

**Jean-Jacques  
Rousseau  
et la  
Révolution**

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# UNDER A STURDY OAK:

## ROUSSEAU ON FRATERNITY

### Introduction

The fact that "a bust of Rousseau was sculptured in stone taken from the Bastille, with the words 'Liberté, Egalité, Fraternité' inscribed at its base,"<sup>1</sup> surely demonstrates a relationship of some kind between Rousseau and this trinity of values which the French Revolution was presumably intended to realize. The precise nature of the relationship is a matter that I shall leave for others to dispute — forever, most likely; but in the meantime, I propose to reduce, if not entirely to eliminate, the sense of "strangeness" that Robert Darnton has associated with the third member of the value trinity.<sup>2</sup> Not, I hasten to add, as fraternity may have been understood (or misunderstood) by those who embraced the cult of Rousseau, nor, indeed, as it may have been implemented in such seemingly bizarre episodes as the "kiss of Lamourette."<sup>3</sup> Rather, I shall explicate fraternity as representing the fundamental instrumental value in Rousseau's political theory: for Rousseau, like the ancients, "understood fraternity as a means to the ends of freedom and equality."<sup>4</sup> But in order to reach that understanding, I shall first consider liberty and equality as ends.

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1. Joan McDonald, *Rousseau and the French Revolution: 1762-1791* (London: The Athlone Press, 1965), p. 156.
  2. Robert Darnton, "What was Revolutionary about the French Revolution?" *New York Review of Books*, 19 January 1989, p. 10.
  3. *Ibid.*: "On July 7, 1792, A.-A. Lamourette, a deputy from Rhone-et-Loire, told the Assembly's members that their troubles all arose from a single source: factionalism. They needed more fraternity. Whereupon the deputies, who had been at each other's throats a moment earlier, rose to their feet and started hugging and kissing each other as if their political divisions could be swept away in a wave of brotherly love."
  4. Wilson Carey McWilliams, *The Idea of Fraternity in America* (Berkeley: University of California Press, 1973) p. 7.

## I. Liberty and Equality as Ends

In the *Social Contract*, Rousseau claims that

if one seeks to define precisely what constitutes the greatest good of all which ought to be the end of every system of legislation, one will find that it comes down to these two principal objects: *freedom* and *equality*. Freedom because all private dependence is that much force subtracted from the body of the State; equality because freedom cannot last without it. (SC, II.11; Rousseau's emphasis)

Here Rousseau defines (that is, identifies) freedom and equality as primary political ends, but related in such a way that the latter is a necessary condition for (the preservation of) the former. However, if one seeks elsewhere in the *Social Contract* for a genuine definition of each of these two values, one will find that it — the meaning — comes down to the formation of a certain habit. For Rousseau, I would suggest, rather effectively anticipates Charles Sanders Peirce's notion of a pragmatist definition: viz., that "what a thing means is simply what habits it involves."<sup>5</sup>

Now Rousseau differentiates three different modes of liberty or freedom — natural, civil, and moral; but, though distinct, they exhibit the common logical structure of a triadic relation: "the freedom of X from Y to do/not do or become/not become Z."<sup>6</sup> Natural freedom involves the freedom of an individual from the wills of others and from external circumstances, but the third term of the triad is elliptical. (cf. 2D, 113, 114; E, 243) Civil liberty, for which the individual exchanges natural liberty when he<sup>7</sup> becomes a member of a political association, thereby retains the first two terms of the triadic formula but also specifies the third term as the citizen's freedom "to do as he wishes with such goods and choices left to him by the silence of the laws, to speak and otherwise participate in the deliberations of the people assembled concerning matters of mutual interest, and to vote in every act of sovereignty." (SC,

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5. Charles Sanders Peirce, "How to Make our Ideas Clear" in Charles Hartshorne and Paul Weiss, eds., *Collected Papers of Charles Sanders Peirce* (Cambridge: Harvard University Press, 1968), 5.400.
  6. Cf. Gerald C. MacCallum, Jr., "Negative and Positive Freedom," in Peter Laslett, W. G. Runciman and Quentin Skinner, eds., *Philosophy, Politics and Society: Fourth Series* (Oxford: Basil Blackwell, 1972), p. 176.
  7. Note on gender: Since Rousseau clearly restricts citizenship to males, and more specifically to those males who are heads of households, I must perforce use the pronoun "he" to refer to the beneficiaries of civil and moral freedom in his political theory.

