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## Rousseau on Property: A Heroic Failure?

Chris Pierson

School of Politics and International Relations, University of Nottingham

Rousseau's life and work is notoriously paradoxical. (Self-)described as 'the most sociable and loving of men', he always seemed happiest on his own - and he did much to keep it that way. A self-confessed hypochondriac who despised doctors. A man who seemed to feel that most women were intrigued by him (perhaps they were) but whose love affairs almost always ended in tears - if they got that far. A man who despised the lifestyle of the wealthy but relied extensively on their patronage. A man who hated books but couldn't stop writing them. A man who proudly signed himself a 'citizen of Geneva' but found himself driven out of his home town (among others) as a threat to good order. The list goes on. And it includes Rousseau's work on property. Within months of publishing his excoriating attack on private property in the *Second Discourse*, his article on 'political economy' had appeared in the fifth volume of the *Encyclopedie* describing the right of property as 'the most sacred of all citizens' rights, and in some respects more important than freedom itself' (Rousseau, 1994a[1755], 25). In the *Emile*, written several years later, he again insists that 'the demon of property infects everything it touches' and yet the great virtue of the *Social Contract* (appearing in print at the very same time) is that it has successfully fashioned 'a form of association which will defend and protect, with the whole of its joint strength, the *person and property* of each associate' (Rousseau, 1979[1762], 354; 1994b[1762], 54-5).

Rousseau's work on property can be read as (among other things) an extended conversation with Locke. In the story of Emile and the gardener, Rousseau appears at his most Lockean (see Teichgraeber III, 1981, 126). Rousseau encourages his young charge to plant some beans. They return every day to water them and to view the progress of the tender shoots. Emile's delight increases when his mentor tells him that 'this belongs to you', establishing

that 'there is in this earth something of himself that he can claim against anyone whomsoever'. One day they return and find, to Emile's shock and horror, that his beans have been uprooted. The child rails against this injustice. It turns out that this was the work of Robert, the gardener. But when confronted with his 'crime', it is Robert who is indignant. He had already planted this plot (a part of the garden improved by his father) with valuable Maltese melons (which he had intended to share with Emile): 'in order to plant your miserable beans there, you destroyed my melons for me when they were already sprouting, and they can never be replaced. You have done me an irreparable wrong, and you have deprived yourselves of the pleasure of eating exquisite melons'. Rousseau pacifies the aggrieved gardener, assuring him that 'we will never again work the land without knowing whether someone had put his hand to it before us', though Robert responds that all the land locally has already been occupied. Turning to Emile, the gardener drives home the lesson: 'No one touches his neighbour's garden. Each respects the labour of others so that his own will be secure'. When Emile innocently retorts that he has no garden, the gardener responds (somewhat gruffly?) 'What do I care?' The gardener agrees to allow Emile a patch in which to grow his beans but finishes with a warning: 'I will go and plough up your beans if you touch my melons'.

Rousseau seems well pleased with the lesson he has provided. His proof that 'the idea of property naturally goes back to the right of the first occupant by labour [is] clear, distinct simple and within the child's reach'. More than this, Rousseau has taught this lesson not (just) by telling Emile that he should not interfere with what belongs to someone else (his duty) but by first showing him how distressing it is to find the proper fruits of one's own labour (his rights) disrespected, albeit that in Emile's case his distress was based upon a 'mistake' (Rousseau, 1979[1762], 98-9). (But there are ambiguities in Rousseau's story: does it matter that Robert had planted seeds 'given [him] as a treasure' and that they were destined to grow into 'exquisite melons' rather than 'miserable beans'? is it significant that Robert was prepared and preparing to share his fruit with Emile and Jean-Jacques? what is the relation of the gardener (and his father) to the land they have improved? do they own it?) In a sequel, Rousseau explains the workings of exchange, of trade, of money and of the division of labour. Since we have left the state of nature, the division of labour and trade is

essential to our very survival: 'for, finding the whole earth covered with thine and mine and having nothing belonging to him except his body, where would [a man so placed] get his necessities?' (Rousseau, 1979[1762], 189-93).

