

THE MYTH OF THE SOCIAL CONTRACT

One of the most critical arguments made in this series of essays is that the "social contract" of the seventeenth and eighteenth centuries is a form of political myth.¹ It is a myth not only because it creates the fiction of an ahistorical moment but because it serves as a displacement for the traditional myth of legitimacy conferred by divine power. The illusion is created that man should obey the state because of the voluntary consent or agreement of his ancestors emerging from a "state of nature," sometimes populated by noble savages and at other times by wolfish brutes. The social contract is then elaborated in the institutional framework of the constitution, which has the appearance of being a demythologized framework of power and institutions. The Constitution is then remythologized into an infallible source of authority which demands the absolute veneration of the citizens. The Constitution, and less so the social contract, become the preserve of political cults which preserve established rituals and priests. The Constitution creates the illusions of legality, justice, and continuity in the system, preserves its legitimacy, and provides social stability, which are precisely the functions of myth in a less developed system. It is true that the social contract passes as a secular myth, but myth none the less it is, and myth of an awesome power to get the people to obey laws which are not obviously of their own making or even of their own interest and to which most assuredly they themselves gave no voluntary consent.

Mythological vacuums are as abhorrent as any kind in nature, and after the myth of the divine ordination of political authority which structured the Middle

Ages had faltered, Hobbes, Locke, and Rousseau rushed in where angels had been a bit reluctant to tread. The myth which they created responded to a very human need, an answer to the question, why should man obey the state. The exact forms of the mythology differ but the central concern with providing a legitimate base for authority is the same. "Man is born free, everywhere he is in chains, what can make it legitimate," asks Rousseau. "The Social Contract," answers Rousseau to which Marx later replies that that is a mere fiction to excuse bourgeois exploitation because the state is inherently an exploitative institution. Because the social contract is vested with all the appearance of rationality it carefully disguises its god-like quality when in effect it is a "hidden god."

With Hobbes the "social contract" appears as a simple deus ex machina. In the "state of nature" there is nothing but a brutal struggle for power in which "man is to man as wolf is to wolf," a primal howl of anarchy from which man must be rescued in his own self-interest. The fear of death leads to civilization; the lust for power leads to the state, but the legitimacy of political authority arises from the irrevocable contract into which man enters to establish the Leviathan, a mystical whole greater than the sum of its individual parts against which the individual can have few if any rights since it is merely an extension of himself.

For Locke the state of nature is by no means so terrifying and Hobbesian force and fear less significant in shaping politics. The state of nature is lacking in an agency to establish the laws, to judge, and execute the laws, to protect private property rights, and to protect the people from external invasion or other disasters. To remedy these problems, man voluntarily consents to the establishment of government. Part of the problem lies in the fact that for Locke "government by the people" really means about ten percent of the English population who were qualified to vote, that is property-holders who by virtue of their property were more deserving of protection and better able to perceive their "inalienable rights" than others." Even among this group atheists, Catholics, and Jews are excluded from political participation because their loyalties are directed elsewhere, this from Locke's "Letter on Toleration" which in essence argues that the state cannot afford to tolerate diverse

mythological political beliefs while appearing to the eighteenth century to do just the opposite. Locke's practical application of his "social contract myth" to the "Constitution of the Carolinas" is equally strange viewed by modern standards, for here is an aristocracy, established Church, slavery, and other institutions at odds with "government by voluntary consent of the governed." Nonetheless Locke is taken as the great apostle of the American constitutional experience, or as Louis Hartz describes it the "traditional Lockianism of the American experience." Unlike Hobbes Locke does point to instances including external invasion and destruction of private property rights in which the "people" may resume their "initial position" and revoke the fiduciary relationship with the government. There is a "right of revolution" if the social contract is violated. Who is to judge, why the people? Who are the people, vox populi, vox dei? Locke is rather silent but the clear implication is that we are dealing with Adams' aristocracy of the well born rather than Jefferson's aristocracy of merit. How are the people to express their revocation of the trust? Perhaps a panel to study the mechanism for social change, at any rate Locke does not elaborate on this institutionally critical but mythologically dangerous point. The recitative passes somewhere between "government of the people, by the people, and for the people," mostly "for, "congressional government", and "have faith in Massachusetts."

Rousseau's version of the "social contract myth" is associated with a sizeable personal mythology supported by Kant, Byron, and Robespierre, who idolized Rousseau. Although Rousseau did indeed inspire the leadership of the Revolution, The Social Contract was not the little red book, "The Thoughts of Chairman Mao," waved at the severed heads of the Ancien Regime by hosts of sans cullottes. Further Rousseau's emphasis on collective will and social harmony is as Talmon points out a sublimation of his personal misanthropy. Rousseau quarreled with most of his contemporaries including Voltaire over the poem on the Lisbon Earthquake, not to mention the interpretation of the earthquake and even with the sympathetic host Hume who would not condemn the philosophes who disputed Rousseau's position. In fact Hume was ungracious enough himself to maintain that the social contract was ahistorical and that there had to be an apriori supposition that contracts were to be obeyed.