II.4 and IV.1) Moral freedom, which can be enjoyed only by those who enter civil society, comprises the freedom of the citizen "from the governance of appetite to become obedient to a law he prescribes to himself." (SC, I.8) But Rousseau also indicates what civil and moral freedom mean in terms of the habit they jointly involve: viz., that "the constant will of all the members of the State is the general will, which makes them citizens and free." (SC, IV.2) In other words, the citizen's civil and moral freedom should be embodied in a settled disposition to accept "the supreme direction of the general will" as the basic rule of his preferences, decisions and conduct. (cf. SC, I.6)<sup>8</sup>

Rousseau likewise identifies three different modes of equality — natural, moral and legal. Natural equality involves both the capacities and the vulnerabilities that all human beings share. Moral equality comprises not only a conscious acknowledgement of these capacities and vulnerabilities, and thus of the desirability of imposing certain constraints (mutual forbearance, to wit) on interpersonal relations, but also recognition of and respect for each person as a moral agent. Legal equality adds explicit recognition of the rights, duties and circumstances each citizen should acquire by virtue of his membership in a political association.

In concluding Book I of the *Social Contract*, Rousseau adds

a comment that ought to serve as the basis of the whole system. It is that rather than destroying natural equality, the fundamental compact on the contrary substitutes a moral and legitimate i.e., lawful equality for whatever physical inequality nature may have placed between men, and that although they may be unequal in force or in genius, they all become equal through convention and by right. (SC, I.9)

Thus, moral and legal equality are intended to replace natural inequality; but the claim that the former are jointly embodied in the fundamental compact also points to a pragmaticist definition of equality. For, the formula of the fundamental compact "established an equality between the citizens such that they all engage themselves under the same conditions and should all benefit from the same rights." (SC, II.4) But again,

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8. I have discussed Rousseau's notion of the constant will in previous essays, and so will not expand upon it here. Cf. especially, "Breaking Rousseau's Chains" and "The Religious Foundations of Community" in Howard R. Cell and James I. MacAdam, *Rousseau's Response to Hobbes* (New York: Peter Lang Publishing, Inc., 1988).

“what this means is simply what habit it involves”: that each citizen should acknowledge the formula of the social contract as the ultimate rule of recognition for well-formed law, and should develop a settled disposition to govern his preferences, decisions and conduct in accordance with this rule. Each citizen, indeed, should acquire what H.L.A. Hart calls “the internal point of view” towards the rule of law; but Rousseau insists that this rule “should always tend to maintain an equality of rights and conditions among the citizens, including an approximate equality of power and wealth.” (SC, II.11)<sup>9</sup> That is, the rule of law must be conditioned by habitual application of the formula of the social contract as the ultimate rule of recognition for well-formed, legitimate law.

And so, Rousseau not only identifies freedom and equality as the ends which “every system of legislation” should realize as its greatest good; he also defines these values as habits which every citizen should acquire. On the one hand, freedom as the habit of “following the general will in everything” (PE, 123); on the other, equality as the habit of following the rule of law as legitimated by the formula of the social contract. Two habits, yet so intimately connected that they become, as it were, two sides of the same coin; for the citizen’s constant will *qua* the general will is expressed through acts of sovereignty which constitute the rule of law. Still, the edge of the coin remains. That is, liberty is the rule of law which the citizen introjects as “the condition that guarantees him (*qua* subject) against all personal dependence” (SC, I.7); equality is the rule of law which the citizen introjects as the condition that guarantees him (*qua* subject) against all interpersonal distinctions in rights or conditions; and the edge of the liberty/equality coin is simply the recognition that an equality of rights and conditions among all citizen-subjects constitutes a necessary condition for the preservation of the freedom of each, and that only the rule of law governed by the formula of the social contract can maintain such equality, and thereby freedom.

