of nature, and we should treat all of them as exemplifying and making clearer what is involved in the fundamental law, and not (as

often tends to be done) disregard them as essentially secondary and unimportant. Together they build up into a very full picture of the natural life of man, in the sense of the life which would naturally be led were peace possible. The right of nature clearly corresponds to amour de soi, and no more needs to be said about that; but to a very great degree the derivative laws of nature correspond to what Rousseau envisaged as the rest of natural man's psychological makeup, including pitié.

To take in order these derivative laws: the list begins with the second law, Stand by your agreements. This is the basis of civil association; but more interesting for our present purposes are the subsequent laws. The third law is against INGRATITUDE, since "it is against reason to confer a benefit which one sees will perish without effect; all kindness [beneficentia] and trust between men will thus be lost, and all benevolence too; and there would be no mutual assistance nor any initiative to win gratitude." The fourth law requires that we be "considerate", commodus, to other men, not seizing more than we need, the opposite of which is INHUMANITY. In the related passage in the Elements of Law, interestingly, Hobbes calls this virtue charity, the desire "not only to accomplish his own desires, but also to assist other men in theirs".² Though Rousseau could not have known this last remark, since it occurs in the first part of the Elements, the use of the term charité does occur in this context in the second part, which had been translated when he wrote. It is also the case that in Chapter IV of De Cive, where Hobbes gave examples of Biblical passages which exemplified his laws of nature, one of the ones chosen to illustrate the fourth law was Exodus 23.4-5, "If you meet your enemy's ox or ass straying, take it back to him. If you see the ass of someone who hates you collapsed under its

² I.16.8 read along with I.9.17 to which it refers.

load. you shall not pass by but shall help him to get it up.” So the requirement is indeed not merely not to harm, but - in cases where one runs no danger - positively to help other men.

The fifth law obliges us to forgive those who repent. The sixth is perhaps the most important (along with the fourth, requiring consideration), since it condemns CRUELTY, that is, any violence which does not look to a future good. “Revenge”, said Hobbes, “which does not look to the future, is motivated by vainglory, and therefore is without reason.” (I will come to the issue of vainglory in a moment). The seventh law is against INSULT: “nothing is commoner than taunting and offensive remarks by the powerful against the less powerful and especially by judges against defendants, which have nothing to do with the charge and are not part of the judge's duty; such men are acting against the natural law and should be considered insolent.”

This is a particularly striking example, and Hobbes returned to it in his other works on several occasions: his hatred of judges ran very deep. The eighth to thirteenth laws all relate to the general principle of equality, something Kinch Hoekstra has explored in a recent paper. The fundamental argument is that of the eight law, “the pursuit of peace requires that [men] be regarded as equal. And therefore the eighth precept of natural law is: everyone should be considered equal to everyone. Contrary to this law is PRIDE.” (Remember that Leviathan was King of the Proud in the Book of Job). Arising from this, whatever rights each claims for himself, he must also allow to everyone else (ninth law), the violation of which is ARROGANCE, and the allocation or division of goods should as far as possible be done on the basis of equal shares, including such things as lotteries (tenth to thirteenth laws).

So there is in fact a very rich morality prescribed to natural men, but it rests essentially on the requirement that we recognise the claims on us of other men and treat ourselves as equal to

them, up to the point at which our own vital interests are threatened. The default position is that we should use no unnecessary violence on other people - we must not treat them, as Hobbes said, with cruelty - and should even (as the third law of nature implies) treat them with kindness. But these principles do not imply mutual friendship with other men, as Hobbes made abundantly clear at the beginning of De Cive Chapter One. What they seem to characterise, indeed, is precisely the kind of stand-offish respect without friendship for other people which Rousseau sought to capture with his idea of pitié. Moreover, we should remember that these principles - including above all the principle of equality - continue into a well-founded civil society; they are not like the right to all things, or the right to use our own judgement about the means to our preservation, the renunciation of which is necessary to form society. They are laws, and cannot be superseded, unlike natural equality in many of Hobbes's contemporaries, including Pufendorf. Chapter IV of Book VIII of Pufendorf's De Iure Naturali consists of a comprehensive discussion of the role of honour and esteem both in the state of nature and in civil society, in which he said that