The Rousseau who wrote the *Encyclopédie* entry on political economy also seems to be heavily under the influence of Locke. The state is 'established only in order to provide security for private property, *which is anterior to it*' (Rousseau, 1994a[1755], 4, emphasis added). Or again, 'the foundation of the social pact is property .. its first condition is that everyone should be guaranteed the peaceful enjoyment of what he owns'; 'the right of property [is] the true foundation of political society' (Rousseau, 1994a[1755], 32, 41). Yet Rousseau does insist that in practice society exists principally for the benefit of the rich:

Let me briefly sum up the social pact between the two classes. 'You need me, because I am rich and you are poor; let us therefore make an agreement: I will allow you to have the honour of working for me, on condition that you give me the little you still have in return for the trouble I take to give you orders.

(Rousseau, 1994a[1755], 36)

Given this, 'one of the most important things for a government to do .. is to prevent extreme inequality in wealth'. In fact, 'the worst has already happened when there are poor people to defend and rich people to restrain. The full force of the law is felt only by those in between; laws are equally powerless against the rich man's wealth and the poor man's destitution' (Rousseau, 1994a[1755], 21). We rely upon the laws and education to tutor the citizens and to make them virtuous; for, 'in the long run, nations are what their governments make of them' (Rousseau, 1994a[1755], 14).

### **The Discourse on the Origin and Foundation of the Inequality of Mankind**

The *Discourse on the Origin and Foundation of the Inequality of Mankind* (the *Second Discourse*), despite its passing reference to 'the wise Locke', could hardly be more different. The opening lines of its second part are justly famous:

The true founder of civil society was the first man who, having enclosed a piece of land, thought of saying, 'This is mine', and came across people simple enough to believe him. How many crimes, wars, murders and how much misery and horror the human race might have been spared if someone had pulled up the stakes or filled in the ditch, and cried out to his fellows: 'Beware of listening to this charlatan. You are lost if you forget that the fruits of the earth belong to all and that the earth itself belongs to no one'.

(Rousseau, 1994c[1755], 55)

When no-one came forward to confront the 'first fencer', 'the true youth of the world' was lost: 'all subsequent advances appear to be so many steps toward improvement of the individual, but, in fact, toward the enfeeblement of the species' (Rousseau, 1994c[1755], 62).

Although it was the *first* step in the decline of the species, this staking of a claim represented the *last* stage in the state of nature which had its own developmental history. Man, 'as he must have emerged from the hands of nature' had been 'solitary, idle, and never far from danger'. He was unthinking and probably unspeaking. There were no families: 'males and females united serendipitously, according to chance encounters, opportunity and desire .. and they went their separate ways with the same readiness'. And 'in this primitive condition, without houses or huts or property of any kind whatever .. they had no idea of "mine" and "yours", and no real idea of justice'. As the human race grew more numerous, its cares increased and its life became more sociable. Men began to make simple tools, to exercise some foresight and to make simple comparative judgements (larger and smaller, swift and slow). As he outwitted those animals with whom he came in contact, for the first time a man felt a pride in himself and began to make judgements about others. Humans began to interact, to construct a rudimentary language and to live in simple huts: this brought on 'a first revolution' with the emergence of families and 'property of a sort introduced, and hence perhaps even then many quarrels and fights'. Living together induced 'conjugal and paternal love' and the first sexual division of labour. Greater ease of living brought leisure and with it, 'conveniences unknown to their forefathers'. Ironically, this improvement in material circumstances was to be 'the first yoke they unwittingly imposed on

themselves and the first source of the evils they were preparing for their descendants'. For the first time, people's wants became their needs. As men and women interacted more frequently, so they began to make comparisons and to enter further judgements: 'each person began to gaze on the others and to want to be gazed upon himself, .. and this was the first step toward inequality and also toward vice' (Rousseau, 1994c[1755], 26, 32, 38, 58, 59). Humankind had begun to move from *amour de soi-meme* (a healthy and instinctive interest in one's self-preservation) towards *amour-propre* (the vice of wishing to be well regarded by others).<sup>1</sup>

Under these circumstances, mutual indifference gave way to (an easily injured) pride and brought with it a torrent of violence and crimes of vengeance. 'Morality began to be introduced into human actions' but as yet there was no law and no law-enforcer and every man relied upon his own strength and judgement in avenging the injuries he perceived to have been done to him. For all that this represented a 'decline' from man's first and most natural condition, it must have been, so Rousseau supposes, 'the happiest and most enduring age .. striking a good balance between the indolence of the primitive state and the fervid activity of our own vanity [*amour-propre*]'. In this condition men lived 'free, healthy, good, and happy lives' (Rousseau, 1994c[1755], 61, 62).

