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To cite this article: Johan Dahlbeck & Peter Lilja (07 Jun 2024): Rousseau's lawgiver as teacher of peoples: Investigating the educational preconditions of the social contract, Educational Philosophy and Theory, DOI: [10.1080/00131857.2024.2363357](https://doi.org/10.1080/00131857.2024.2363357)

To link to this article: <https://doi.org/10.1080/00131857.2024.2363357>



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Published online: 07 Jun 2024.



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Rousseau's lawgiver as teacher of peoples: Investigating the educational preconditions of the social contract

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ABSTRACT

This paper argues that Rousseau's lawgiver is best thought of as a fictional teacher of peoples. It is fictional as it reflects an idea that is entertained despite its contradictory nature, and it is contradictory in the sense that it describes 'an undertaking beyond human strength and, to execute it, an authority that amounts to nothing' (II.7; 192). Rousseau conceives of the social contract as a necessary device for enabling the transferal of individual power to the body politic, for subsuming individual wills under the general will, and for aligning the good of the individual with the common good. For the social contract to be valid, however, it needs to be preceded by a desire to belong to a moral community that can induce people to join willingly, and that will grant legitimacy to the laws established. If the social contract is the machinery that makes the body politic function, the lawgiver is 'the mechanic who invents the machine' (II.7; 191). In this paper we will look closer at the pedagogical functions of Rousseau's mythical lawgiver by first examining the relationship between the social contract, the general will and the lawgiver. Then, we aim to flesh out a pedagogical understanding of the figure of the lawgiver by way of the two educational dimensions of accommodation and transformation. Finally, we will argue for the importance of understanding Rousseau's lawgiver as a fictional device allowing for the fundamental and enduring educational task of balancing between the preservation and renewal of society.

ARTICLE HISTORY

Received 14 June 2023
Accepted 27 May 2024

KEYWORDS

Rousseau; the lawgiver; the social contract; education

Introduction

In so far as human societies need to be actively preserved and renewed in the face of the constant threat of mortality, social contracts need to be continuously renegotiated. At the same time, a viable social contract needs to rely on an assumed stability, allowing for the ongoing initiation and formation of new generations of citizens. This makes the social contract into a foundational educational concern. Regardless of how we construe the relation between education and politics, the very fact of the social contract makes education and politics interdependent. This interdependency gains in complexity in the ever-increasing plurality of contemporary societies. It is simply not self-evident that contemporary social contracts can be grounded in monolithic traditions and taken-for-granted systems of values. While, in a practical sense, education might benefit from a cohesive cultural foundation, it would suffer from resorting to nostalgia and ingrained

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prejudices that threaten pluralistic communities. Education, then, is stuck between having to assume a common good to strive for and acknowledging that individuals can no longer be assumed to be bearers of the same customs and traditions. This tension between social cohesion and cultural pluralism, with consequences for politics as well as for education, gives rise to the problem that the social contract is designed to address. For Rousseau, the stipulation of the social contract allows for a reinvention of society in light of the changing preconditions and limitations of human existence. Increasingly pluralistic societies present an ever-growing challenge for conceptualizing a viable social contract with severe political as well as educational consequences. While this development may render Rousseau questionable in terms of offering a reliable theoretical framework, we would argue that while circumstances have certainly changed, the fundamental problem addressed by Rousseau remains essentially the same.

In *The Social Contract*, Rousseau asks: 'How will a blind multitude, which often does not know what it wants because it rarely knows what is good for it, carry out by itself an undertaking as vast, as difficult as a system of legislation?' (II.6; 189–190¹). For Rousseau, it seems that for people to be able to arrive at a place where they can be entrusted to legislate reliably, they first need to be informed by a supreme being, and so 'Gods would be needed to give laws to men' (II.7; 190). In response to this apparent paradox, Rousseau introduces the mythical figure of the lawgiver, describing 'a superior intelligence who saw all of men's passions and experienced none of them' (II.7; 190). Arguably, the lawgiver is best thought of as a fictional teacher of peoples, ensuring that the general will and the laws are aligned with customs and traditions (even if people's desires are not). It is fictional as it reflects an idea that is entertained despite its contradictory nature, and it is contradictory in the sense that it describes 'an undertaking beyond human strength and, to execute it, an authority that amounts to nothing' (II.7; 192). Rousseau conceives of the social contract as a necessary device for enabling the transfer of individual power to the body politic, for subsuming individual wills under the general will, and for aligning the good of the individual with the common good. For the social contract to be valid, however, it needs to be preceded by a desire to belong to a moral community that can induce people to join willingly, and that will grant legitimacy to the laws established. If the social contract is the machinery that makes the body politic function, the lawgiver is 'the mechanic who invents the machine' (II.7; 191).

