ROUSSEAU'S CONCEPTION OF LIBERAL RIGHTS AND THE GENERAL WILL: DELIBERATIVE OR TOTALITARIAN DEMOCRACY?

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Abstract. *This paper addresses two interrelated questions. Firstly, it will inquire into whether Rousseau's philosophy includes a theory of liberal rights. In other words, it will ask whether one can find in Rousseau's writings a defense of what Benjamin Constant calls the "liberty of the moderns" and Isaiah Berlin designates as "negative liberty". The second question deals with Rousseau's understanding of the "liberty of the ancients". The paper asks what type of political participation Rousseau desires for citizens. On one interpretation, Rousseau's demands the submission to and internalization of an already established, objective good. This good is embodied by the general will, which represents the will of the community. According to another interpretation, Rousseau's citizens are supposed to participate in the public space by public deliberation while bringing arguments from a widely shared conception of common good. Thus, in this account, the general will is formed (rather than discovered) by an inter-subjective process of deliberation from common assumptions.*

Keywords*: liberty, liberal rights, political participation, objective good, community, general will.*

Introduction

Jean Jacques Rousseau has always been a controversial philosopher. His works were banned in France and his native Geneva and Rousseau himself had to take refuge in different European states. Even more so, the outbreak of the French Revolution and the subsequent political and intellectual reaction to it increased both Rousseau's popularity and his contentiousness. Finally, the events of the mid-XXth century brought new light and generated new interpretations of Rousseau's writing.

He was championed by some, both in the 19th and the 20th centuries as a prophet of freedom and individualism. Rousseau was contrasted to Hobbes and

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Rousseau's works were compared with the latter philosopher's arguments for an absolute sovereign. Later, in the wake of the Second World War scholars looked for the intellectual origins of the Holocaust and the Gulag and coined the concept of totalitarianism. When looking for the intellectual origins of totalitarian philosophy, Rousseau was an easy reference. Lately, this tradition has been again challenged by philosophers working in the analytic tradition. Thinkers of the 1980s and 1990s provided analytic reconstructions of Rousseau which employ modern, Rawlsian concepts. They conclude that Rousseau is a supporter of a strong form of deliberative democracy.

This paper will address two interrelated questions. Firstly, it will inquire into *whether Rousseau's philosophy includes a theory of liberal rights*. In other words, it will ask whether one can find in Rousseau's writings a defense of what Benjamin Constant calls the "liberty of the moderns" and Isaiah Berlin designates as "negative liberty". The second question deals with Rousseau's understanding of the "liberty of the ancients". The paper asks *what type of political participation Rousseau desires for citizens*.

On one interpretation, Rousseau's demands the submission to and internalization of an already established, objective good. This good is embodied by the general will, which represents the will of the community. According to another interpretation, Rousseau's citizens are supposed to participate in the public space by public deliberation while bringing arguments from a widely shared conception of common good. Thus, in this account, the general will is formed (rather than discovered) by an inter-subjective process of deliberation from common assumptions.

These two questions are deeply interrelated, but must be kept analytically separate. Trying to answer the simple question "Is Rousseau a totalitarian philosopher?" exegetes have failed to establish a coherent definition of totalitarian political philosophy. Some have privileged the absence of liberal rights while others the identification of an objective common good and the denial of pluralism as the lynchpin of totalitarian political philosophy. Since no clear theory of totalitarian thought exists, the two questions this paper discusses will be treated separately.

With regard to the first question, the paper will reject the theory of the general will as an objective common good. While answering the second question, the paper will maintain that Rousseau does not have a theory of liberal rights. Rather, he argues that these are not necessary because by the very constitution of the polity, the general will cannot become tyrannical. Moreover, rights are not derivable from the way Rousseau imagines the constitution of political society. Thus, those that argue that Rousseau is a totalitarian philosopher because he privileges an objective good might find their arguments weakened. However, those that see the denial of liberal rights as the central point of totalitarian thought might find further evidence in this paper.

The aim of the paper is to connect two intellectual traditions in the interpretation of Rousseau. The first is represented by the works of the immediate post-Second World War generation which, when writing, was looking for the intellectual origins of the cataclysm it had directly experienced. This generation endeavored to create

a broad overview of philosophers seen as the originators of totalitarian thought. Thus, it is only normal that the tone of thinkers like Berlin and J.L. Talmon is inquisitorial. However, their concepts are under-specified and their argumentation under-developed. The second school of thought this paper will engage is made up of philosophers working in the analytic tradition of the 1980s and 1990s. This school is devoted to textual interpretation and exposition of concepts and employs Rawlsian terms in order to reconstruct Rousseau's work. However, they only barely address the concerns of the first generation and prefer to dismiss them rather easily.

