

NATURAL RIGHT IN ROUSSEAU'S SECOND DISCOURSE

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CHAPTER I

INTRODUCTION

In the *Discourse on the Origin and the Foundation of Inequality Among Men* (hereafter referred to as the *Second Discourse*)¹ Jean-Jacques Rousseau writes, “Men are wicked; a sad and constant experience makes proof unnecessary; yet man is naturally good, I believe I have proved it.”² Rousseau writes the *Second Discourse* in response to mankind’s present wickedness. The *Discourse* is Rousseau’s attempt to understand man’s natural goodness and thereby discover “the genuine definition of natural right.”³ With this knowledge Rousseau hopes mankind can establish an “adequate moral order” and become the “master” of its own fate.⁴ Rousseau writes:

This same study of original man, of his true needs, and of the fundamental principles of his duties is also the only effective means available to dispel the host of difficulties that arise regarding the origin of moral inequality, the true foundations of the Body politic, the reciprocal rights of its members, and a thousand similar questions, as important as they are badly elucidated.⁵

¹ Jean-Jacques Rousseau, *Rousseau: The Discourses and other Early Political Writings*, trans. and ed. Victor Gourevitch, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2004). Subsequent page references to the *Second Discourse* refer to the present standard edition of Rousseau’s works, *Oeuvres complètes*, ed. B. Gagnebin and M. Raymond (Paris: Pleiade, 1959-1995). These page references are found within text of Gourevitch’s translation.

² Rousseau, *Second Discourse*, 202.

³ Rousseau, *Second Discourse*, 124.

⁴ Leo Strauss, *Natural Right and History* (Chicago: The University Press of Chicago, 1957), 315.

⁵ Rousseau, *Second Discourse*, 126.

Rousseau holds knowledge of “original man,” or natural man, as being the necessary foundation upon which to form normative moral principles. He writes, “so long as we do not know natural man, we shall in vain try to ascertain either the Law which he has received or that which best suites his constitution.”⁶ Clearly, Rousseau recognizes that the establishment of a new morality will have political implications.

That Rousseau seeks a remedy to mankind’s difficulties by looking to nature (i.e., human nature and natural right) is not unique. His use of the phrase “natural right” in describing the object of his inquiry indicates that his work belongs within a particular tradition of Western political theory. In *Natural Right and History* Leo Strauss analyzes Rousseau’s thought as part of his larger inquiry into this same natural right tradition. For Rousseau and other natural right thinkers the concept of *a* human nature contains a moral or normative element. Strauss writes, “the *Second Discourse* is meant to be identical with a study of the basis of natural right and therewith of morality.”⁷ In the following, the term morality will appear rather often. By morality we mean normative principles by which men should order their lives. Knowledge of human nature informs one of how man *should* live.

Strauss is ultimately critical of Rousseau’s account of human nature. He writes, “Rousseau’s thesis that man is by nature good must be understood in the light of his contention that man is by nature subhuman... There is no natural constitution of man to speak of: everything specifically human is acquired or ultimately depends on artifice or convention... Man has no nature in the precise sense which would set a limit to what he

⁶ Rousseau, *Second Discourse*, 125.

⁷ Strauss, *Natural Right and History*, 266.

can make out of himself.”⁸ Strauss argues that, although intended to be the foundation for morality, the *Second Discourse*’s description of human nature is wanting. Strauss sees within the *Second Discourse* the argument that the substance of man’s natural condition is freedom. By Rousseau’s account, Strauss argues, “the primary moral phenomenon is the freedom of the state of nature.”⁹ In other words, man’s natural goodness derives from his natural freedom. Rousseau’s account of natural right is insufficient because it ultimately “lacks any definite human content.”¹⁰ Natural right thinkers hold natural right to be *the* foundation for morality. Rousseau’s conception of natural right, which Strauss argues consists of nothing more than freedom, is insufficient as a basis for morality. Strauss recognizes the vapid nature of a freedom valued for its own sake. Freedom, to be a meaningful phenomenon, must be a “freedom *for* something.”¹¹

The following is an attempt to discover the essence of Rousseau’s account of natural right. Strauss is correct in arguing that the *Second Discourse* lacks sufficient substantive content on which to organize a meaningful explanation of morality; Rousseau’s account of human nature is too thin to serve as a foundation upon which to construct a theory of man and politics. However, there does seem to be a substantive element within Rousseau’s account of natural right. Arthur Melzer demonstrates the importance of looking to the treatment of man’s soul when analyzing Rousseau’s

⁸ Strauss, *Natural Right and History*, 271.