Now, when Rousseau claims that freedom in particular should be an end of every system of legislation, his rationale — as noted — is that “all private dependence is that much force subtracted from the body of the State . . .” (SC, II.11) I would suggest that his use of the word “force” links this claim with a preliminary formulation of “the fundamental problem which is solved by the social contract”: namely, that obstacles

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9. H.L.A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), p. 102 and pp. 54, 55.

to the preservation of the human species require men to form, by aggregation, a sum of forces that can prevail over those obstacles; yet, if each man were to add (that is, aggregate) his individual force to that sum, he would seem thereby to “subtract” (i.e., to abnegate) the very means required for his own self-preservation. (SC, I.6) Rousseau then restates this problem, but now “in the context of his subject”:

Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before. (SC, I.6)

This new formulation involves at least two important changes.

In the first place, it alludes to Rousseau’s concepts of moral and civil liberty: for, “one obeys only himself” when “he becomes obedient to a law he prescribes to himself;” and, since the exchange of natural liberty for civil liberty preserves the first two terms of the triadic relation — that is, the freedom *of* the individual *from* the wills of others, he does indeed “remain as free as before.” But this allusion also serves to clarify the connection between freedom and force, or in other words, the sense in which private dependence *qua* being subject to another’s will precludes the realization of the positive third term of the triadic relation of civil liberty, and is thus metaphorically equivalent to the “subtraction of that much force from the body of the State.”

Secondly, the new formulation involves a critical shift in terms: from the aggregation of individual forces in a sum of forces, to the uniting of persons in an association. But this shift is required by “the context of Rousseau’s subject,” that

Man was/is born free, and everywhere he is in chains. One who believes himself the master of others is nonetheless a greater slave than they. How did this change occur? I do not know. What can make it legitimate? I believe I can answer this question. (SC, I.1)

Here, Rousseau uses another metaphor, and the answer to the question of legitimation turns on the ambiguity of that metaphor. For chains can serve either as the means of enslaving or imprisoning individuals, or as the means of uniting them closely and strongly. And so, if the chains which unite each citizen-subject with all the others are forged by an association as the means of ensuring that each will “obey only himself and remain as free as before” — i.e., that he will enjoy both moral and civil freedom; then, surely, the “fastening” of such chains upon the

citizen-subject represents a legitimate change from his condition of natural freedom.

Moreover, these chains or bonds of association are indispensable. For without them, both equality and liberty will be jeopardized. But such chains, as I shall now argue, symbolize the third in Rousseau's trinity of values: namely, fraternity.

## II. Fraternity as Means

Though Rousseau never explicitly uses the word "fraternity" in the *Social Contract*, he does employ yet another metaphor which reveals the importance of fraternity for his political theory, and more specifically as the key factor which distinguishes a political aggregation from a well-formed political association.

In an aggregation, Rousseau sees "scattered men that have been enslaved by one who remains a private individual with private interests i.e., Hobbes' Leviathan, but they have neither public good nor body politic; and when he dies, his empire is left scattered and without bonds, just as an oak tree disintegrates and falls into a heap of ashes after fire has consumed it." (SC, I.5) In a genuine political association, however, where

men together consider themselves to be a single body, they have only a single will, which relates to their common preservation and the general welfare. Then all the mechanisms of the State are vigorous and simple, its maxims are clear and luminous, it has no tangled, contradictory interests; the common good is clearly apparent everywhere. (SC, IV.1)

Here, Rousseau sees "upright and simple men who enjoy peace, union and equality, who decide the affairs of State under an oak tree, and who always act wisely." (SC, IV.1) The contrasting images of an oak tree which disintegrates into ashes and an oak tree which is sturdy thus underscore Rousseau's view that the connection between individuals is tenuous and subject to rapid dissolution in an aggregation, while it is strong and enduring in a well-formed association.

Though born free, we are in chains; but, as previously noted, Rousseau believes this change can be legitimated if our chains are, or become, strong and enduring bonds of union. Now a bond is "a substance or device, as glue, solder, or a chain which holds things together or unites them; it is a cause of union." (cf. *Webster's Unabridged*) In a well-formed political association, the bonds of union comprise various devices or

mechanisms which secure the citizen-subjects' material, affective and moral commitment to each other and to their association, and which are thereby the "cause" of their union. Such bonds of union could also be called fraternal bonds, though Rousseau doesn't explicitly call them that.