The paper will proceed in two steps. Firstly, it will identify the points of contention between the two traditions and present them in the first section. During this process, the concepts used by the first generation will be given clearer meaning. In the second section, the paper will engage in a textual interpretation of Rousseau thinking, with a focus on *The Social Contract*. Finally, the paper will argue that Rousseau's theory can hardly be given a totalitarian understanding.

Literature Review

Rousseau as a Totalitarian Philosopher

The chief representative of the post-Second World War generation and the main interpreter of Rousseau as a totalitarian philosopher is Isaiah Berlin. Berlin claims that Rousseau rejects the standard notion that liberty and authority are opposite values. Rousseau, on Berlin's interpretation, refuses to accept that there has to be a trade-off between the two. Rather, Berlin claims that what Rousseau is actually trying to do is nothing else than to equalize liberty and authority. Berlin claims that Rousseau defines a human being as one able to choose rationally between alternatives. If alternatives do not exist, or if they do but the choice is coerced by a tyrant or by material need, then freedom disappears.[1]

However, in Berlin's account something goes wrong in the Rousseauean thought. Berlin argues, not always convincingly, that Rousseau, in addition to an attachment to freedom, also held other beliefs. Firstly, Berlin interprets Rousseau as claiming that since men live in a society, coercion is necessary. Secondly, and even worse in Berlin's view, is Rousseau's supposed belief that there exists a right kind of life.[2] However, Berlin dedicates only three paragraphs to this assertion. He never clearly explains, based on textual evidence, from what texts of Rousseau he derives his conclusion. The only reference point is a psychoanalyzing speculation about the influence that Calvinist thought in Geneva might have had on Rousseau.

Once these premises have been established, Berlin's argumentation proceeds easily. Berlin claims that Rousseau is plunged into the paradox of reconciling freedom and authority. From this, Rousseau extricates himself by making them identical. Thus, Rousseau, in Berlin's rendition, decides that freedom is not anymore

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[1] Isaiah Berlin, *Freedom and its Betrayal: Six Enemies of Human Liberty*, edited by Henry Hardy, London, Pimlico, 2003, p. 33.

[2] *Ibidem*, p. 35.

equal to simply choosing, but choosing *the right alternative*. Moreover, this right alternative is "right" because it is prescribed by reason. Finally, since all men are equally rational, the right alternative is the same for everybody and those who do not choose it therefore are mistaken. They are not free, but slaves either to other people or to appetites.[3]

As a final step in his argumentation against Rousseau, Berlin moves to the interpretation of what he sees as Rousseau's theory of collective decision making. Berlin interprets Rousseau's concept of the general will as the collectivity's conception of what the right kind of life is. To this general will, all members of the collective must submit. The community, on Berlin's construction of Rousseau, then is something larger than the individual, and it is a bearer of the correct rules of behavior.

Berlin then argues that Rousseau needs just one more step to equalize authority and liberty. Individuals are to be forced to obey a collective ideal and, at the same time, not feel this compulsion. This can only be done by a full scale project of social engineering which will enjoin in them a love for this collective ideal, Berlin argues. Thus, Berlin concludes that in Rousseau's world men will be, at the same time, free and coerced in the name of an objective good. They will be free because they will love the laws and not perceive them as constraints. Moreover, they will be free because they will be leading the right kind of life. Finally, if they do not desire to be free, they will be, in the name of reason, "forced to be free".[4]

A similar argumentation also goes through the work of J. L. Talmon. In the beginning of his book, *The Origins of Totalitarian Democracy*, Talmon postulates an argument close to Berlin's. Totalitarian democracy is totalitarian because, argues Talmon, it is "based upon the assumption of a sole and exclusive truth in politics".[5] This exclusive truth is then to be imposed on people because it is the best alternative possible. It is the only solution which reason can reach and anyone who does not reach the same conclusion must be mistaken or deceived. Moreover, liberal rights and negative freedom are not justified because they might preclude the fulfillment of this truth.[6]

In the chapter on Rousseau, Talmon argues, similarly to Berlin, that Rousseau's concept of the general will can be construed only as an objective criterion to which men must conform. This concept can be discovered by human reason, but once discovered, it cannot be rejected. Men must then be engineered to recognize the objective general will as the only acceptable alternative among many. This can be done by collective education, which will eliminate all natural tendencies in men.[7]