Esteem is the Value which is set upon Persons in common Life, according to which they may be or compar'd with others, and be rated either higher or lower than those they are compared with... it evidently appearing, that nothing was more absolutely inconsistent with the Convenience of Life, than an universal Equality... (VIII.4.1)

But Hobbes did not think this: as far as he was concerned, the insolence of the judge is wrong in civil society, and even the apparently harmless pleasures of a dinner party violate the eighth

precept of the natural law “If [people] meet for entertainment and fun, everyone usually takes most pleasure in the kind of funny incident from which (such is the nature of the ridiculous) he may come away with a better idea of himself in comparison with someone else's embarrassment or weakness.” (De Cive I.2). I shall return to this issue at the end of the paper.

What we seem to have here is, to say the least, very close to Rousseau’s picture of man before he entered society. And we can see why Rousseau, in a discourse on the origin of inequality, should have been led to adopt these Hobbesian sentiments, for De Cive offers both an account of the equality of natural men, and the subversive suggestion that something like this equality should operate in a well-ordered society. Moreover both Hobbes and Rousseau saw the principal source of the corruption which undermined equality and peace in civil society was vainglory. It is well known that Rousseau (at least in the Discourse) described amour propre as

a purely relative and factitious feeling, which arises in society [la société; Cole says “in the state of society”], leads each individual to make more of himself than of any other, causes all the mutual damage men inflict one on another, and is the real source of the “sense of honour”. This being understood, I maintain that, in our primitive condition, in the true state of nature, amour-propre did not exist; for as each man regarded himself as the only observer of his actions, the only being in the universe who took any interest in him, and the sole judge of his deserts, no feeling arising from comparisons he could not be led to make could take root in his soul...

And in the second part of the Discourse, Rousseau gave a vivid picture of how the restless desire

for superiority over our fellow men might develop when men begin to associate with one another.

In these primitive settlements,

singing and dancing, the true offspring of love and leisure, became the amusement, or rather the occupation, of men and women thus assembled together with nothing else to do. Each one began to consider the rest, and to wish to be considered in turn; thus a value came to be attached to public esteem... [T]his was the first step towards inequality, and at the same time towards vice. From these first distinctions arose on the one side vanity and contempt and on the other shame and envy...

Nothing in the Discourse, it should be said, seems to me to correspond to the account of benign amour propre which Dent and Neuhouser have seen in Rousseau; their key text is Emile, but even there I think (along with Michael Rosen) that the textual basis is weaker than they would like. But I do not want to deal with this issue here.

The crucial role of vainglory is equally clear in De Cive, particularly in Hobbes's description of the state of nature:

In the state of nature there is in all men a will to do harm, but not for the same reason or with equal culpability. One man practises the equality of nature, and allows others everything which he allows himself; this is the mark of a modest man, one who has a true estimate of his own capacities. Another, supposing himself superior to others, wants to be allowed everything, and demands more honour for himself than others have; that is the

sign of an aggressive character. In his case, the will to do harm derives from conceit and over-valuation of his strength. For the first man, it derives from the need to defend his property and liberty against the other.³

If we could rely on the absence of such a vainglorious will to harm, the state of nature would be far less unstable, though of course we cannot enjoy such security - as Hobbes said in the Preface, “even if there were fewer evil men than good men, good, decent people would still be saddled with the constant need to distrust, take precautions, anticipate, subdue, and protect themselves by all possible means”. In the first part of the Elements of Law, which as I said Rousseau could not have read since it was only available in English at the time he composed the Discourse, Hobbes gave a comprehensive account of the role of emulation in the passions, going so far as to say bluntly that “[i]n the pleasure men have, or displeasure from the signs of honour or dishonour done unto them, consisteth the nature of the passions in particular” (I.8.8).

I now want to turn from the theory of the Discourse to that of the Social Contract; though I should say that I think Rousseau had already developed the essential ideas of the later work by the time he published the Discourse. Rousseau begins his own account of political liberty in the Discourse with the following remark.