⁹ Strauss, *Natural Right and History*, 282.

¹⁰ Strauss, *Natural Right and History*, 293.

¹¹ Strauss, *Natural Right and History*, 294. (emphasis added)

thought. The term soul is used here to describe man's psychological state or psyche.¹² Our argument is that one can discover the substantive moral element of the *Second Discourse* by looking at Rousseau's treatment of the condition of man's soul. In other words, we will demonstrate that there is a discernable morality found within the *Second Discourse*. That this morality is present, however, does not speak to its adequacy as a foundation upon which to organize society.

Two points regarding the morality of the *Second Discourse* will emerge. Firstly, it is fundamentally individualistic. The moral teaching of the *Second Discourse* has nothing specific to say about man's interaction with other men. For Rousseau, the individual is not simply the primary moral unit but in fact is the only moral unit. There is a fundamental disconnect between Rousseau's account of human nature and the notion of meaningful human interaction (moral or immoral). This is not to say however that Rousseau's morality lacks *implications* for human interaction. Secondly, this morality is psychological in character. As defined above, one may expect morality to provide some guidance for man's external behavior. However, the morality found in the *Second Discourse* places value on external action only to the extent that behavior effects man's psychological state or his soul. External actions are not inherently moral or immoral. The ultimate good of Rousseau's morality is the psychological state of the individual—that is, the proper composition of the individual's soul. Ultimately, wickedness and goodness, the dichotomy that Rousseau applies to man as he presently is and man as he naturally was, is determined not by the content of man's behavior but by the condition of the individual's soul.

¹² Arthur M. Melzer, *The Natural Goodness of Man: On the System of Rousseau's Thought* (Chicago: The University of Chicago Press, 1990), 68.

Rousseau's account of human nature is unmistakably odd. However, it is not clear that his morality, which is fundamentally individualistic and which holds the psychological state of the individual to be the primary good, is correspondingly odd. Stated differently, one may find that a rather strange account of human nature has in fact informed many of the West's current notions of morality.

Rousseau's Place in the Western Heritage

Two points grab one's attention when studying Rousseau's place in the Western heritage. These two observations deal more with the *effects* of Rousseau's works than with their *substance*, although, to be clear, the latter is no doubt related to the former. The first point concerns his impact on Western society in general. Few political philosophers can boast as sweeping an influence on the generations that succeed their own as can Rousseau. His distinct ideas, which transcend the realm of political philosophy, permeate throughout modern, or post-Rousseauian, philosophy, politics, literature, and psychology.¹³ Melzer quotes Henry Sumner Maine as writing:

We have never seen in our own generation—indeed the world has not seen more than once or twice in all the course of history—a literature which has exercised such a prodigious influence over the minds of men, over every cast and shade of intellect, as that which emanated from Rousseau between 1749 and 1762.¹⁴

Clearly Rousseau's influence does have limitations and his thought ultimately represents only a portion of the chorus of ideas that have molded Western society. However, when one considers the magnitude and profundity marking the developments within the fields that bear Rousseau's distinct mark, it becomes clear that Rousseau's

¹³ Judith Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (Cambridge: University Press, 1969), 216-217, 226; Melzer, *The Natural Goodness of Man*, 2.

¹⁴ Melzer, *The Natural Goodness of Man*, xi.

rightful claim to influence (if perhaps limited and being one among many) is no mean feat. His impact did not fall on an era characterized by intellectual sterility and stagnation but rather one of sweeping and lasting change.