Further, just like Berlin, Talmon also extends his analysis to what he argues are Rousseau's ideas of society. Thus, Talmon interprets Rousseau's demand for

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[3] *Ibidem*, p. 39.
[4] *Ibidem*, pp. 43-47.
[5] J. L. Talmon, *The Origins of Totalitarian Democracy,* New York , Norton, 1970, p. 1.
[6] *Ibidem*, pp. 2-3.
[7] *Ibidem*, pp. 40-42.

direct democracy as also a demand for unanimity. In other words, Talmon asserts that Rousseau does not view politics as the interplay of different, but equally legitimate interests. Rather, Rousseau is supposed to demand that public assemblies be nothing else than the endorsement of the objective interest of the general will. Talmon claims that the source of all this is a strong belief in social harmony which all Enlightment philosophers were supposed to share. Thus, in Talmon's view Rousseau is understood to demand that all private interests be obliterated because they are illegitimate from the point of view of the objective supreme interest.[8]

Finally, Talmon asserts that Rousseau's argument is no different than that of those supporting the divine right of kings or of the Physiocrats who asked for an omniscient absolute sovereign. However, in the place of the absolute sovereign, Rousseau is supposed to put the assembled people. In Talmon's view this move clearly has the potential to violate the privacy of individuals. Firstly, the people, embodied in the assembly, are sovereign. Secondly, if individuals are supposed to be permanently interested in politics and taking part in assemblies, then there is a high probability that agitated assemblies will legislate against individual privacy.[9] By this move, Talmon attempts to refute Rousseau's institutional proposals by branding them as an straightforward avenue towards tyranny.

Both Berlin and Talmon address the same questions as this paper. They both argue that Rousseau's theory does not allow space for liberal rights and that the political participation which he proposes is of a totalitarian fashion. However, neither author answers the two questions separately but they subsume the first under the second. Their argument goes like this "Rousseau believes that since there is an objective good the general will embodies it. And, since this good is embodied by the general will, and the general will is sovereign, then individuals can be coerced into obeying the general will. This justification of coercion is what denies any possibility for liberal rights".

The only assertion on which Berlin and Talmon's justification hinges is that Rousseau's concept of the general will is an objective good, outside the will of individuals. In the Berlin-Talmon argument, this good is absolute and all-encompassing. Therefore, they conclude that Rousseau is committed against individual freedom. However, neither Berlin nor Talmon are able to delineate exactly what Rousseau's objective good would include. While they postulate that Rousseau believed in it, they never delineate its supposed contents. Moreover, neither Berlin nor Talmon offer strong textual evidence for their assertions.

One attempt to go further into the whole corpus of Rousseau's work is made by William T. Bluhm. He argues that the reason for which Rousseau must demand full social engineering is that it is the only consistent solution of his definition of free will. Bluhm upholds the view that Rousseau believes that the only real freedom is that encountered in the state of nature: only there can people determine and fulfill their own needs and purposes. However, society imposes

[8] *Ibidem*, p. 44.
[9] *Ibidem*, p. 47.

chains on the thinking and action of individuals. But, if one is to be free there are two solutions: either the chains are removed by returning to the state of nature or people are engineered to accept society's values as their own.[10] By this connection, Bluhm tries to prove what Berlin and Talmon merely assert: that Rousseau believes in social engineering to make social coercion seem acceptable. He does this by deriving his conclusion from parts of Rousseau's work and definitions which Rousseau gave.

Rousseau as Defender of Freedom

Recent philosophers have offered extremely different interpretations of Rousseau. Joshua Cohen exposes this interpretation in *Rousseau: A Free Community of Equals*. He argues that Rousseau attempts to find a solution to a fundamental problem. This problem described by Cohen could be formulated as: how can individuals who are interdependent, moved by self-love an interest in self-preservation, personal security and freedom, as well as who possess a conception of justice find a common form of association? Cohen argues that Rousseau solves this problem by proposing a free community of equals or the society of the general will.[11]