The really crucial change - what Rousseau styles 'this great revolution' - came with the division of labour:

From the moment one man needed help from another, and as soon as they found it useful for one man to have provisions enough for two, equality evaporated, *property*

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<sup>1</sup> *Amour-propre* is not just the name of a vice. Elsewhere, Rousseau distinguishes between self-love as vanity and self-love as self-esteem; Poland, Indeed, more recent scholarship, (Dent, and more especially Neuhouser, 2009) suggests that *amour-propre* has been systematically mis-read in the secondary literature. *Amour-propre* is a self-valuing (and valuing of others) that is necessary to our self-development, a part of our personhood. It is not in itself good or bad (Neuhouser, 2009, 15). The vice is 'inflamed' *amour-propre* which is associated with (among other things) the emergence of private property. But the emergence of private property is itself an historical 'accident' rather than the necessary product of *amour propre* (Neuhouser, 2009, 119-20).

*us introduc*ed, and work became mandatory; vast forests were transformed into sunny open country that had to be watered with the sweat of man, and where slavery and adversity were soon seen to germinate and ripen with the crops.

(Rousseau, 1994c[1755], 62; emphasis added)

Thus, it was that 'iron and wheat' – metallurgy and agriculture – 'first civilized and ruined the human race'. The cultivation of the earth led to its division – that is to property and 'the recognition of property led to the first rules of justice' and 'a new sort of right, that is, the right to property'. Men's natural inequalities (in strength, in ingenuity, in skill) were all that was needed to turn this new order of property into one that became (as time passed) radically unequal. (Rousseau, 1994c[1755], 62-4).

In Rousseau's account, what is most important about this 'great revolution' is not that it makes some poor and others rich. Since most of what passes for wealth is of no value (other than as a token of our pride), riches are of limited value in themselves. What is really crucial about the rise of property is the change it effects in men's characters and in their disposition towards each other. It required them to be disingenuous: 'being and appearing became two quite different things'. Hidden behind a 'mask of benevolence', 'deceitful and crafty with some, harsh and domineering' with others, men were driven by 'consuming ambition' and 'a secret jealousy' to use others as the means to promote their own interests. Men had thus to make use of others while always seeming to be interested in the well-being of those others themselves. Both the poor *and* the rich were the victims of 'all these evils [which] are the first effects of property':

Once free and independent, now subject, so to speak, through a multitude of new needs, to all of nature, and above all to his fellow men, whose slave he has in a sense become, even when he becomes their master. For if he is rich, he needs their services; if he is poor, he needs their aid.

(Rousseau, 1994c[1755], 65,66)

As the whole world became appropriated so there were left those 'supernumeraries whom frailty or indolence barred from acquiring anything for themselves to make such acquisitions .. [and who] became poor without having lost anything'. While everything had changed around them, they had remained the same. And now they were obliged to receive their subsistence from the rich – or, if it was not forthcoming, to steal it from them. Thus, the destruction of equality brought forth 'the most appalling disorder': 'the encroachments of the rich, the thievery of the poor, and the unbridled passions of everyone, stifling natural pity and the still-hushed voice of justice, made men greedy, ambitious, and wicked'. The struggle between those who possessed by right of first occupation and by right of being the strongest led to a 'most horrible state of war'. Moreover, men found that it was now impossible to go back to their former way of life (Rousseau, 1994c[1755], 67).