Rousseau's influence seems to be partially the result of his skill as a rhetorician. As Judith Shklar points out, not only was he "one of the most celebrated writers of his age," but his "admirers and bitter enemies alike agreed that Rousseau was the most eloquent man of his age."¹⁵ While the substance of his writings may be brilliant, Shklar argues, it seems to be his style that "enabled Rousseau to awaken, to shake, to alter the vision and inner dispositions of so many generations of readers."¹⁶ It would be hard to deny that in his skill as a rhetorician Rousseau's thoughts and ideas do indeed benefit from the most eloquent of vehicles. Nevertheless, as style can only take one so far, the substance of his writings is every part the equal of their form. Melzer writes, "As with any great writer, Rousseau's style is not an accident of his tastes or talents but the necessary manifestation of his thought."¹⁷

The second point, while quite easy to sense, is nevertheless somewhat more difficult to express than the first. Stated simply, there is a certain amount of confusion as to how Rousseau's notable influence should be characterized.¹⁸ When consulting the secondary literature, both that solely dedicated to interpreting Rousseau's writings and that which addresses Rousseau as part of a larger inquiry, one is struck by the variety of characterizations made of him and his works. To take his would be interpreters'

¹⁵ Shklar, *Men and Citizens*, 222, 225.

¹⁶ Shklar, *Men and Citizens*, 226.

¹⁷ Melzer, *The Natural Goodness of Man*, x.

¹⁸ Melzer, *The Natural Goodness of Man*, 2-9.

collective word for it, Rousseau is simultaneously a totalitarian, a liberal, a democrat, a socialist, a romantic, an individualist, a collectivist, and, not to be overlooked, a male chauvinist.¹⁹ One may in fact wonder why someone who has undeniably fostered such a profound influence on the West simultaneously generates such confusion as to how his place in the Western heritage should be characterized. This question is of the greatest importance because—as can be seen from the above characterizations—at issue is the reputation of his core ideas.

While this uncertainty manifests itself in numerous ways, it seems to bifurcate into two discernable issues: on the one hand there is the question of the meaning of Rousseau's writings and on the other hand there is the issue of his *historic* influence within Western society. By the meaning of his writings we simply mean the ideas that Rousseau attempts to convey in his works. What do his words actually mean? Clearly, an accurate understanding of his writings is essential for discovering his core ideas. Further, by "historic influence" we mean his "role in momentous cultural and political upheavals" or his impact beyond the realm of political philosophy.²⁰ Rousseau's influence is unique in that it not only reached those within his narrow field (i.e., political philosophy) but it also had an observable impact on some quite significant historical events.²¹ Of course, these two issues are not intended to exhaust the possible modes of inquiry one may employ in determining the character of Rousseau's place in the Western heritage.

¹⁹ J.L. Talmon, *The Origins of Totalitarian Democracy* (London: Secker and Warburg, 1955), 38-49; Robert Nisbet, "Rousseau and Totalitarianism," *The Journal of Politics* 5, no. 2 (May 1943): 93-114; Penny A Weiss, "Sex, Freedom & Equality in Rousseau's 'Emile,'" *Polity* 22, no. 4 (Summer 1990): 603-625; Irving Babbitt, *Rousseau and Romanticism* (New York: Meridian Books, 1955), 3; John Chapman, *Rousseau – Totalitarian or Liberal?* (New York: AMS Press, 1968), vii.

²⁰ Melzer, *The Natural Goodness of Man*, 2.

²¹ Charles Breunig and Matthew Levinger, *The Revolutionary Era: 1789-1850* (New York: W.W. Norton and Company, 2002), 5, 16, 17; Nisbet, "Rousseau and Totalitarianism", 97.

However, the meaning of his writings and his historic influence would seem to rightfully play a foundational role in how one characterizes Rousseau's thought.

It seems necessary to look at *both* of these issues in determining Rousseau's proper place in the Western heritage. Too much emphasis on his historic influence would have the effect of allowing his legacy to be defined and manipulated by those who may have little if any interest in properly interpreting his works. However, to completely disregard his historic influence and approach his works as though they exist in a vacuum seems somewhat patronizing. Ideas do have consequences and to ignore the historic impact of a particular thinker's body of work would seem to call into question his deserving being studied in the first place. Appropriately, it is difficult to find examples of interpreters who only embrace one of these approaches. However, there are those who emphasize his historic influence at the expense of his works and there are also those who do not give proper accord to the impact that his works have had on the West.²² Regardless, as we will see, formulating an accurate characterization of Rousseau's thought is much more complicated an undertaking than simply finding an appropriate balance between these two issues.