In Cohen's view, one of the most important conditions in the society of the general will is that inside it individuals are permitted to have their particular interests. Cohen strongly argues that those who view Rousseau as suggesting social engineering of wills and desires are mistaken. He defends a different interpretation which maintains that Rousseau means something else when he demands that citizens give themselves wholly to the community. Rousseau's citizens, in Cohen's view, are not supposed to abandon their private wills completely. They are only to make their private interests less important than the public interest when thinking about public affairs. In order to better capture the difference, Cohen distinguishes between what he calls unity through integration (abandonment of any private interests), and unity through ordering (giving higher weight to public interests).[12]

Moreover, Cohen also argues that citizens in Rousseau's free community of equals will be devoted to a conception of the common good. This conception of the common good, Cohen argues, would include, at the minimum, their common interests in self-preservation and personal security. Moreover, Cohen goes further than this and maintains that Rousseau's citizens would also share an interest in personal freedom. Cohen admits that the evidence for this is ambiguous, but still argues that that Rousseau's texts "seem consistent with acknowledging a role for the interest in individual independence."[13]

Moving to the formation of the general will Cohen suggests that the general will is formed when citizens come together to deliberate about the content of their common interests. Starting from the conditions mentioned above, Cohen

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[10] William T. Bluhm, "Freedom in *The Social Contract:* Rousseau's *Legitimate Chains*" in *Polity*, Vol 16, No 3 (Spring 1984), pp. 359-383.

[11] Joshua Cohen, Rousseau*: A Free Community of Equals*, Oxford, New York, Oxford University Press, 2010, p. 32.

[12] *Ibidem*, p. 45.

[13] *Ibidem*, p. 49.

argues that citizens, in Rousseau's community, "rank states on the basis of the same reasons, they are motivated by those reasons, and it is common knowledge that both of these previous points are true."[14] However, Cohen asserts that even if citizens are motivated by a common good, they might have disagreements. Firstly, they might have disagreements about "big issues" such as how to govern the polity. Conversely, citizens committed to the same idea of the common good might disagree on its interpretation. For example, they might argue about how to best further the demand for distributive justice. What Cohen takes out of this is that Rousseau's society of the general will can accept legitimate political disagreements. Despite the fact that Rousseau seems critical of any political disagreement, Cohen argues that an obliteration of political disagreement is not necessarily entailed by the way Rousseau describes the society of the general will.[15]

In addition to Cohen, John Rawls also interprets Rousseau as being a supporter of liberal democracy. Firstly, he interprets the famous passage about a citizen giving himself to the community completely in a way which allows for liberal rights. Rawls argues that this alienation is not bound to destroy individual liberty because each gives himself equally to the community. In Rawls' view, the total alienation which Rousseau demands does not amount to the complete regulation of social life. This happens because, what each does to others is equally done to oneself. Therefore, since individuals are interested in their self-preservation and freedom, they will not vote for laws which destroy liberty for others as well as themselves.[16] Cohen also interprets the same passage against the typical understanding of complete renunciation of privacy. He argues that the complete alienation which Rousseau speaks of is nothing more than the renunciation of all claims of natural rights. Rights which were enjoyed in the state of nature are completely renounced once the person enters the civil state and no claims can be based on them.[17]

Moreover, both Rawls and Cohen argue from Rousseauean texts and claim that Rousseau accepts the fact that individuals will have particular interests. This, in their view is discernible from Rousseau's conception of the individual. Since Rousseau accepts that each individual can have a personal will different than the general one, Rawls and Cohen argue that he is against social engineering. Since social engineering leads to the obliteration of pluralism, and Rousseau sees pluralism as subsisting, then Cohen and Rawls conclude that Rousseau must be against a forceful engineering of social harmony.[18]

Rawls also shares Cohen's conception of the formation of the general will through a deliberative process. Firstly, Rawls explicitly argues against the idea that the general will is the will of an entity which "transcends the members of society".[19] Rather, a view of what the general will wills can be held by each citizen individually. It is only required that the particular citizen place the common good above their

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[14] *Ibidem*, p. 62.
[15] *Ibidem*, p. 72.
[16] John Rawls, *Lectures on the History of Political Philosophy*, edited by Samuel Freeman, Cambridge Massachusetts and London, Harvard University Press, 2007, p. 220.
[17] J. Cohen, *op. cit.*, p. 69.
[18] J. Rawls, *op. cit.*, p. 224.
[19] *Ibidem*, p. 224.

particular preferences. Rawls also claims that the general will is a form of deliberative reason which all individuals share because they have in common a conception of the common good. When in an assembly, citizens must vote according to what they believe best advances the common interest.[20]

Rousseau's Theory

This paper will bring evidence that Rousseau's theory does not amount to a full-blown totalitarian thinking. However, more than the theories of other philosophers, some elements of Rousseau's thought are susceptible to a totalitarian interpretation. Firstly, the paper will argue that on the question of the general will, Rousseau does not conceive the existence of an objective good to be forced upon individuals. Rather, the deliberative conception of the formation of the general will seems more consistent with the text of the *Social Contract.* Rousseau views citizens as deliberating and arguing from common conceptions.