It was the rich who suffered most in this internecine war as they stood in danger of losing not only their lives but also their property. Even if their title arose from their own industry (and Rousseau insisted that 'the idea of property could not conceivably have arisen from anything other than manual labour'), they knew that their claims were still founded on 'precarious and sham rights'. (And here Rousseau rejects one of the most crucial elements in the Lockean argument: that is, the claim that men can legitimately create property *without the prior assent of all others*).

the rich man, goaded by necessity, eventually conceived of the shrewdest scheme ever to enter the human mind: to employ on his behalf the very forces of his attackers, to make his opponents his defenders, to inspire them with new slogans, and give them new institutions as favourable to him as natural right was detrimental.

(Rousseau, 1994c[1755], 64, 67, 68)

This device was to propose to the poor a pact 'to protect the weak from oppression, hold the overdesirous in check, and ensure for each the possession of what belongs to him':



In short, rather than train our forces against each other, let us unite them together in one supreme power that will govern us all according to wise laws, protect and defend all the members of the association, fend off common enemies, and preserve us in everlasting concord.

(Rousseau, 1994c[1755], 68)

The most foresightful were those who had most to gain from this arrangement; the others were either so cowed by the experience of anarchy or else sufficiently ambitious and avaricious themselves as to see this as a gamble worth taking. In consequence, 'all ran headlong for their chains in the belief that they were securing their liberty':

Such was, or must have been, the origin of society and of laws, which put new shackles on the weak and gave new powers to the rich, which destroyed natural freedom irretrievably, laid down for all time the law of property and inequality, made clever usurpation into an irrevocable right, and henceforth subjected, for the benefit of a few ambitious men, the human race to labour, servitude and misery.

(Rousseau, 1994c[1755], 69)

The rise of the state also brings with it a change in the nature of the relations of inequality and dependence. In the interval between the establishment of the right of property and the rise of political government (and it is instructive that Rousseau should hold that there is such a period) these are relations of *rich* and *poor*. With the coming of the state, they are recalibrated as the relations of *strong* and *weak*.

## The Social Contract or the Principles of Political Right

The prehistory of humankind and the circumstances under which men come together to agree a social pact look rather different in the *Social Contract*. The transition to civil society is now represented as bringing with it 'a very remarkable change' from the life of 'a limited and stupid animal' into 'an intelligent being and a man' (contrast this with Rousseau's remark in the *Second Discourse* that 'the man who meditates is a perverse animal' (1994b[1762], 59; 1994c[1755], 30). The social pact itself loses the appearance of being a ruse perpetrated upon the poor and the gullible by the rich and the avaricious. Now it seems that 'the fundamental contract substitutes moral and legal equality for whatever degree of physical inequality nature has put between men' (1994b[1762], 62). More than this, it replaces 'natural freedom' with 'civil freedom' and 'moral liberty': for 'to be driven by our appetites alone is slavery, while to obey a law that we have imposed on ourselves is freedom' (1994b[1762], 59). Famously, the challenge presented by Rousseau is to 'find a form of association which will defend and protect with the whole of its joint strength, the person and property of each associate, and under which each of them, uniting himself to all, will obey himself alone, and remain as free as before' (1994b[1762], 54-5). Just as famously, the solution is that '*each of us puts his person and all his power in common under the supreme direction of the general will; and we as a body receive each member as an indivisible part of the whole*' (1994b[1762], 55; emphasis in the original). This requires 'the complete transfer of each associate, with all his rights, to the whole community'. But, for Rousseau, it is the very comprehensiveness of this transfer which ensures that it is not oppressive:

Each in giving himself to all gives himself to none, and since there are no associates over whom he does not acquire the same rights as he cedes, he gains the equivalent of all that he loses, and greater strength for the conservation of what he possesses.