Instead, he provides an operational definition<sup>10</sup> of this concept: that fraternity is a determinable set of commitment mechanisms or "mechanisms of State" which (in a well-formed association) are "vigorous and simple." For instance, in summarizing the achievements of Moses, Lycurgus and Numa, Rousseau observes that

all these legislators of ancient times based their legislation on the same ideas. All three sought ties that would bind the citizens to the fatherland and to one another. All three found what they were looking for in distinctive usages; in religious ceremonies that invariably were in essence exclusive and national; in games that brought the citizens together frequently, in exercises that caused them to grow in vigor and strength and developed their pride and self-esteem; and in public spectacles that, by keeping them reminded of their forefathers' deeds and hardships and virtues and triumphs, stirred their hearts, set them on fire with the spirit of emulation, and tied them tightly to the fatherland — that fatherland on whose behalf they were kept constantly busy. (P, 8)

So too, in the equitable federation which Rousseau sketches in the *Social Contract*, various commitment mechanisms are deployed as the operational import of fraternity. But, since "in an equitable federation, we (the citizen-subjects) will make laws" (cf. SC, epigraph), and since "the principal objects of every system of legislation should be liberty and equality," fraternity *qua* commitment mechanisms must constitute the very means by which these ends are secured. For, without these commitment mechanisms, it is unlikely that citizen-subjects will acquire the requisite habits which embody liberty and equality: namely, to appropriate or introject the rule of law as the expression of the general will and as the standard for their preferences, decisions and conduct.

Fraternity, understood as a determinable set of commitment mechanisms, is thus the veritable *sine qua non* of Rousseau's political theory. For, without such mechanisms, the equitable federation is virtually unrealizable — or, in terms of the arboreal metaphor, the oak tree will disintegrate while it is a sapling. In the next section, I consider those

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10. The notion of an operational definition was formulated by P.W. Bridgman, and holds that the meaning of a concept is given by a determinate set of operations and/or experiments. Its similarity to Peirce's notion of a pragmatist definition should not obscure the fact that there are differences, as this essay reveals.

commitment mechanisms or mechanisms of State which, in an equitable federation, would be simple, yet vigorous.

### III. Under a Sturdy Oak: Fraternity in an Equitable Federation

Among the more notorious claims in the *Social Contract* is the following: "that whoever refuses to obey the general will shall be constrained to do so by the entire body; which means only that he will be forced to be free." (SC, I.7) But as Roger Masters observes, "the context indicates that this claim concerns the means by which each individual can have an obligation, *in conscience*, to obey the laws he has previously enacted" (SC, endnote #37, p. 138); and indeed, the context is most illuminating. For Rousseau considers, in the immediately preceding paragraph, what has come to be called the free-rider problem,<sup>11</sup> though his formulation specifically concerns the injustice which would result from the "dismemberment" of the citizen-subject — i.e., from his "wishing to enjoy the rights of the citizen without wanting to fulfill the duties of a subject." (SC, I.7) Now the formula of the social contract, which is to serve as the ultimate rule of recognition for well-formed law, stipulates that "each member is to be received *as an indivisible part* of the whole," and thus as a citizen-subject; but this reception presupposes that the individual has already expressed his intention — perhaps, by means of a public pledge or oath (cf. GM, I.3, p. 165) — to accept "the supreme direction of the general will." In other words, each citizen-subject promises to govern his preferences, decisions and conduct in accordance with the rule of law, and thereby to resist the temptation to become a free-rider. Still, given that "each individual can, as a man, have a private will contrary to or differing from the general will he has as a citizen," and also that his private will can sometimes "speak" more

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11. Cf. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 267, 268. Incidentally, Rawls has been widely criticized, but has not been called a totalitarian — so far as I am aware; and yet, what he says is almost a paraphrase of Rousseau's more notorious "forced to be free" remark. "Once citizens have agreed to act collectively and not as isolated individuals taking the actions of others as given, there is still the task of tying down the agreement... Assuming that the public good is to everyone's advantage, and one that all would agree to arrange for, the use of coercion is perfectly rational from each man's point of view."