Rousseau's body of work lends itself to multiple or varied interpretations and applications. His *thought* is relayed to us in what seems to be the most imprecise manner. One of the more insightful (and thus helpful) observations concerning his philosophic and political writings is the fact that they are by and large "externally motivated." Melzer

²² Bertrand de Jouvenel is representative of those who tend to minimize Rousseau's historic influence in interpreting Rousseau's works. For Jouvenel, Rousseau's tone is far too pessimistic to take seriously that he intended his works to initiate historic change (Bertrand de Jouvenel, "Rousseau the Pessimistic Evolutionist," *Yale French Studies*, no. 28 (1961): 83-96). In *The Origins of Totalitarian Democracy* (38-49) Talmon offers a good example of an interpretation of Rousseau that seems to be rooted as much in the text of his works as it is in the uses made of his works by later thinkers and in later events. To be clear, the argument is not that there is anything inherently wrong with either approach. However, these methodological differences do indeed foster quite different portrayals of Rousseau's thought.

points out that, save the *Social Contract*, all of Rousseau's philosophic works address topics proposed by others (e.g., his first two *Discourses* where responses to questions proposed by the Academy of Dijon).²³ As a result, almost all of his works are designed to answer an externally posed question while presumably also exposing some aspect of his core thoughts. Melzer, in reflecting on this observation, terms Rousseau "a systematic thinker but an accidental author."²⁴ Yet, to whatever extent his works may appropriately be characterized as "accidental," they nevertheless suffer little as a result in terms of their allure. If perhaps ambiguous or varied, his works retain the ability to persuade. Melzer's claim is not so much a criticism of Rousseau's writing style as it is an hermeneutic approach to Rousseau's various works and their relation to one another.

One cannot help but ponder Melzer's dichotomy in which he distinguishes between Rousseau the thinker and Rousseau the author. His description of Rousseau the thinker should not be glossed over. Melzer maintains that despite the happenstance with which Rousseau selected the topics of his works, he nevertheless remains a "systematic thinker." In fact, much of the more serious scholarship pertaining to Rousseau is dedicated to, if not unearthing a Rousseauian system, at least discovering the basic principles which inform his writings.²⁵ Interested scholars tend to devote more energy towards illuminating the unity of his thought than towards demonstrating the points of

²³ Melzer demonstrates that the *First and Second Discourses*, the preface to his play *Narcisse*, the *Discourse on Political Economy*, the *Letter to d'Alembert*, his works on *Corsica* and *Poland*, the *Letters from the Mountain*, *Rousseau Judge de Jean-Jacques*, the *Confessions*, and *Emile*, were all, to varying degrees, works that Rousseau undertook to answer or address an externally posed question or topic (*The Natural Goodness of Man*, 8).

²⁴ Melzer, *The Natural Goodness of Man*, 8.

²⁵ Nisbet, "Rousseau and Totalitarianism", 97; Shklar, *Men and Citizens*, 220-221; Melzer, *The Natural Goodness of Man*, 8; Roger Masters, *The Political Philosophy of Rousseau* (Princeton: Princeton University Press, 1968), vi.

disunity found in his writings. This observation holds true for those who emphasis his intentions and for those who emphasis his historic influence. Shklar's remarks on Rousseau's unity are illustrative of this viewpoint: "In feeling and intention Rousseau was, thus, eminently constant... Nothing is gained by hunting down Rousseau's self-contradictions. They reveal nothing of interest. His profound unity is far more imposing than his occasional logical lapses."²⁶ Many of his critics and his allies alike agree that, for better or worse, Rousseau is "eminently constant." However, this pertains to his thought rather than to his writings. There is no denying that, whatever unity exists in Rousseau's thought, his writings are nevertheless distinctly varied. As Melzer argues, "It is difficult to deny that Rousseau's style of writing is unsystematic."²⁷

Accordingly, one must distinguish between the unity or systematic nature of his thought, which is largely a subject of inquiry for interested academics, and the apparent disunity found in his writings, which are the same writings that serve as the tools by which he perpetually influences the West. In making this distinction one may begin to understand why our two initial observations (i.e., the consensus regarding Rousseau's profound influence and the ubiquitous confusion as to his place in the Western heritage), two points that may at first seem to contradict one another, are actually, upon closer consideration, quite complementary of one another. Some of the same qualities that allow Rousseau's writings to hold such sway over succeeding generations also make a precise characterization of his place in the Western heritage difficult to offer.