(Rousseau, 1994b[1762], 55)

Property is absolutely central to the new social pact. At its creation, everyone passes all that they possess to the association. But this does not mean that all property is effectively held

by the sovereign. Indeed, it means that property, which in the state of nature is 'fragile', provisional and in part simply a usurpation, becomes 'stronger and more irrevocable' as it is cemented in law. Here echoing Hobbes, Rousseau argues that in the state of nature man had a natural right to everything (at least, to everything that was useful to him) but this right was of little value. Thus: 'in the state of nature, in which everything is common property, I owe nothing to others, having promised them nothing; the only thing I recognize as belonging to others are those that are of no use to me' (1994b[1762], 73). At the same time, Rousseau does argue that first occupancy (under specified conditions) *should* give rise to a property title (whether in the state of nature or in civil society) and that 'the right of the first occupant is more real than the right of the strongest' (1994b[1762], 60). But it is only in civil society, that there is a 'true' right of property, guaranteed by the laws of the sovereign:

The remarkable thing about this transfer of ownership is that when the community receives the possessions of individuals it does not in any way despoil them, but instead ensures that their ownership is legitimate, changing usurpation into genuine right, and enjoyment of use into property .. their act of ceding ownership to the state has benefited not only the public but, even more, themselves, and they have as it were acquired everything that they have given - a paradox which is easily explained if we distinguish between the rights that the sovereign and the owner have over the same piece of property.

(Rousseau, 1994b[1762], 62)

Of course, the rights that the sovereign has are real – 'the right that each individual has over his property is always subordinate to the right that the community has over everyone'. But, at the same time, the sovereign can only ever act by laws of general application and, within these limits, 'any man can make full use of his goods and liberty that is left him' (1994b[1762], 70). At one point, Rousseau indicates that 'what each person transfers, in accordance with the social pact, as regards his power, his goods, and his freedom, amounts *at most to the portion of these things that it is important for the community to use*' though he adds that it is for the sovereign to decide what that portion is (1994b[1762], 68, emphasis added). Rousseau is clear that this is a good deal for the individual: 'nothing is truly renounced by private individuals under the social contract. They have effected a 'beneficial transfer':

'exchanging an uncertain and precarious mode of existence for a better and more secure one, natural independence for liberty, the power of hurting others for their own safety, and reliance on their own strength, which others might overcome, for a position of right that social unity makes invincible' (1994b[1762], 70).

## Making sense of Rousseau

The relations of sovereign, the general will and the individual as these are presented in the *Social Contract* – and, most especially, the idea that one can be 'forced to be free' – have been abidingly controversial. It will perhaps suffice here to say that while Rousseau's formulation of this relationship is not very satisfactory nor are the attempts to pin upon him responsibility for a whole subsequent history of 'totalitarian democracy'.<sup>2</sup> More interesting for us is what Rousseau seems to be saying about property here and elsewhere, whether this amounts to a single, coherent position and, more importantly, whether any or all of it makes sense.

First, we should note that Rousseau is a critic but not an opponent of private property. It may well be (as he argues so passionately in the *Second Discourse*) that it would have been better if men and women had for ever lived their solitary and indolent lives in the woods; (a view that Voltaire dismissed with withering contempt). But when, in fact, no-one did pull down the first fences or fill in the first ditch, the die was cast. We are now *wholly* different from our savage ancestors: 'savage man and civilized man differ so much in the depths of their hearts and in their inclinations that what constitutes the supreme bliss of the one would

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<sup>2</sup> In *The Politics of Authenticity*, Marshall Berman (1980,277-310) argues that Rousseau's real contribution to the anatomy of totalitarianism comes in the novel *Julie* in which he describes the eponymous heroine's success in creating a life of stifling inauthenticity in the model estate at Clarens. In his *Reveries of the Solitary Walker*, the arch-exponent of positive liberty writes thus: 'I have never believed that man's freedom lies in doing what he wants, but rather in never doing what he does not want to do, and this is the freedom I have always sought and often achieved, the freedom by virtue of which I have most scandalized my contemporaries' (Rousseau, 2004[1782], 104)

drive the other to despair' (Rousseau, 1994c[1755], 83). We cannot, just as we do not wish to, escape from the hamster-wheel of modernity. We live irreversibly in a world of property.