In this paper we will look closer at the pedagogical functions of Rousseau's mythical lawgiver by first examining the relationship between the social contract, the general will and the lawgiver. This goes to highlight Rousseau's conception of the social contract as a vehicle for promoting a more substantive understanding of freedom as a collective endeavor. In this endeavor, the lawgiver emerges as an imaginative, yet paradoxical, instigator of moral communities founded upon the recognition of a common good. Having established the political role of the lawgiver, we aim to flesh out a pedagogical understanding of the same figure by way of the two educational dimensions of accommodation and transformation. First, we explore the lawgiver's function in terms of accommodation where education always needs to account for what already is. Second, we turn to the dimension of transformation where the figure of the lawgiver is pedagogically motivated in terms of changing human nature. Finally, we discuss the implications of the figure of the lawgiver for the role of the teacher navigating beyond the narrow confines of individual and political desires. In conclusion, we will argue for the importance of understanding Rousseau's lawgiver as a fictional device allowing for the fundamental and enduring educational task of balancing between the preservation and renewal of society without underestimating the many challenges posed by an increasingly pluralistic world.

Rousseau's social contract and the problem of the general will

According to Rousseau, human beings have 'reached that point where the obstacles that interfere with their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state. Then, that primitive state can no longer persist,

and the human race would perish if it did not change its manner of being' (I.6; 172). Rousseau's preferred name for the instrument of that change is *the social contract*. As such, the social contract is not a fact of nature but an artificial construct by which the body politic can begin to take form. Looking back and around himself, Rousseau notices a host of bad examples of where the social contract had failed to ensure the successful transition from individual freedom in the state of nature to collective freedom in civil society. The social contract should ideally function by facilitating the transaction whereby people willingly give up some of their natural freedom in exchange for the benefit of belonging to a socially cohesive and powerful unity. Historically, however, Rousseau notes that the social contract had often been turned into a source of bondage and inequality, where most people were forced to surrender their individual freedom for the benefit of a few people's conventional privileges.² As such, the social contract had frequently been perverted and transformed from an instrument of collective empowerment into a ploy by the rich to illegitimately secure their property against the poor. Faced with this challenge, Rousseau seeks to investigate 'whether there can be any legitimate and reliable rule of administration in the civil order, taking men as they are and laws as they can be' (I.1; 163). The problem for Rousseau is to find a way of joining the desires and will of each individual with the desires and will of the collective, making each and every individual identify as a citizen with a common interest. The fundamental problem to which the social contract responds concerns the following question:

How to 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, uniting with all, nonetheless obeys only himself and remains as free as before? (I.6; 172).

The challenge for Rousseau is to convincingly argue for ways in which people can remain autonomous while willingly subjecting themselves to a political collective, ruled by a common interest. For him, unlike for Hobbes, it is paramount that sovereign power is an expression of the will of the people and not the will of an arbitrary ruler (be it a king or a parliament). For Rousseau, an act of sovereignty 'is not an agreement between a superior and an inferior, but rather an agreement between a body and each of its members' (II.4; 185). Consequently, the only legitimate sovereign body is the people acting as one in its role as *legislator*. It is worth noting here that 'the people is a legislative force that *wills*, rather than an executive power that *acts*' (Daly, 2021, p. 1279). Because acts of sovereignty have 'no object other than the general welfare' (II.4; 185), they cannot interfere in particular cases but must apply equally to all. As such, 'the social compact establishes among the citizens an equality such that they all commit themselves under the same conditions and should all enjoy the same rights' (II.4; 185). For this reason, legislation and government are separate things for Rousseau.