Rousseau certainly found the "social contract" as a mythological outlet for his personal frustrations, the assistant to the Greek archmandrite dutifully collecting subscriptions for the restoration of the Holy Sepulchre, the composer of a failed opera entitled "The Gallant Muses," but then Hobbes too had fallen on hard times with the mathematicians of the British universities over his solution to the classical problem of squaring the circle. The problem is that Rousseau during the last years of his life, including those of the composition of the social contract was a suitable candidate for the communion of the saints of the "lunatic fringe," those master mythmakers who have passed over that thin red line separating genius from sanity.

Rousseau's mythology fuses the pessimism of Hobbes with the optimism of Locke, the Hobbesian authoritarianism with the Lockian voluntary consent. As Talmon again points out Rousseau stands at the roots of both modern ^cfasism and participatory democracy, tossing in a dose of Genevan Calvinism for good measure. At the same time he hearkens back to a "golden age" of Hesiod, he is sufficiently realistic to recognize that the past is not completely retrievable and so we do not go as far in the search for noble savagery as in some of the extensions of Rousseau's "state of nature" as among Chateaubriand and the French romantics. Still we find the Abbe Sieyès and Tocqueville and Crevecoeur looking for some sort of Arcadian existence in America.

"Noble savagery" and "state of nature" are not Rousseau's only two components in the contractual mythology. Indeed the most significant is "The General Will" which stands as an absolute standard of right, just as God had provided for the state in the Middle Ages. ^(Psychological unity of the U.S. in John A. Calhoun, -9.) The General Will is a mystical expression of what we would understand more clearly as the "national interest" or "the public good," concepts equally manipulated by politicians. Rousseau^u maintains that only the arithmetic sum of the individual wills, the "will of all" is susceptible of error. He also holds that at times a single individual Legislator may better perceive what is good for the state than the mass of public opinion. Although in the Emile he hearkens back to the primacy of paideia and the Greek tradition, he also

implies the need for an Educator to guide the public interest. The *volonte' generale* is much at heart a political myth, and leads Rousseau to condemn faction, the fragmentation of sovereignty, parties, pluralism, and representative as opposed to direct democracy. The myth, however, becomes most evidence in the form of the famous Rousseauesque paradox, which so perplexes Koestler's Rubashov, that "man must be forced to be free," a position which is perfectly consonant with the Platonic-Augustinian position that "freedom is freedom to choose the good," that when an individual willfully and perversely rejects either right reason or orthodoxy he must be brought around to a perception of his error and forced to obey the truth of the law which also acts in his self-interest. This is the condition which St. Bonaventura refers to as "the reflex of the will upon the understanding" or Plato's "sick man who refuses medicine, criminal who refuses punishment," which he knows is good for him. Since in modern thought force and freedom are generally antithetical concepts, it is sometimes difficult for the modern mind to grasp the synthesis of the two in Rousseau's paradox.

Rousseau's mythology raises some of the most troubling questions of modern political power. Does, for example, the current state of international affairs simulate a state of nature, and mandate a world-state as Kant suggests? Should an individual have to formalize his adherence to the contract in some form more satisfactory than "America, love it or leave it?" and is the "Canadian card" really a viable option. Why should the individual be bound by rules of behavior that were supposedly entered into by his ancestors? Is in fact the contract a continuing plebiscite on public policy? Was Rousseau right regarding the fact that an individual can only express his own will and that hence representative government is defective, especially in an age where we do have the opportunity to implement the direct democracy of a national town meeting, an ideal of both the radical weathermen and the populist H. Ross Perot? Rousseau's system is full of riddles and contradictions like those of the Sphinx but it is a modern mythology applicable to both democratic and authoritarian systems today.

FOOTNOTES:

1. Sir Ernest Barker, Social Contract: Essays by Locke, Hume and Rousseau, (London: Oxford University Press), 1952; J. L. Talmon, The Origins of Totalitarian Democracy, Harmondsworth: Penguin, 1986 (1952); Ernst Cassirer, The Question of Jean-Jacques Rousseau (New York: Columbia University Press, 1954). Guy Howard Dodge, Jean-Jacques Rousseau, Authoritarian Libertarian Lexington: D.C. Heath, 1971, contains some valuable interpretive essays on Rousseau's thought.