Though unlike Rousseau's in important respects, Rawls' definition of the principle of fraternity, "as incorporating the requirements of the difference principle" (*ibid.*, p. 105), is also an operational definition.

insistently than his general will, thereby tempting him to become a free-rider, "the sovereign must find ways to assure itself of the fidelity of the citizen-subjects to their engagements." But one of these ways is already available, as a tacit implication of the formula of the social contract: that whoever is tempted to become a free-rider will be constrained by the rule of law to keep his promise to follow the general will and resist the self-destructive urgings of his private will. (SC, I.7)

The coercive edge of the rule of law is not, however, the only means by which the sovereign can "assure itself of the citizen-subjects' fidelity." Rousseau also recommends certain mechanisms of State or commitment mechanisms intended to encourage each citizen-subject to acquire and keep those habits which embody liberty and equality, as the ends to be realized by rule of law. For the development of such habits is a much better guarantee of citizen-subjects' fidelity to the rule of law than the law's coercive edge could ever be. Thus, the package of commitment mechanisms which Rousseau recommends to prospective sovereigns is an essential ingredient in his conception of an equitable federation.

As previously noted, this package constitutes a sort of operational definition of the principle of fraternity. And, since such a definition requires a listing of the operations and/or experiments which supply the meaning of a concept, I shall now display the package's principal contents, which I divide into three groups — empirical, affective or spiritual, and political mechanisms — and which should be kept vigorous and simple.

Rousseau recommends two basic empirical mechanisms: limited membership and economic austerity. The rationale for the former is derived from his conception of moral freedom. As John Plamenatz suggests,

It is impossible that each of us should say 'I alone have made the law that I obey.' The most we can hope for is that each should say, 'I obey the law that *we* have made' rather than 'I obey the law that *they* have made.' The ideal is that every citizen should identify himself with the community that makes the law, which, Rousseau thinks, he cannot do unless he is a member, on the same terms as all other citizens, of the sovereign legislature. Rousseau knew that this requires that the sovereign community, the State, should be small.<sup>12</sup>

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12. John Plamenatz, *Man and Society* Vol. 1 (London Group, Ltd., 1963), p. 401.

In practical terms, the sovereign “we” must be determinate and identifiable; otherwise, no citizen-subject would be able to say, “I obey the law we have made.” Rousseau puts this point rather directly in the *Discourse On Political Economy*: “every man is virtuous when his private will conforms on all matters with the general will, and we willingly want what is wanted by the people we love.” (PE, 218)

As for economic austerity, Rousseau offers the following advice to a prospective sovereign:

Do you then want to give stability to the State? Bring the extremes as close together as possible: tolerate neither opulent people nor beggars. These two conditions, naturally inseparable, are equally fatal to the common good. . . (SC, II.11, n.)

Though Rousseau is probably mistaken in viewing material acquisition as a zero-sum game, he may be very close to the mark in regarding acquisitiveness, or an unconstrained desire for wealth and luxury, as inimical to enduring bonds of association.

As soon as public service ceases to be the main business of the citizens, and they prefer to serve with their pocket-books rather than their persons, the State is already close to its ruin. . . It is involvement in commerce and the arts, avid interest in profits, softness and love of comforts that replace personal service by money. . . Give money and you will soon have chains. (SC, III.15)

Rousseau, then, urges the sovereign to constrain private acquisitiveness, which otherwise would encourage an exchange of the chains that unite for those that enslave.

The affective or spiritual devices in Rousseau’s proposed package of commitment mechanisms include the civil religion, and also “distinctive usages” such as those employed by Moses *et al.* “to bind the citizens to the fatherland and to one another.” With respect to the former, each citizen-subject should publicly acknowledge

a purely civil profession of faith, the articles of which are for the sovereign to establish, not exactly as religious dogmas, but as sentiments of sociability without which it is impossible to be a good citizen or a faithful subject. (SC, IV.8)