This being said, one should not be left with the impression that Rousseau's thought is somehow detachable from his writings. Rousseau's writings are the sole means

²⁶ Shklar, *Men and Citizens*, 220-221.

²⁷ Melzer, *The Natural Goodness of Man*, 2.

by which his ideas are relayed to us. Nevertheless, due to the unsystematic nature of his writings, it is no easy task to retrieve his systematic (and thus fundamental) thoughts from these writings. Melzer writes, “He refrains from analyzing and dissecting his ideas precisely because his purpose is to bring them to life. But this style, while certainly part of his appeal, often leaves the reader with the difficult task of figuring out Rousseau’s argument for himself.”²⁸ In other words, Rousseau is not concerned with explicitly demonstrating the meaning and consistency of his thought. Part of the appeal of his writing style is that his ideas dwell (often inconspicuously) at the core rather than on the surface of his works.

That Rousseau would not be troubled by Melzer’s characterization is demonstrated by the fact that Rousseau himself admits that his various works often *appear* to contradict one another.²⁹ Perhaps the most obvious example of the apparent contradiction among his works is the radical individualism one detects in the *Second Discourse* and the palpable collectivism of the *Social Contract*.³⁰ These two works, which were both influential,³¹ seem to make quite different arguments. The Rousseau scholar (critic and defender alike) may eagerly offer an explanation of the underlying unity of these two pieces. However—and this point is of the greatest importance—Rousseau’s influence is not limited to those who seek or perceive the unity of his ideas. While his thought is *not* detachable from his writings, it does appear that the effects

²⁸ Melzer, *The Natural Goodness of Man*, 2-3.

²⁹ Masters, *The Political Philosophy of Rousseau*, vi.

³⁰ Melzer, *The Natural Goodness of Man*, 3.

³¹ Gourevitch, introduction to *Rousseau: The Discourses and other Early Political Writings*, xv; Nisbet, “Rousseau and Totalitarianism,” 97-98.

fostered by the eloquence and persuasiveness of his writings is somewhat detachable from his core thoughts.

It would follow that his historic influence is as varied and unsystematic as his writings appear to be. One could thus draw the conclusion that Rousseau's historic influence is not always consistent with his core thoughts or that his works have influenced the West in ways that are at odds with his central ideas. If so, it seems that the question of the true meaning of his works is a fundamentally different question than that of his historic influence. What is important to recognize is that the detection of some element of Rousseau's writings in an historic event is not a *de facto* indication that this particular event corresponds with his core thoughts. Many interpreters seem to make this assumption. For example, Nisbet argues that Rousseau's individualism and his collectivism "come together in the *Contract Social* and make of that work a manifesto which served with equal adequacy the libertarian principles of '89 and the authoritarian principles of '93."³² Nisbet's overall argument is well founded. However, that one of Rousseau's works "served" several political causes does not say very much as to whether these political movements were in line with Rousseau's core principles. In fact, that a single work inspired two dissimilar political events suggests a certain disconnect between the meaning of the work and its historic effects. What is essential to recognize is the need to seek Rousseau's ideas without being thrown off course by the different uses made of his writings throughout history. One could indeed undertake a study of the various ways in which Rousseau's works have affected Western history. However, relying on such a study as a means to analyze Rousseau the thinker would prove incomplete and unconvincing. Therefore, while the examination of his historic influence is certainly

³² Nisbet, "Rousseau and Totalitarianism," 97-98.

appropriate in characterizing his rightful place in the Western heritage, his unsystematic style of writing makes this mode of analysis incomplete as a means to understanding his thought. And certainly his place in the Western heritage must largely be determined by the substance of his thought.

Further, even those specialists who seek the core meaning and intentions of Rousseau by focusing on his works with only minimal reference to his historic influence fail to reach a consensus with one another as to the substance of his core or systematic thoughts.³³ This again can be partially explained by the unsystematic nature of his writings. The same variety found in his writings that fosters their vast and diverse applications also works to obscure his intentions for even his most astute readers. Because of the variety of his writings and because of the heterogeneity of his influence, serious interpreters of Rousseau, who largely agree that his core thoughts are consistent, greatly disagree as to the substance of his system and his core thoughts. With this in mind, it is not so surprising that such an influential writer generates such confusion with respect to the seemingly simple question of his intentions. The consensus regarding the magnitude of his impact on the West is therefore not indicative of a consensus regarding the character of this impact.