Secondly, it is labour - in fact, it is *only* labour, indeed, *manual* labour - that can justify a claim to create property (though such a claim must always remain provisional until it is embodied in positive law). But this is not really an argument from natural right. Even labour-based possession is still 'usurpation' in the state of nature. True property (rather than possession-tending-towards-property) is only created when the political community instantiates formal title (though Rousseau's usage is far from consistent and he certainly writes of a kind of property existing before the agreement that precipitates civil society). But even within civil society the presumption in favour of what I have produced with my own hands remains. So, on the one hand, labour does less work for Rousseau than it did for Locke. It creates only an assumption in favour of the labourer, rather than a natural right to property, in the pre-social state. On the other hand, labour continues to offer a compelling (perhaps *the*) compelling source of title after it has lost this status for Locke (because of the appearance of money) though not, as we saw in the case of *Emile*, where property is already claimed by labour.

But for Rousseau, there is a claim that is prior to and indeed always trumps the claims of property – indeed, it is a natural right - and that is the right to live. (Thus, in the chapter on property in the *Social Contract*, Rousseau writes that 'every man has *naturally* a right to everything that is necessary to him' (Rousseau, 1974b[1762], 60; emphasis added). Here is a story from *Emile*:

"My lord, I have to live," said an unfortunate satiric author to the minister who reproached him for the disgracefulness of his trade. "I do not see why it is necessary," the man in office responded coldly. This response, excellent for a minister, would have been barbarous and false in any other mouth. Every man must live .. If there is some miserable state in the world where a man cannot live without

doing harm and where the citizens are rascals by necessity, it is not the malefactor who should be hanged, but he who forces him to become one.

(Rousseau, 1979[1762], 193-4)

If we do (have to) live in a world of property and there is no way to return to a world without it (we do and we can't), it is important that *everyone* should have something he can call his own, at the very least that which will keep body and soul together; for nature 'permits everything to anyone who has no other possible means of living' (Rousseau, 1979[1762], 193). For, 'in order to render to each his own, each must be able to own something' (Rousseau, 1994c[1755], 64). Just as crucially, no-one should have too much: for it is the rich as much as the poor who lie beyond the purview of the laws. This points us towards Rousseau's real concern which is not with equality but with *inequality* (see Putterman, 1999). And this concern with inequality was not so much about the uneven distribution of resources (though he was concerned about destitution), but rather about the fact that inequality produced relations of *dependence* (of the poor upon the rich, but also of the rich upon the poor) and that this, in turn, led to a world of falsity in which the rich and the poor were both minded to cheat and to deceive us. Thus, 'no one who depends on others, and lacks resources of his own, can ever be free' (Corsica 2.2.4). Rousseau is absolutely consistent (and not alone; see Adam Smith 2002[1759]) in arguing that what matters about wealth is not so much utility or commodious living but rather social position. The real problem, so Rousseau supposes, is not the distribution of resources but the ubiquity of *amour-propre*. The rich have a 'consuming ambition, the burning passion to raise one's relative fortune, *less out of a real need than to make oneself superior to others*' (Rousseau, 1994c[1755], 66; emphasis added):

if one sees a handful of powerful and rich men at the pinnacle of opulence and fortune, while the crowd below grovels in obscurity and wretchedness, it is because the former valued the things they enjoy *only because others are deprived of them*, and even without changing their condition, *they would cease to rejoice if the people ceased to suffer*.

(Rousseau, 1994c[1755], 81, emphasis added)

Rousseau never tires of contrasting the bucolic pleasures of a simple meal in a peasant's cottage with the formalities, politeness (and tedium) of eating at the grandest tables in Paris (see, for example, Rousseau, 1979[1762], 190-2). At the end of Book Four of *Emile*, he imagines himself as a rich man. It turns out that he would do almost nothing differently from what he does now. If he owned a rural estate, he would open it to all-comers. At his *al fresco* rustic banquet, the peasant walking home from his day's labours in the fields would be invited to join the other guests for a drink, enabling the hospitable Rousseau to reassure himself "I am still a man". All this because 'the man who has taste and is truly voluptuous has nothing to do with riches. It suffices for him to be free and master of himself' (Rousseau, 1979[1762], 352-4).

In essence, riches mean luxury and

luxury either derives from wealth or makes it necessary; it corrupts both rich and poor at once, one through possession, the other through covetousness; it puts the country on sale to vanity and soft living; it deprives the state of all its citizens, making each of them subject to the other, and all of them to public opinion.