The way in which Rousseau responds to the problem of reconciling freedom and obedience in civil society is to postulate the idea of a general will. Each individual has a particular will as a fact of nature. Fundamentally, the particular will of individuals is naturally geared towards their self-preservation. As members of a social compact, however, people must understand themselves as parts (citizens) of a greater unity governed by a *common* interest. It follows from this that the artificial construct of the body politic needs to be equipped with a will that is perfectly aligned with its desire for self-preservation, that is, the common interest of the people. For Rousseau, therefore, the general will is not the sum of the wills of all individuals, but a will emanating from the body politic as a whole (II.3; 182). The general will is an expression of the people in its role as sovereign. In such an association 'citizens share an understanding of the common good and that understanding is founded on the members' commitment to treat one another as equals by refraining from imposing burdens on other citizens that those members would be unwilling to bear themselves' (Cohen, 2010, p. 15). By making laws for themselves, based on a shared understanding of the common good, people can preserve their freedom at the same time as they willingly submit themselves to the authority of the state. This is so as 'the commitments that bind us to the social body are obligatory only because they are mutual,

and their nature is such that in fulfilling them one cannot work for someone else without also working for oneself' (II.4; 184). Any freedom worth defending, then, is a freedom departing from the fundamental basis of equality manifested through the articulation of a general will and guaranteed by the people in its role as sovereign legislator. The precondition for the general will, however, is that individuals must identify themselves as citizens belonging to a unified people, a single body politic. The problem of the general will is that it seems to require the kind of unity that it is supposed to create. Recognizing this problem, Rousseau writes:

In order for a nascent people to be able to appreciate sound maxims of politics and to follow the fundamental rules of statecraft, the effect would have to become the cause: the social spirit that is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to the laws what they are to become through the laws (II.7; 192–193).

In other words, the emergence of the general will is complicated by the fact that it seems to presuppose a level of understanding of the common good that it is intended to promote. This is because as a rule, people will always be more or less guided by their particular will which is not necessarily aligned with or cognizant of the general will. For Rousseau, this problem has two sides. First, people naturally want what is good for them, but they do not necessarily have the means to recognize it. Second, while 'the general will is always right [...] the judgment that guides it is not always enlightened' (II.6; 190). The first aspect of the problem concerns the education of the will, making it conform to reason. The second aspect has to do with equipping the social body with a unified set of wants. When these two aspects are sufficiently dealt with, Rousseau believes that 'the union of understanding and will in the social body results from public enlightenment, and from this union results the smooth working of the parts, and, finally, the greatest force of the whole' (II.6; 190). Having identified the core problem of the general will as an educational problem concerning the union of understanding and will, Rousseau introduces the elusive figure of the lawgiver.

The lawgiver

Rousseau's lawgiver is inherently paradoxical. The lawgiver is conceived as a representative of the will of the people before the people, as a body politic, is even constituted. As such, the lawgiver is both a precondition and an (indirectly) active force in the life of the republic. The lawgiver is not to be confused with the executive power of the state. Rather, the lawgiver 'is the mechanic who invents the machine', while the executive power (the prince) 'is merely the workman who puts it together and makes it work' (II.7; 191). While the lawgiver acts as the creator of the social contract, it is the people in its role as sovereign that keeps it alive through the institutions, laws, and customs enabled by the lawgiver. Rousseau writes that '[a]t the birth of societies [...] it is the leaders of republics who create the institutions, and afterward it is the institutions that form the leaders of republics' (II.7; 191). The lawgiver figures as a necessary corrective of the uneducated self-interest of the blind multitude, making it possible for such a multitude to transform into a united people, capable of upholding a legitimate social contract (II.7; 191).

Accordingly, while the lawgiver is necessary for laws to be made, legislation must always be done by the people. The people, however, must be made to desire laws that are conducive to their self-preservation as a body politic. This reformation of their desire and collective will—the amalgamation of particular wills into the general will—is the task of the lawgiver. The lawgiver, therefore, must be 'capable of changing, so to speak, human nature; of transforming each individual, who by himself is a complete and solitary whole, into a part of a greater whole from which that individual receives as it were his life and his being' (II.7; 191). In other words, people must be made to constitute a moral community before they can be trusted to assume responsibility as a sovereign. This concerns the art of making people willingly give up their

natural independence for the interdependence of a 'partial and moral existence' (II.7; 191). On Rousseau's account, 'when the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, the legislation can be said to be at the highest point of perfection it might attain' (II.7; 191). The transformation from blind multitude to well-functioning body politic requires an intervention from an outside force, a supreme lawgiver. The problem facing the lawgiver is that people cannot be compelled, lest they fall back into the role of a servant, and they also cannot be persuaded, because they lack a sufficient understanding of the benefits of submitting to the general will. The result of this, according to Rousseau, is that 'since the lawgiver can use neither force nor reasoning, he must of necessity have recourse to an authority of a different order which might be able to motivate without violence and persuade without convincing' (II.7; 192–193). Having no recourse to either force or reasoning, the lawgiver must appeal to people's existing customs and opinions. Influencing these, the lawgiver must endeavor to accommodate laws to the level of understanding of ordinary people (II.12; 202–203).