Unfortunately, this rather broad inquiry concerning Rousseau's rightful place in the Western heritage cannot be adequately addressed at present. The current issue is the substance of Rousseau's account of natural right. However, our brief excursion into the question of Rousseau's legacy is not offered in vain. What is more, our reason for closely following Strauss' particular interpretation of Rousseau is not arbitrary. Strauss' claim, that the primary moral phenomenon of the *Second Discourse* is the freedom of the state

³³ Cf. Strauss, *Natural Right and History*, 315; Shklar, *Men and Citizens*, 184.

of nature, pierces to the core of Rousseau's thought. By following Strauss' analysis one is in a better position to understand Rousseau's portrayal of human nature and its moral implications. Further, in exposing Rousseau's understanding of human nature, it becomes clear exactly how profound his impact on the West has been. While more acute examples of his historic influence remain relevant, his theory of human nature seems to have influenced Western society in much more profound (if also subtle) ways. While it would no doubt be an exaggeration to state that the 19th and 20th centuries seem to have unfolded upon the shoulders of Jean-Jacques Rousseau, it is not clear that any other thinker would come closer to deserving this claim.

The preceding discussion is intended to illuminate the relevance of our investigation of Rousseau. We presently are unable to demonstrate that Rousseau's theory of human nature has had the profound impact which has been suggested. However, in making this claim one sees the importance of reflecting on Strauss' interpretation of Rousseau. The theory of human nature found in the *Second Discourse* can be best understood in terms of its opening conceptual doors. When one puts his theory of human nature in context of its place in Western intellectual history, it becomes clear that Rousseau helped to open many of the doors through which humanity traveled in the 19th and 20th centuries. This goes far towards explaining the disconnect between his diverse influence and his core thoughts. Rousseau's works may have opened certain doors through which he himself would have never traversed and through which a full understanding of his thought would have suggested against. Yet, as Melzer argues, "no serious student of ideas can or should ignore the dangers of Rousseau's thought, which

are very real.”³⁴ In other words, one should not disregard the various “dangerous” avenues made possible by his theory of human nature. This being said, it is important to differentiate between Rousseau, who’s thought may have made a variety of dangerous things possible, and those who brought the latent dangers of his system to life. Further, this notion of opening conceptual doors may help to explain the apparent variety of his works. What Melzer characterizes as Rousseau “bringing his ideas to life” can also be described as Rousseau demonstrating some of the different directions that his thought can be taken. It may be that his various works demonstrate his own journey through some of the different conceptual doors that his thought makes possible. If this is the case, it would help to further demonstrate the basic unity of his works despite their apparent disunity.

This work is concerned with exploring the substance of Rousseau’s account of human nature and natural right. The preceding, while somewhat sweeping, is nevertheless helpful because it places the following analysis into a broader context. Although the scope of this piece does not allow for a full examination of each, the preceding topics are in various ways effected by the following analysis. Rousseau’s place in the Western heritage, the disunity of his writings, the unity of his thought, the confusion surrounding his intentions, and the great influence his works exercise are all questions which the following will provide guidance in pursuing.

³⁴ Melzer, *The Natural Goodness of Man*, 2.

CHAPTER II

STRAUSS' NATURAL RIGHT AND HISTORY

In its treatment of Rousseau, this piece will draw heavily from the interpretation of the *Second Discourse* Leo Strauss makes in his work *Natural Right and History*. Strauss is a specialist whose analysis of Rousseau is offered as part of a larger inquiry into Western political theory. In *Natural Right and History* Strauss looks at Western political thought by tracing the development and transformation of what he terms “natural right.” Because this larger inquiry is the context in which he offers his interpretation of Rousseau, it would prove difficult to completely separate Strauss’ analysis of Rousseau from his broader treatment of political thought. As Judith Shklar aptly remarks, “when one makes decisions about specific ways of interpreting the thought of Rousseau, or any great political theorist, one immediately chooses one’s approach to the history of political theory in general.”³⁵ Although in reverse order, Shklar’s logic applies. Some basic insight into Strauss’ approach to political thought will provide needed context for his interpretation of Rousseau.

Strauss’ account of the development and transformation of natural right takes the form of an historical study of the evolution of a particular intellectual tradition.³⁶ The

³⁵ Shklar, *Men and Citizens*, 216.