(Rousseau, 1994b[1762], 101)

Differences, even significant differences, in middling fortunes are not a problem. The real problem is the existence of the rich and the poor:

As for equality, the word must not be taken to mean that the degrees of power and wealth should be exactly the same, but that, .. as regards wealth, that no citizen should be rich enough to be able to buy another, and none so poor that he has to sell himself: and this depends on those of high position exercising restraint concerning property and influence, and on the common people restraining their greed and envy.

(Rousseau, 1994b[1762], 87)

He adds in a footnote that 'extreme opulence and destitution . are inseparable by nature .. It is always between them that public liberty is traded, one buying and the other selling'.

Under a 'bad government' the equality which the social pact establishes 'is only apparent and illusory: it serves only to keep the poor wretched and preserve the usurpations of the rich':

Laws in reality are always useful to those with possessions and detrimental to those who have nothing; whence it follows *that the social state is advantageous to men only if all have a certain amount and none too much.*

(Rousseau, 1974b, 62n; emphasis added)

In fact, the sovereign can and should use the laws to guard against the emergence of rich and poor. Once we have a propertied regime, if we are to avoid relations of master and slave and a society based upon appearance and conceit, it is important to ensure that all should have enough property and none should have too much. So the sovereign may legislate for progressive taxation and (possibly) provision for the poor. All should work (because this is the only legitimate source of property). The sovereign has a two-fold relationship to the property of the citizens:

The right of property is inviolable and sacred for the sovereign authority as long as it remains a particular and individual right, but as soon as it is considered common to all citizens, it is subject to the general will, and this will can suppress it.

(Rousseau, 1979[1762], 461)

Rousseau's views of the proper role of government in relation to the property regime comes through again in his later commentaries on plans for constitutional reform in Corsica (1765) and in Poland (1772). In the *Constitutional Project for Corsica*, Rousseau repeats his preference for agriculture over commerce; 'commerce produces wealth, but agriculture ensures freedom' and for the countryside over the city; 'cities are harmful .. a capital is an abyss'. He insists that 'everyone should make a living, and none should grow rich'. He discourages trade; 'Corsica has no need for money' (Rousseau, 1986a[1765], 283, 291, 305, 308). He



seems to advocate a substantial role for common property and expresses reservations about the impact of private property:

Far from wanting the state to be poor, I should like, on the contrary, for it to own everything, and for each individual to share in the common property only in proportion to his services .. [my idea] is not to destroy private property absolutely, since that is impossible, but to confine it within the narrowest possible limits .. In short, I want the property of the state to be as large and strong, that of the citizens as small and weak, as possible.

(Rousseau, 1986a[1765], 317)

Yet, a few pages later, he adds this qualification:

.. neither agrarian laws, nor any other law, can ever be retroactive; and no lands legitimately acquired, no matter how great the quantity, can be confiscated by virtue of a subsequent law forbidding the ownership of so much. No law can despoil any private citizen of any part of his property; the law can merely prevent him from acquiring more.

(Rousseau, 1986a[1765], 324)

The *Considerations on the Government of Poland* contains a lot of detail concerning constitutional reform. Rousseau is circumspect about what can be done. He does though recommend a reformed polity built around agriculture which should, wherever possible, eschew payment of monetary taxes in favour of payment in kind or public service. He presents the Poles with a choice in determining the character of their economic future. They could chose to follow the successful nations of Western Europe, to 'cultivate the arts and sciences, commerce and industry .. to make money very necessary ..[and to] encourage material luxury'. This way they 'will create a scheming, ardent, avid, ambitious, servile and knavish

people .. one given to the two extremes of opulence and misery, of licence and slavery, with nothing in between'. The alternative is to 'preserve and revive among your people simple customs and wholesome tastes, and a warlike ambition devoid of ambition .. devote your people to agriculture and the most necessary arts and crafts; you must make money contemptible and, if possible, useless'. This is the way to create 'a free wise and peaceful nation, one which has no fear or need of anyone but is self-sufficient and happy'. He joked that some might see him as 'trying to turn Poland into a nation of mendicant friars'. (Rousseau, 1986b[1772], 224, 225, 229).