It follows from this that the lawgiver must have a keen sense of how people are differently constituted and of how different customs and traditions can be made to align with the common good. Rousseau offers the metaphor of the 'lawgiver-architect' to underline the importance of adapting teachings to the context in which people exist as follows:

Just as an architect, before putting up a large building, examines and tests the soil to see whether it can support the weight, so the wise founder does not begin by drawing up laws which are good in themselves, but first examines whether the people for whom he intends them is fit to bear them (II.8; 194).

This illustrates that by adapting laws to the context in which people actually exist, their opinions and beliefs can be reformed. Laws, customs, or opinions are never universally valid. For Rousseau, they are only valid to the extent that they help support the moral community and the institutions of the republic. In order for the reformation of the blind multitude to work, the lawgiver must be able to speak in a language that those addressed can understand. Without this, the laws offered would have no effect. For many people, religion functions as a foundation for making sense of the world and their particular place in it. As such, it offers a source of authority that the lawgiver can make use of as a tool when reforming people's opinions and beliefs (Riley, 1991, p. 57).

In summary, Rousseau's lawgiver is conceived as a necessary precondition for the creation of the society of the general will. At the same time, the lawgiver appears to be an impossible figure in so far as '[g]ods would be needed to give laws to men' (II.7; 190). However, as Judith Shklar (1969, p. 128) has argued, '[i]t is only in a human image that the goodness ascribed to God can really be made manifest'. The lawgiver provides such a human image without having to correspond fully to any concrete historical person. As such, the lawgiver becomes a kind of fictional device by which Rousseau can construct a tangible ideal, borrowing from the traits of various historical persons such as Moses, Plutarch, or Lycurgus in order to offer images of authority that are neither too general nor too restricted to sway people. It seems to follow from this that the lawgiver is best understood as a pedagogical device useful for illustrating the basic preconditions for setting up a legitimate social contract founded on an understanding of the common good. Dana Villa (2017, p. 38) argues that:

The operation of the 'machine' – through institutions, laws, and procedures – continues the work of education and formation begun by the 'great legislator'. In many ways, the latter becomes, just like the tutor in *Émile*, a sort of 'man behind the curtain'. Ostensibly off the scene, he continues to exert a shaping influence on the people's civic identity through the very laws and institutions he originally put in place.

Understanding the lawgiver as a pedagogical device opens up for a discussion of the educational dimensions of Rousseau's political theory, where civic education is not primarily concerned with having students become political actors, but with allowing them to become

integrated parts of a cohesive moral community. In what follows we will look closer at the pedagogical functions of the lawgiver in an educational context where the lawgiver emerges as a symbol for an authority allowing teachers to intervene with the moral formation of future generations. While Villa's main concern is to investigate tensions between different forms of political education developing in European modernity (where the concept of a people becomes prominent), we aim to look closer at the pedagogical structure inherent in Rousseau's lawgiver so as to be able to argue for the moral and political preconditions of all education. What concerns us here are the various implications these preconditions will have for education, allowing us to understand the role of the teacher navigating between political governance and the cultivation of individual freedom.