However, trying to find in Rousseau a theory of liberal rights seems a far stretch of the argument. From the way that Rousseau conceives of the Sovereign, there are no rights which the individual can have against the Sovereign. It is true that Rousseau expects that the Sovereign, because it is constituted by public-minded equal citizens, will not violate citizens' privacy. However, nothing impedes it from doing so since it has all the power of the community, and since it alone can decide the amount of privacy individuals are supposed to sacrifice.

Moreover, even if Rousseau believes that citizens will not impose burdensome laws upon themselves, his theory cannot accommodate a situation of permanent minorities. Rousseau's society cannot function in a situation in which there is a deep inequality between various groups in a society. The majority, even if it votes for a general law which it also imposes on itself, might lose comparatively little from the application of that law. However, a minority can lose comparatively much more from a general law which the majority also respects. The case of language rights is probably the best example. When establishing a national language, the majority imposes a general law whose fulfillment is easy to itself. However, having only one official language can severely and negatively impact the minority.

Firstly, it can be easily argued that Rousseau does not view the general will as an objective good outside the individual members of the society. He explains that the general will is formed by the deliberation of citizens grouped in an assembly. The only condition necessary is that there are no factions, that people place the common good before their private interests and that they are offered enough information:

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[21].

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[20] *Ibidem*, p. 230.

[21] J. J. Rousseau, *On the Social Contract or the Principles of Political Right*, Book II, 3 Translated by G. D. H. Cole, http://www.constitution.org/jjr/socon.htm, Retrieved 7.12.2010.

Moreover, the paragraph preceding the one quoted above also gives credence to the Cohenian-Rawlsian interpretation that the general will is formed by the mutual cancellation of biases involved in citizens' beliefs of what the general will is:

There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another, and the general will remains as the sum of the differences[22].

Finally, the last piece of evidence against the interpretation of the general will as an objective good comes from Rousseau's argument on voting. Firstly, he maintains that, while factions are deleterious, so is faked unanimity. While he believes that if everybody would give the proper consideration to common interests, votes would approach unanimity, he also argues that unanimity which is based solely on acquiescence is also harmful to the polity.[23] The idea that the general will is found in citizens' reasoning can be also discerned from Rousseau's conception of the vote. When voting, Rousseau asserts that each citizen gives his best reasoned opinion as to what the general will wills on the particular issue under scrutiny:

When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes.[24]

Moreover, in Rousseau's society, a citizen can be wrong as to what the general will wills and then, by consulting the opinion of the majority can find out the truth. This brings further evidence to the fact that the general will does not involve an objective good:

When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the opposite of what was my will; and it is in that case that I should not have been free.[25]

Finally, Rousseau also touches on the subject of a civil religion. Interpretations in the vein of Berlin and Talmon see this as a form of social engineering. It would be a way to achieve in Cohen's words, a unity through integration by eliminating all disagreement from citizens' minds. However, Cohen argues that this civil religion is not a constitutive part of Rousseau's political conception, but only a form to engender loyalty to the laws.[26] Rousseau's texts bring further evidence of him being opposed to full-scale social engineering: people will not be forced

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[22] *Ibidem*, p. 3.
[23] *Ibidem*, Book IV, p. 2.
[24] *Ibidem*, V, p. 2.
[25] *Ibidem*, Book IV, p. 2.
[26] J. Cohen, *Rousseau: A Free Community of Equals*, p. 72.

to obey the civil religion in their inner forum. They would only be sanctioned if they would disobey it directly:

There is therefore a purely civil profession of faith of which the Sovereign should fix the articles, not exactly as religious dogmas, but as social sentiments without which a man cannot be a good citizen or a faithful subject. While it can compel no one to believe them, it can banish from the State whoever does not believe them — it can banish him, not for impiety, but as an anti-social being, incapable of truly loving the laws and justice, and of sacrificing, at need, his life to his duty.[27]

While this is a clear form of restricting freedom of expression, it is not necessarily of a totalitarian bent. In the end, democracies do banish forms of speech which directly challenge their fundamental values. Thus, Rousseau's demand that citizens not be engineered to internalize this religion contradicts arguments that he proposes totalitarian brainwashing.