Achieving change, even for an individual, is not easy; not just because we cannot go back to the life we have lost but because it is almost impossible for us to make for ourselves a different life in a world of states and of rich and poor. When Emile says that all he wishes for himself and Sophie is 'a little farm in some corner of the world .. Give me Sophie and my field – and I shall be rich', Rousseau enters this warning:

In what corner of the earth will you be able to say, 'Here I am master of myself and of the land which belongs to me?' Do you believe that it is so easy to find the country where one is always permitted to be a decent man? I agree that if there is any legitimate and sure means of subsisting without intrigue, without involvements, and without dependence, it is to live by cultivating one's own land with the labour of one's own hands. But where is the state where a man can say to himself, 'The land I tread is mine?'

For wherever Emile goes, there will be 'a violent government ..a persecuting religion .. perverse morals ..boundless taxes ..administrators, their deputies, judges, priests, powerful neighbours and rascals of every kind' (Rousseau, 1979[1762], 457)

## Conclusion

A final illustration of Rousseau's attitude can be found in this story from the *Confessions*. As a young man of twenty walking from Paris to Lyons, Rousseau, 'dying of hunger and thirst', stops at a lonely cottage and presumes upon a peasant to give him something to eat. At first, the man gives him 'skimmed milk and coarse barley bread', as Rousseau remarks, 'not very invigorating fare for a man dropping with fatigue'. He continues: 'the peasant watched me closely and judged the truth of my story by my appetite'. Satisfied that his hunger was genuine, the peasant opens up a trap door beside his kitchen and produces a ham, a wholesome brown loaf, a bottle of wine and, soon after, an omelette. When Rousseau offers to pay, the peasant's trepidation returns. It seemed that the man hid his wine for fear of the excise officer and his bread on account of the duty that should be paid upon it. Rousseau reports that this simple episode made 'an impression on me which will never grow dim':

It was the germ of that inextinguishable hatred which afterwards grew in my heart against the oppression to which the unhappy people are subject against their oppressors. That man, although in easy circumstances, dared not eat the bread he had earned by the sweat of his brow, and could only evade ruin by displaying the same misery which prevailed all around him. I came out of his cottage equally touched and indignant, deploring the fate of those lovely lands on which Nature has only lavished her gifts to make them prey of barbarous tax-farmers.

(Rousseau, 2005[1776-80], ??161)

As Judith Shklar (1985, 1) observed, when we look for truthfulness in Rousseau we should look not for consistency but for sincerity. If we seek to make him speak to us across all his writings in a single voice and with a single message, we are sure to read him wrong. Rousseau said some things about property that are not mutually consistent. At the same time, to see him as the spokesman for either an untrammelled Lockean individualism or else totalitarian state ownership or, worst of all, both, is also surely wrong. Although the state of

nature is never celebrated again in quite the way that it is in the *Second Discourse* Rousseau never really lost his enthusiasm for the simple life, for the country against the city, for simplicity against luxury, for self-sufficiency or simple exchange over against money and commerce. He consistently thought that labour (indeed, manual labour) was the only real source of a claim to property but that certainly did not amount to a natural right. It was only when the tendency for labour to suggest title was given the sanction of positive law by the relevant community (in the *Social Contract*, the sovereign), that 'real' property begins. And it was always subject to the sanctions that that property-conferring lawful institution placed upon it. But it seems a crude mis-reading of Rousseau to suggest that this meant for him that the best property order was one in which the state disposed of all resources. Most of the time it was best just to let people get on with their lives. In the end, the device of that circle-squaring social pact that would create 'a form of association which will defend and protect, with the whole of its joint strength, the person and property of each associate, and under which each of them, uniting himself to all, will obey only himself, and remain as free as before' does not work. But that should not lead us to misunderstand Rousseau's intentions. He was concerned above all to find a form of association in which all could be free and equal so that human relationships could regain a simplicity, directness and honesty which they lost when we emerged out of the woods and started dancing. There is something rather heroic about Rousseau's failure.

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