The pedagogical functions of the lawgiver

There is a god-like ambition in all education as Rousseau conceives it. In so far as education becomes a means for transforming individuals into citizens of a body politic guided by a general will, it must be 'capable of changing, so to speak, human nature' (II.7; 191). This is the fundamental assumption behind the formation of new states as well as the formation of young individuals. Matthews and Ingersoll (1980, p. 92) argue that '[l]ike the personae of 'the legislator' in *The Social Contract* [...] Émile's tutor must play god; he must create a natural asylum, an incubator, outside the clutches of society where Émile is allowed to mature before he is ultimately returned to society'. While this might cause us to become suspicious of the intentions of the seemingly 'all-knowing' tutor, it can in fact be turned around to indicate the god-like aspiration of all educational interventions. Whenever we remove children from their families and gather them in schools, we are saying that their nature can be changed and improved using pedagogical means. This is how we can begin to think about the lawgiver as a pedagogical device, not in terms of an 'all-knowing' teacher who single-handedly determines the future path of citizens-in-the-making, but in terms of a basic pedagogical assumption saying that every society, whether it acknowledges it or not, turns to public education as a transformative mechanism for enacting its political will. What is important for Rousseau, is that we recognize that in order for public education to be a legitimate means of transforming individuals, the political will must be sufficiently aligned with the general will as an expression of the common good.

In a very general sense, then, the overarching purpose of education can be said to be the initiation of new generations into cohesive moral communities. Obviously, this does not mean that education is reduced to moral education in a narrow sense, but that all education necessarily aims for the development and preservation of a moral community guided by an understanding of a common good. Even in seemingly non-moral domains, such as the teaching of particular dimensions of physics, there is an over-arching moral framework indicating why learning physics is part of the human endeavor to live a good and full life together with others, striving for the same thing. The main function of the lawgiver, as a pedagogical device, is therefore to remind us of the importance of grounding all educational endeavors in a morality informed by the common good, making this connection into the 'unshakable keystone' (II.12; 203) for any well-functioning society.

To the extent that '[t]he lawgiver is [...] a teacher of the people in much the same manner as the tutor who forms Émile's character' (Villa, 2017, p. 81), we might conceive of the lawgiver as a pedagogical device that operates along two basic dimensions relating to the dual educational intentions of preserving and changing the world. The first dimension, connected to preserving the continuity between the old and the new, is what we might call *the principle of accommodation*. The second dimension required for changing human nature operates according to *the principle of transformation*. To be clear, the dimensions of accommodation and transformation are key features of the political role of the lawgiver as portrayed by Rousseau in *The*

Social Contract. What we mean to argue here is that these dimensions correspond well with the two fundamental educational aims of preservation and renewal.³

The founding of a body politic is dependent upon understanding and adjusting to the mentality of the people who are to constitute it (II.7; 192). In order for people to truly become part of a body politic, their individual wills must be made to correspond to the general will and their nature must be transformed accordingly. In education, the starting point for renewing the world must always be to get to know the world enough to be able to understand what needs to be transformed. At the same time, educational initiation is dependent upon the preservation of the world as manifested through already existing human traditions, customs, and artifacts. In what follows, we will take a closer look at accommodation and transformation as fundamental pedagogical features of the lawgiver.

Accommodation

The principle of accommodation entails that pedagogical change is predicated by a sufficient understanding of the conditions for change. In a political context, '[t]he achievement of the lawgiver is [...] to produce institutions and prescribe policies that are well-suited to the particular conditions of a society and fit the propensities of its people' (Matthews & Ingersoll, 1980, p. 87). Whether the institutions are successful or not depends on if the lawgiver has managed to diagnose and understand the preexisting customs and opinions of the body politic-in-making. Recall the 'lawgiver-architect' who endeavors to examine and test the soil to see if it can support the weight before erecting the building itself (II.8; 194). Correspondingly, 'the wise founder does not begin by drawing up laws which are good in themselves, but first examines whether the people for whom he intends them is fit to bear them' (II.8; 194). The principle of accommodation, then, entails the proper understanding of what something is (a random collection of people with certain commonalities) before it can be cultivated into becoming something better (a moral community of equals). Dana Villa turns to Rousseau's *Considerations on the Government of Poland* (Rousseau, 1986a) as an example of how accommodation is thought to work:

The rebirth of Poland and a national morality of the common good, one similar to but distinct from the civic virtue of the ancient regimes, requires only that these preexisting natural elements be allowed to ferment (*fermenter*) within a properly arranged political and educational environment (Villa, 2017, pp. 77–78).