Without entering at present upon the investigations which still remain to be made into the nature of the fundamental compact underlying all government, I content myself with

³ See the similar account at the beginning of Le Corps Politique, the 1653 French translation of the second part of the Elements.

adopting the common opinion concerning it, and regard the establishment of the political body as a real contract between the people and the chiefs [chefs] chosen by them: a contract by which both parties bind themselves to observe the laws therein expressed, which form the ties of their union. The people having in respect of their social relations concentrated all their wills in one [réuni toutes ses volontés en une seule], the several articles, concerning which this will is explained, become so many fundamental laws [loix fondamentales], obligatory on all the members of the State without exception, and one of these articles regulates the choice and power of the magistrates appointed to watch over the execution of the rest. This power extends to everything which may maintain the constitution [constitution], without going so far as to alter it...

This passage, though it is frequently ignored (including, I am sorry to say, by myself in The Sleeping Sovereign), in fact already contains the essence of the theory of the Social Contract. The people “concentrate all their wills in one”, and enact fundamental laws, which specify a constitution, including the organisation of a government. The government acts as the agent of the people, not in the loose sense that was conventional in the seventeenth and eighteenth centuries, but in the quite precise sense that the democratic sovereign is responsible for constitutional laws, within which the government has to operate and which it cannot alter. Shortly after publishing the Discourse, Rousseau provided another summary of this idea, this time in the language he would continue to use, in his Encyclopédie article on Economie:

I must here ask my readers to distinguish also between public economy, which is my

subject and which I call government, and the supreme authority, which I call Sovereignty; a distinction which consists in the fact that the latter has the right of legislation, and in certain cases binds the body of the nation itself, while the former has only the right of execution, and is binding only on individuals.

The article also uses for the first time the expression volonté générale to capture the idea of a réunion des volontés en une seule. Though this has been obscured both by Patrick Riley's belief that the term came to Rousseau from Malebranchian theology and Bruno Bernardi's belief that it came from Diderot's article on droit naturel in the Encyclopedie, it is very clear (as Bernardi himself has also observed) that in fact it came from the 1706 Barbeyrac translation of Pufendorf's De Iure Naturae, a work repeatedly reprinted during the first half of the century. At Book VII Chapter 5, where Pufendorf was discussing the nature of democratic sovereignty, he said that

When we are dealing with a Moral Body, nothing prevents us from saying that the particular wills [volontez particulières], from the union of which results the general will [volonté générale] of the Body, should lack some power or property which the general will possesses. (VII.5.5, 1734 ed p.335)⁴

⁴ At VII.2.5 the Barbeyrac Pufendorf talks of the "resolutions" of the sovereign which "passent pour la volonté de tous en général & de chacun en particulier"; this is, I think, an unacknowledged quotation from du Verdus's translation of Hobbes's De Cive (1660) which also talks about the will of the sovereign being taken for "la volonté de tous eux en general, & de chacun en particulier" (V.6), a translation of omnes et singuli which Sorbriere in his more widely-read translation did not use.

But Rousseau got much more from Book VII Chapter 5 of the Barbeyrac Pufendorf than merely the term volonté générale. The chapter contains an account of democracy which is worth quoting in full:

There are three principal things, which are necessary to constitute a Democracy. Firstly, it is necessary that there should be a settled place and regular times to deliberate in common on public matters. Since, apart from the fact that each one has his particular concerns, which do not permit him to spend all his time in the Assembly, if they do not continue in agreement about settled times and place to meet, the Members of the Assembly might either meet at different times and in different places, from which will develop factions and conspiracies [conventicules]; or they may never meet at all, and so will no more be a People but a disunited Multitude, to which it will not be possible any more to attribute its own rights and actions, as a single Moral Person. Secondly, it is necessary that the votes of the greater number be taken for the will of all [volonté de tous], it being very rare for a large number of people to find themselves of the same opinion. Lastly, as there are two kinds of affairs, one ordinary and not very significant, the other extraordinary and of great importance, and as the whole People cannot easily meet in an Assembly, or gather there frequently enough to have the time to look into everything themselves, it is necessary to establish Magistrates, who are like Deputies [Commissaires] delegated by the People to manage the ordinary affairs in their name, to weigh up in a mature fashion the things which are of little significance, and if something comes up of great importance, without delay to convoke the Assembly of the People to

deliberate about it; also to execute the Ordinances of the People, for which a great multitude is not at all suitable. (VII.5.7 1734 ed. p.337)