Rousseau even recommends several articles for this profession of faith, not the least of which is “that affirming the sanctity of the social contract and the laws, since it matters greatly to the State that each citizen-subject have a religion that causes him to love his duties.” In addition, Rousseau assumes that every great legislator will propose “particular regulations intended to establish distinctive mores, customs and opinions; for these

form the true constitution of the State inasmuch as they can preserve a people in the spirit of its institution and imperceptibly substitute the force of habit for that of authority." (SC, II.12) Though Rousseau quite properly leaves to the legislator and the sovereign the task of determining which particular regulations would be most appropriate for a given people, he undoubtedly expects that a system of public education and various public activities — festivals, games, ceremonies and the like — would be included. But whatever the distinctive nature of the beliefs and activities generated by means of such regulations, their ultimate purpose remains the same: namely, to facilitate the acquisition by each citizen-subject of those habits or settled dispositions regarding the rule of law which reflect the practical import of liberty and equality. Indeed, the goal is precisely to substitute the force of these habits for the authority — the coercive edge — of the rule of law. In any case, when Rousseau claims that the success of political, civil and criminal laws depends on the inculcation of a fourth type of law — comprising mores, customs and opinion — "in the hearts of the citizens," he implies that liberty and equality, which are the ends to be realized through the first three types of law, must be secured by means of fraternity, whose operational definition is at least partially supplied in the fourth.

To complete his package of commitment mechanisms, Rousseau recommends two political devices: periodic assemblies of the citizen-subjects and an interim government (between such assemblies). According to Rousseau,

the sovereign, having no other force than the legislative power, acts only by laws; and since the laws are only authentic acts of the general will, the sovereign can only act when the people is assembled. (SC III.12)

Indeed, "any law that the people in person has not ratified is null; it is not a law." (SC, III.15) Consequently, the sovereign must perpetuate itself by including in its original constitution a provision for regular, periodic assemblies of the citizen-subjects. Moreover, the agenda for these assemblies should always begin with two separate questions:

1. Does it please the sovereign to preserve the present form of government?
2. Does it please the people to leave the administration in the hands of those who are currently responsible for it?

The answer to the first would constitute an act of sovereignty; and, if it is affirmative, the people assembled would proceed to consider the second, but in an executive rather than legislative capacity, which entails a suspension of the government (i.e., the executive) during the meeting of the people assembled. (cf. SC, III.14) A government is needed at other times, however, not only because it would be awkward for the citizen-subjects to assemble in perpetuity, but also because of the role Rousseau assigns to the government: that it is to be

an intermediate body between the subjects and the sovereign for their mutual communication, and charged with the execution of the laws and the maintenance of civil as well as political freedom. (SC, III.1)

Though it may seem rather anomalous, Rousseau's claim that government should facilitate communication between citizens and subjects is a crucial part of his solution to the free-rider problem. For, the government could remind any individual "who might wish to enjoy the rights of the citizen without wanting to fulfill the duties of a subject" that citizen and subject are extensionally equivalent designations (Rousseau's term is identical correlatives — cf. SC, III.13), and that in consequence the desires of the would-be free-rider are incompatible: i.e., they involve what Kant would call a practical contradiction. And this is no small matter, since it entails the "dismemberment" of the citizen-subject, and thereby his loss of political selfhood.

Though not exhaustive of the potential repertoire of commitment mechanisms contained in Rousseau's package, the empirical, affective and political devices considered above are especially pertinent recommendations to the sovereign of an equitable federation. For together, they provide the most plausible means by which that sovereign can "assure itself of the fidelity of citizen-subjects to their engagements," and not least to their promise to govern their preferences, decisions and conduct by the rule of law.

#### IV. Conclusion

As Rousseau remarks, "whoever wants the end also wants the means, and these means are inseparable from some risks, even from some losses." (SC, II.5) The context of this claim involves military service and capital punishment as means to the end of preserving the lives of the citizen-subjects — means which obviously entail potential risk or loss. But if the context were shifted to what ought to be the goal of every

system of legislation, then, to paraphrase, whoever wants liberty and equality, as the proper ends of the rule of law, also wants fraternity, which is the indispensable means for the realization of these ends, though it may also involve certain risks, even some losses. But Rousseau, at least, never supposed that establishing and maintaining an equitable federation would be a simple, risk-free venture. Even the sturdiest oak, which has endured for many years, may at last be shattered by lightning, attacked by blight, or consumed by fire.

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**I have used the following translations for citations from  
Rousseau's works which appear in this essay:**

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