As Villa understands it, Rousseau's recommendations for the government of Poland (and of Corsica) 'are framed entirely by the idea of cultivating the inherent qualities of the Corsican and Polish peoples' (Villa, 2017, p. 80). The cultivation of these qualities seems to require a process of accommodation where existing customs, traditions, and opinions can be made to align with the idea of a common good to strive for. It is not so much that the lawgiver instructs people in what to feel and think, as he enables people 'to become cognizant of their corporate will' (Gomes, 2018, p. 210). Gomes (2018, p. 209) describes the task of the lawgiver in terms of an accommodation to people's sentiments and emotions: 'by playing on the people's sentiments and emotions, this wise institution aims to unify the citizenry, making every individual aware of the general will that only he, supposedly, with his wisdom and intellectual distance as a foreigner, is able to perceive before a people's corporate identity becomes fully apparent to them'.

From a pedagogical point of view, accommodation functions as a necessary condition for individual and collective transformation. In order to initiate a process of educational change, students must come to understand their own customs, traditions, and opinions as part of a greater intersubjective world so that they can be gradually inducted into a cohesive moral community. Similarly, because the teacher can neither rely on coercion (force) nor persuasion (reason) to validate his/her authority (c.f. II.7; 192–193), he/she needs to be able to speak to students in a way that makes sense from the limited point of view of their existing framework of customs, traditions, and opinions. Their existing frame of reference is certainly not to be

considered an end in itself, but rather as a necessary starting point for instigating processes of educational transformation.

Transformation

Political transformation, for Rousseau, requires educational transformation. The need for political transformation arises with the establishment of a legitimate social contract. The problem is not so much to identify a mutually beneficial form of association, as it is a problem of making individuals come to understand how their personal well-being is conditioned by the well-being of the people as a whole. It is, at bottom, a problem of expanding their individual freedom. In isolation, a person is free to the extent that 'he wants only what he can do and does what he pleases' (Rousseau, 1979, p. 84). In society, however, the will of the individual needs to be molded in line with the general will so that sociability and self-preservation are not at odds. In fact, by giving up a part of our individual power we can access a power much greater than that of our individual body (I.6; 173).

This transaction, however, is neither self-evident nor straight forward. If each individual knew the limits of their constitution and power as well as the necessity of cooperation for self-preservation in society, the transaction would merely be a formal matter of agreeing upon a mutual social compound. Unfortunately, for Rousseau, this is not the case. Instead, people tend to misjudge their capacities and as a result the social contract is easily corrupted because people in general want more than they can acquire on their own. The problem, then, is not a political problem of coming to terms, but an educational problem of making people understand that their freedom is fundamentally dependent upon a realistic conception of their capacity. This, in fact, makes for the starting point of all education in *Émile*. To reiterate Rousseau's conception of freedom along with its educational consequences: 'The truly free man wants only what he can do and does what he pleases. That is my fundamental maxim. It need only be applied to childhood for all the rules of education to flow from it' (Rousseau, 1979, p. 84).

To become free in society requires a process of transformation in two steps. One, it involves forming a will based on a reliable understanding of oneself in relation to one's surroundings. Two, it demands the alignment of one's will with the general will so as to both contribute to and benefit from the strength of a genuine social contract. The first step requires an education of the senses geared at understanding what one is. Rousseau draws up the basic framework for such an understanding:

He whose strength surpasses his needs, be he an insect or a worm, is a strong being. He whose needs surpass his strength, be he an elephant or a lion, be he a conqueror or a hero, be he a god, is a weak being. [...] Man is very strong when he is contented with being what he is; he is very weak when he wants to raise himself above humanity (Rousseau, 1979, p. 81).

Rousseau's intention is to make *Émile* strong in precisely this sense, so that he can join with a society of the general will without succumbing to a misconception of his will and power. Having aligned his will with his actual capacity, *Émile* must transform into a citizen, meaning that his individual will is made to correspond with the common good as expressed through the general will (Gomes, 2018). In this process, *Émile* exchanges one form of freedom for another (Matthews & Ingersoll, 1980, p. 95). The intended instigator of this transformation is in fact the lawgiver. This is explicitly stated by Rousseau when he writes that the lawgiver has to be 'capable of changing [...] human nature; of transforming each individual, who by himself is a complete and solitary whole, into a part of a greater whole from which that individual receives as it were his life and his being' (II.7; 191). Being at once placed inside as well as outside of the social realm, the lawgiver is uniquely placed to influence people to transform into citizens without having to give up their own will and freedom in the process. For this, the lawgiver needs to appeal to the existing customs, traditions, and opinions of the people in question so as to

make them commit freely to the 'self-imposed chains of love, brotherhood and respect' (Matthews & Ingersoll, 1980, p. 95).