Pufendorf's argument in this part of his book clearly drew on Hobbes's discussion of democracy in the remarkable Chapter VII of De Cive. Hobbes had said there without equivocation that

When men have met to erect a commonwealth, they are, almost by the very fact that they have met, a Democracy. From the fact that they have gathered voluntarily, they are understood to be bound by the decisions made by agreement of the majority. And that is a Democracy, as long as the convention lasts, or is set to reconvene at certain times and places. For a convention whose will is the will of all the citizens has sovereign power [summum imperium, puissance souveraine in the Sorbière translation]... A people therefore retains sovereign Power only so long as a certain time and place is publicly known and appointed, on which those who so wish may convene. For unless that is known and settled, they can convene at various times and places in factions or not at all.. And that is no longer a $\Delta\eta\mu\omicron\varsigma$, i.e. a People [Populus], but a disorganised multitude⁵ to which no action or right may be attributed. Two things, then, constitute a Democracy, of which one (an uninterrupted schedule of meetings) constitutes a $\Delta\eta\mu\omicron\varsigma$, and the other (which is majority voting) constitutes $\tau\acute{o}$ $\kappa\rho\acute{\alpha}\tau\omicron\varsigma$ or authority [potestas].

⁵ As in The Sleeping Sovereign, I have replaced the term “crowd” in our translation by the more familiar (in this context) “multitude”.

But if a People is to retain sovereign power, it is not enough to have known times and places for meeting. Either the intervals between the meetings must not be so long that something could happen in the meanwhile which (for lack of sovereign Power) would endanger the commonwealth, or the People must devolve at least the exercise of sovereign power on some one man or one assembly for the intervening period. If this has not been done, no adequate provision has been made for the defence and peace of individuals; it should not be called a commonwealth since it provides no security, and the right of self-defence at one's own discretion is back. (VII.5-6, p.94)

This last point is the one Hobbes enlarged on in the fascinating discussion in paragraphs 15-16 of Chapter VII which depicted the democratic sovereign as asleep during the activities of the administratio, and which I used as the source of the title of The Sleeping Sovereign.

As you can see, there is no question but that Pufendorf simply paraphrased and indeed quoted from this passage, without (it should be said) any direct acknowledgment of his source. The one part he did not quote was the first sentence, and this omission was highly significant, for he explicitly attacked Hobbes in the same part of Chapter 5 for supposing that there could be no society without a sovereign, and that therefore the decision to create this democracy brought civil society into being. Pufendorf, in contrast, believed (as he argued extensively elsewhere) that the decision to create civil society was initially a decision to enter into a discussion about what form of sovereignty should be adopted, and that the forum of this discussion constituted the fundamental society. A second agreement then created the sovereign, which need not - and indeed probably should not - be a democracy of the kind which he was analysing, though he

recognised that this was in principle a legitimate form of government. This is the notorious theory of a “double contract”, which Rousseau attacked in the Social Contract, saying

There is only one contract in the State, and that is the act of association, which in itself excludes the existence of a second (SC III.16)

This act of association, of course, was for Rousseau, like Hobbes, in itself necessarily the creation of a democratic sovereign.

“Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.”

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will. (SC I.6)

I think it is quite obvious that the way Rousseau formulated his fundamental political ideas grew out of a close reading of these paragraphs in Pufendorf’s Book VII Chapter 5; this is presumably why in the Second Discourse he was able to say that he was “adopting the common opinion” concerning “the fundamental compact underlying all government”, since he was adopting Pufendorf’s analysis of democracy, without making clear to his readers

(characteristically) that he was at the same time rejecting Pufendorf's actual account of the "the fundamental compact" in favour of Hobbes's. Even his idea of Hobbes's argument for a single contract could have come in the first instance from reading these paragraphs, since in them Pufendorf quotes Hobbes's claim before refuting it. But whether he was led to read De Cive on the subject himself, or whether he stayed with Pufendorf's text, either way he was essentially reviving Hobbes's theory of the fundamental character of democratic sovereignty.