Rousseau is much more ambiguous on the topic of liberal rights. He definitely does not believe that rights which one has in the state of nature are to be in any way kept after the establishment of the Social Contract. The way he defines the Social Contract involves a total alienation of each individual to society, in such a way that rights are completely conferred on the society.[28] After this alienation, the corporate entity constituted by the totality of the citizens becomes the Sovereign. The Sovereign cannot be bound by any particular law, including the Social Contract itself.[29]

Since this alienation is complete, citizens have no rights against the Sovereign. One the one hand, the Sovereign can force individuals to comply with the general will. On the other hand, citizens cannot demand any guarantees from the Sovereign. This would void the contract, because these guarantees would mean that the alienation of natural rights has not been complete.

Again, the Sovereign, being formed wholly of the individuals who compose it, neither has nor can have any interest contrary to theirs; and consequently the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members.[30]

Despite the claims of Berlin and Talmon, Rousseau is aware of the problems arising from establishing an all-powerful sovereign. Rousseau seems keen to show that his conception might have inner flaws which he has to solve: "But, besides the public person, we have to consider the private persons composing it, whose life and liberty are naturally independent of it"[31] However, Rousseau still maintains that an all-powerful sovereign is no threat to liberty. He argues that while alienation is total, not all of what is conferred on the Sovereign will be permanently used:

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[27] J.J. Rousseau, *On the Social Contract*, Book IV, p. 8.
[28] *Ibidem*, *Book* I, p. 6.
[29] *Ibidem*, *Book* I, p. 7.
[30] *Ibidem*, p. 7.
[31] *Ibidem*, *Book* II, p. 4.

Each man alienates, I admit, by the social compact, only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important.[32]

In order to understand the previous passage, an elaboration of what alienation can mean needs to be drawn. On the one hand, I alienate something by putting it at another one's permanent disposal. Otherwise, I can alienate something by giving it completely to someone else, who is actually using it. This way, the apparent contradiction between total alienation and limited use can be solved. Rousseau expects that people will give up their natural rights, but that the Sovereign will not need to permanently demand their sacrifice. However, if their total renunciation is needed, then the Sovereign can decide it.

The reason for which the Sovereign will restrict itself is that it is properly constituted of equal members. Since each member will vote for a law which it will also impose on himself, then the Sovereign will not become tyrannical. Moreover, for this to happen, all citizens must participate equally. Also, before the citizens' assembly only pieces of general legislation may be presented. Rousseau criticizes ancient democracies for using the system of assemblies to discuss both legislative questions of general importance and executive questions which are to be applied only to particular individuals.[33]

Thus, Rousseau's theory places high expectations on the power of self-restraint of communities. However, this power of self-restraint can only function in situations in which citizens lose equally from an extension of the sovereign power. If some citizens in a community are unequal in crucial aspects, they might stand to lose comparatively more from one single legislative act. Only a situation of previous equality makes guarantees against majority rule unnecessary.

Conclusion

By analyzing passages of the *Social Contract*, this paper has argued that the central tenet of the Berlin-Talmon camp is not supported by textual evidence. There is clearly no way to show that Rousseau's concept of general will is based on a pre-existing objective good. Moreover, Rousseau's disparaging treatment of any form of representation goes against the idea that the general will can be discerned by anyone else than the people gathered in assemblies. Rousseau permanently demands deliberation and citizens' assemblies. He also insists that the citizen can find out the general will by himself. All this stand clearly against the Cohen-Talmon argument.

However, Rawls and Cohen also make strong assertions that private liberty will be defended in Rousseau's society. Their reconstruction of Rousseau fails to see that he expects citizens to give up to society as much negative liberty as society demands. Rousseau also expects, but cannot guarantee, that private liberty will not be abused. Thus, Rousseau's theory is not intended as a totalitarian one.

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[32] *Ibidem*, p. 4.
[33] *Ibidem*, p. 4.

However, if one takes away the first element, but keeps the second, Rousseau's thinking can be used in the service of those who wish to abolish private liberty.

By examining Rousseau's texts, it is hard to conclude that he deserves a place in the gallery of totalitarian philosophers. More research should be done on clearly specifying conditions for a full blown theory of totalitarian political philosophy. Otherwise, philosophers like Rousseau will receive equal amounts of praise and blame.

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