In his unfinished treaty *The Constitutional Project for Corsica* (Rousseau, 1986b), Rousseau explores how what he conceived of as negative education in the case of *Émile* could be applied to the constitution of a new republic. Rather than actively instilling civic virtues in future citizens, the formation of the young—states as well as children—depends above all upon them being kept protected from bad influences. Hence, in the case of *Émile*, 'the first education ought to be purely negative. It consists not at all in teaching virtue or truth but in securing the heart from vice and the mind from error' (Rousseau, 1979, p. 93). In the case of Corsica, Villa (2017, p. 72) concludes that 'precisely because there is no such thing as a static state in nature—because change is always a constant—remaining the same requires active intervention, self-discipline, and the imposition of bulwarks designed to keep the modern world at bay'. The transformation sought after by Rousseau, whether it concerns *Émile* or Corsica, needs to be closely monitored and controlled so that dangerous prejudices and vices can be kept at bay until the young individual or republic reaches maturity. While accommodation concerns the lawgiver's ability to correctly diagnose and understand the opinions, established prejudices, and sentiments of a people, transformation can only begin when the same people are protected from the onslaught of prejudices cropping up in modern society. In the face of this, the task of the lawgiver is to attend 'to all the particular features of a people' and engrave 'morals, customs and opinions in their hearts' so as to be able to 'guide them in performing the great and difficult undertaking of establishing a system of legislation that is suited to them alone' (Gomes, 2018, p. 210).

To be sure, this is a political task, but it runs parallel to an educational task where the figure of the lawgiver can be understood in terms of a pedagogical device enabling and maintaining the necessary interdependency of accommodation and transformation. As a pedagogical device, the lawgiver represents an institution that facilitates and protects the very processes of social preservation and renewal. Without this institution, there is no authority by which to legitimately connect the transformational striving of the individual to the shared assumption of a common good. This means that while the pedagogical device of the lawgiver is impossible to confirm empirically it needs to be presumed so as to avoid grounding educational authority in either coercion or persuasion. As paradoxical as it is, the idea of the lawgiver provides a way for education to balance in between the old and the new, making use of that which already exists in order to create something that has yet to manifest. This foundational paradox corresponds well with the political role of the lawgiver in so far as 'the social spirit that is to be the work of the institution would have to preside over the institution itself, and men would have to be prior to the laws what they are to become through the laws' (II.7; 192–193).

The role of the teacher

The role of the teacher in this is not that of a lawgiver. Because the teacher is always an individual, with a particular will, for the teacher to assume the role of a lawgiver would mean the institutionalization of an individual will rather than the cultivation of an understanding of a common good manifested through a general will. If this was the case, the teacher would become a despot and there would no longer be a general will as the will of the teacher then is 'merely a particular will, or an act of magistracy; it is at most a decree' (II.2; 180). The teacher, instead, is placed in the unique position of being able to channel the authority of the lawgiver by presuming a common good that is powerful enough to transform particular wills into parts of a general will.

The idea of a common good—following Rousseau—cannot be reduced to either an expression of the particular will of the individual teacher or to the political will of any governing institution. For the teacher to claim the right to articulate the common good is a violation of

the general will as the general will would be reduced to the whims and desires of the teacher. In this scenario, education is grounded in the self-preservation of the teacher rather than in the cultivation of a moral community capable of understanding individual freedom as determined by the power of the body politic as a unity. For the teacher to simply follow the commands of the current governing institution faces the same problem in so far as the general will is once again replaced by a particular will—in this case the political will of a particular institution. In either case, teaching becomes reduced to a form of coercion and thereby stripped of any sense of mutuality. In order to avoid having education being coopted by particular wills (whether that of the teacher or a given political institution), the teacher is placed in the unique position of representing a general will that emanates from the people in its role as sovereign.

The role of education, and thereby the teacher, concerns the constitution of the republic but not its governance. In education, this constitution means preserving and renewing the world by both accommodating teachings to existing opinions, traditions, and customs as well as transforming particular wills into expressions of a unified general will. This, in turn, forms the basis of a social contract where people can 'obey with freedom and bear the yoke of public felicity with docility' (II.7; 193). While Rousseau's lawgiver is conceived as a political fiction designed to make possible a just and equal social contract, it can also be understood in terms of a pedagogical device apt for describing the crucial role of education, as well as the responsibility of teachers, in preparing the moral foundations necessary for preserving and renewing sustainable social contracts.