What Rousseau then did with it is well known. Hobbes had argued that other sites of sovereign power could arise as a result of a majority vote by the democracy to - in effect - dissolve itself; for example to create a monarchy

one specific man who is distinguished from all the rest by his name or some other mark, is put forward, and the whole right of the people is transferred to him by a majority of votes; with the effect that, once elected, he may rightly do all that the people could do before his election. Once this has been done, the people is no longer one person, but a disorganized multitude, since it was one person only by virtue of its sovereign power [summum imperii], which they have transferred from themselves to him. (VII.11)

Rousseau simply denied that this transfer of souveraine puissance (as it is called in Du Citoyen) could be legitimate; the original democracy had to stay in being. And it should be said that there is something peculiar about Hobbes's account of democracy in De Cive. Since, on his own account, there is a variety of governmental structures which can exercise power while the democratic sovereign is asleep, and which can in most cases do all that a monarchical sovereign

might be needed for, it is unclear why a democracy should ever dissolve itself; and indeed, on his account, few have in fact done so. It was generally understood in early-modern Europe (and spelt out explicitly by Bodin) that very few European monarchies had no elective element in their rules of succession; on one view, only England and France. For Hobbes, an elective monarchy was a democracy (or possibly an aristocracy), so most European states were really democracies, or at the least aristocracies; Bodin, strikingly, had said that even the Roman Empire was a democracy down to the time of Vespasian, and possibly beyond. Pufendorf was well aware of this alarming implication, and much of the point of his double contract theory was to repel it, and avoid this cancerous spread of democracy across the Continent. Moreover, Hobbes said (X.16) that

sovereignty [imperium] is a power [potentia], administration of government [administratio gubernandi] is an act; power is equal in every kind of commonwealth; what differs are the acts, i.e. the motions and actions of the commonwealth, depending on whether they originate from the deliberations of many or of a few, of the competent or of the incompetent. This implies that the advantages and disadvantages of a régime do not depend upon him in whom the authority of the commonwealth resides, but upon the ministers of the sovereign [imperii ministros]...⁶

But that observation undermined Hobbes's theory of the transition from democracy to monarchy, since it was only the disadvantages of democratic government which he discussed in Chapter X,

⁶ I have corrected our translation to bring it into line with the sovereignty/government distinction.

“Comparison of the disadvantages of each of the three kinds of commonwealth”, including above all - and almost entirely - the dangers of deliberative assemblies, something with which Rousseau agreed.

Rousseau seems to have noticed this, and realised that by insisting on the importance of the sovereign/government distinction, the need for a democracy to dissolve itself could be circumvented, and the essential character of Hobbes’s theory vindicated; he was even prepared (though this is often overlooked) to assign questions of peace and war to the government and not the sovereign, and he was also consistently hostile to democratic government, precisely for the same reasons as Hobbes - observing in Economie that “Athens was in fact not a Democracy, but a very tyrannical Aristocracy, governed by philosophers and orators”, words which clearly echo Hobbes in the second part of the Elements of Law (translated into French, remember, in 1653), “a democracy, in effect, is no more than an aristocracy of orators [Aristocratie d’Harangeurs], interrupted sometimes with the temporary monarchy of one orator.” (II.2.5, p.97 trans). And his ideal in the Social Contract was that the people should vote having “no communication one with another”. Both Rousseau and Hobbes mistrusted deliberation, whereas for Pufendorf in effect deliberation constituted civil society - it was the deliberative body, without a site of sovereignty, which was the fundamental association.

So clear is it that Rousseau’s political theory grew out of this conflict between the ideas of Hobbes and Pufendorf, that I think we have to tread very carefully in advancing any interpretation of it which departs in too marked a fashion from the issues raised in the conflict. In particular, we have to ask how far Rousseau’s general will differed from Hobbes’s (as I think it is legitimate to call it). Like Hobbes, Rousseau was concerned to defend the notion of a

democratic will which was essentially untrammelled by any constraints and which, as he said in Economie,

constitutes for all the members of the State, in their relations to one another and to it, the rule of what is just or unjust: a truth which shows, by the way, how idly some writers have treated as theft the subtlety prescribed to children at Sparta for obtaining their frugal repasts, as if everything ordained by the law were not lawful.