Conclusion

In this essay, we have argued for the relevance of understanding Rousseau's lawgiver not only as a political figure, but also as a pedagogical device useful for highlighting the role of education for grounding the moral foundations necessary for establishing and maintaining a just and equal social contract. By focusing on the dimensions of accommodation and transformation, we have endeavored to illustrate the parallel between politics and education for Rousseau. Assuming this reading to be viable, it still remains to question the currency of the idea of the lawgiver for the purposes of critically understanding the relationship between education and the social contract in a contemporary setting, defined by increasing tensions between plurality and individualism. Accepting the fact that in pluralistic societies, where radically different understandings of the world need to be reconciled, there is no sense in which Rousseau's ideal of starting from an untainted beginning (as in the case of *Émile* or Corsica) would be possible. Such a dream inevitably entails an eradication of the grounds for conflicts that seem to be the very starting point for contemporary efforts of establishing sustainable social contracts. The question, then, is whether the lawgiver is automatically rendered obsolete by the untimeliness of Rousseau's political recipe, or whether a pedagogical reading of the lawgiver can in fact help us identify a more basic role for education in terms of contributing to the formation of a general will determined by the common good?

Faced with this question, we would argue that unless education is decoupled from a common understanding of the good (a cohesive moral community allowing for human interdependency) there needs to be an educational response to the formation of a body politic. The pedagogical understanding of the role of the lawgiver can lend education a form of legitimacy unrestricted by sectarian or individualizing ideology. To be clear, the lawgiver will never solve the concrete political problems of organizing public education, but it enables the voluntary recognition of common interests shared across human differences as a necessary starting point for any educational endeavors, freed from the destructive forces of coercion and persuasion. As such, the understanding of the lawgiver can function as a necessary bulwark shielding education against the corruption of fickle political wills and religious dogmas. Understood in this sense, the symbolic protection provided by the fiction of the lawgiver might allow education to exist as a

precondition for the establishment of a just and equal social contract, without becoming a political tool for fashioning citizens according to the desires of those currently in power.

While it is helpful to think of the parallels between education and politics in terms of the cultivation of a general will by way of the figure of the lawgiver, this raises practical problems. Since the examples referred to by Rousseau as in some sense paradigmatic lawgivers—Moses, Plutarch, and Lycurgus—have lost their purchase on the contemporary political imagination, we might wonder how the lawgiver would be conceptualized in a contemporary setting. If, as we have argued, the lawgiver is a fictional device—serving to bridge the gap between particular wills and the idea of a general will—will it be enough to help teachers understand and act out their unifying role in a pluralistic society mirrored in the classroom? Rousseau's model is based on a community where the figure of the lawgiver can be identified in a more or less straightforward sense. In a contemporary setting, however, where many different (and sometimes incommensurable) traditions and customs clash and collide within one and the same society (and classroom), it becomes much less evident who or what to turn to as a unifying principle. If we want to retain the conception of education as the preservation and renewal of society, the judgment guiding the selection of what to preserve and what to open up for renewal seems to be dependent on something beyond the idiosyncratic desires of the individual teacher and the ever-changing will of political institutions. However, if we acknowledge that the figure of the lawgiver is necessarily fictional (so as to be accommodated to the mentality of different groups and people), then we might wonder whether this fiction will ever have the power to move a plurality of people towards a common good? At the same time, the paradox remains in so far as education—as preservation and renewal—needs to be assumed to depart from some form of unified striving towards a common good capable of harboring and directing a plurality of particular wills.

Notes

1. All citations of Rousseau's *The Social Contract* (Rousseau, 2012a) will be given by book, chapter, and page respectively.
2. Rousseau dedicates a major part of his *Discourse on Inequality* (Rousseau, 2012b) to understanding the genesis of this form of social (as opposed to natural) inequality.
3. Broadly, this corresponds to Hannah Arendt's (2006, p. 193) understanding of the role of education as 'the point at which we decide whether we love the world enough to resume responsibility for it and by the same token save it from that ruin which, except for renewal, except for the coming of the new and young, would be inevitable'.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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