(This last example being also used by Hobbes in De Cive XIV.10). There were however two kinds of qualification to this. The first is that the democratic vote can in certain circumstances fail to reflect the general will; but one has to be very precise about this. A tradition starting in the 1790s, and flourishing in Germany, supposed that this meant that the general will could in principle be detached completely from a vote, and treated as the bearer of rational decisions, but Rousseau seems to have understood something different from this. In the major passages where he says that there can be a distinction between the general will and the mere result of a vote, he almost always goes on immediately to say that this happens when partial associations develop in the state. This is put particularly clearly in his first full formulation of his ideas, in Economie: a democracy will never be unjust

unless the people is seduced by private interests, which the credit or eloquence of some clever persons substitutes for those of the State: in which case the general will will be one thing, and the result of the public deliberation another... Carefully determine what

happens in every public deliberation, and it will be seen that the general will is always for the common good; but very often there is a secret division, a tacit confederacy, which, for particular ends, causes the natural disposition of the assembly to be set at naught. In such a case the body of society is really divided into other bodies, the members of which acquire a general will, which is good and just with respect to these new bodies, but unjust and bad with regard to the whole, from which each is thus dismembered.⁷

In other words, the general principle that the majority vote is in itself sufficient to give the general will stands: the problem with actual votes is that they can cease to be genuinely majoritarian, since the individual citizens commit themselves before the vote to membership of partial associations. Anxiety about partial association is clearly something Rousseau shared with Hobbes, who also described in De Cive Chapter X how faction destroyed democracies.

The second qualification is that the general will has to maintain the principle of equality among the citizens. We have seen that Hobbes believed that equality is required by the natural

⁷ See also the famous passage in SC II.3 on the difference between the will of all and the general will, “If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when intrigues arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: it may then be said that there are no longer as many votes as there are men, but only as many as there are associations.” And IV.1, on the failure of the general will “when smaller societies [begin] to exercise an influence over the larger”. And even IV.2, where he talks about the need for “all the qualities of the general will still [to] reside in the majority”, he immediately says that “in my earlier demonstration of how particular wills are substituted for the general will in public deliberation, I have adequately pointed out the practicable methods of avoiding this abuse”, that is, the avoidance of partial associations or - what is the same thing - governmental usurpation.

law, but unlike Rousseau he argued that “no civil law can be contrary to natural law (except a law which has been framed as a blasphemy against God)” (De Cive XIV.10), and therefore at first glance the sovereign’s will or the general will can undermine equality among the citizens. But, as in the case of democratic self-dissolution, Hobbes’s overall position is more ambiguous, for he clearly stated in many places that a sovereign is in general bound by natural law - and in De Cive he implied that God can punish the sovereign for breaches of natural law.⁸ No civil law is contrary to natural law, he argued, because civil laws get their force from the second natural law about agreements; but while this means that the subject is bound to obey the sovereign in all respects (except blasphemy), on the other hand since the sovereign is not party to any agreements, he or it is simply bound by the laws of nature, which includes treating men as equals. The judge, according to Hobbes, should not be insolent to the accused, but nor (one can suppose) should be the sovereign whose agent the judge is. The accused has no right to resist or complain, but the sovereign equally has no right to be insolent (this is a familiar feature of Hobbes’s theory). So if the sovereign’s will is the general will, it has to abide by the derivative laws of nature which require equal respect to all men.

So the answers to my two questions, How Hobbesian was Rousseau? and How Rousseauian was Hobbes? are that Rousseau was indeed very Hobbesian, as his contemporaries suspected; but only because Hobbes was much more Rousseauian than they - or most of his later readers - realised. This in turn raises a further question, which I do not have time to deal with today, but which is obviously of great interest: how fully aware of this was Rousseau? Or was he responding almost intuitively to features of Hobbes’s writing which he found appealing? But at

⁸ e.g. his discussion of sin.

least, I think, we can now formulate this question correctly, even if we cannot yet give a satisfactory answer.