³⁶ Strauss writes, “we are therefore in need of historical studies in order to familiarize ourselves with the whole complexity of the issue.” It seems that his work is intended to in fact be one of these needed “historical studies,” (Strauss, *Natural Right and History*, 7).

term tradition is used (albeit cautiously) because he examines a line of thinkers who are concerned with the issue of natural right. By describing natural right's ancient Greek origins and demonstrating how subsequent generations of thinkers have approached this concept, Strauss gives the impression that he is tracing the history of a single tradition. However, it should be noted that to characterize this line of thinkers as belonging to a single tradition is to use the term in a very broad sense. It could be argued that *Natural Right and History* is intended to demonstrate the generational disunity and eventual breakdown of this tradition. In particular, Strauss emphasizes the fundamental separation that divides classic natural right theorists (e.g., Plato and Aristotle) from modern natural right thinkers (e.g., Thomas Hobbes and John Locke). Aside from the fact that these two groups do address the issue of natural right, the unity between the moderns and classics (also referred to as ancients) is somewhat obscured by their respective disunity. Further, Strauss' work is no passive account of the evolution of the natural right tradition. The sections of *Natural Right and History* which pertain to modern natural right are clearly intended to be critical and point to its shortcomings relative to the classic model. The tradition described by Strauss is therefore one in which a common problem is addressed but, simultaneously, one in which vast and profound disagreements abound as to how one frames and addresses this problem.

For our current purposes, one of the virtues of Strauss' method in *Natural Right and History* is that, as we will see, the tradition in question is not only one which Rousseau recognizes but also one in which he portrays himself as an active participant.³⁷ Strauss' analysis of Rousseau flows directly from Rousseau's relationship with this tradition. For example, Strauss writes, "Rousseau was not the first to feel that the modern

³⁷ See chapter three below.

venture was a radical error and to seek the remedy in a return to classical thought... At any rate, his return to antiquity was, at the same time, an advance in modernity.”³⁸

Strauss correctly portrays Rousseau’s treatment of natural right as distinctly modern. Yet, perhaps more than any of his modern counterparts, Rousseau does take this tradition seriously and is quite fond of “classic thought.” It is often noted, as Strauss does above, that Rousseau is critical of his contemporaries, sometimes more so than he is towards the ancients. Strauss makes clear, however, that Rousseau’s writings do not represent a return to classic natural right, but rather, represent an “advance” of its modern form. Yet, one must keep in mind that the conceptual “advance” of natural right found in Rousseau’s works is informed by ancient thought. The point of this somewhat confusing analysis is that because Rousseau borrowed from the classics while offering an advance in natural right, it is difficult to properly understand his critique of his contemporaries or to grasp his own brand of natural right without possessing some knowledge of the tradition’s foundations (i.e., classic natural right). Accordingly, we will dedicate some time to briefly examining classic natural right so as to better understand not only the context in which Strauss’ interpretive comments are offered but also to better understand the context in which Rousseau views his own works. It is our intention to limit the discussion of this tradition to those aspects of classic natural right which improve our understanding of, and are relevant to, our specific inquiry into Strauss’ interpretation of Rousseau. Hopefully any resultant oversimplifications or inadequate explanations of Strauss’ larger study do not greatly detract from the validity of this piece.

³⁸ Strauss, *Natural Right and History*, 252.

The Classic Natural Right Tradition

Strauss is clear that one must distinguish between modern and classic natural right.³⁹ We will therefore currently focus on *classic* natural right and the *classic* natural right tradition. Thus far, we have used the term natural right without giving this concept a proper definition or explanation. This, however, is not a simple task. Before doing so we first need to place this concept within an intellectual context. In discussing natural right Strauss is essentially talking about philosophy, and more specifically, political philosophy as developed within the Socratic tradition. The “discovery” of natural right, argues Strauss, “is the work of philosophy.”⁴⁰ Further, he writes, “[Socrates] was the originator of the whole tradition of natural right teachings. The particular natural right doctrine which was originated by Socrates and developed by Plato, Aristotle, the Stoics, and the Christian thinkers (especially Thomas Aquinas) may be called the classic natural right doctrine.”⁴¹ And finally, Strauss argues that “awareness” of the problem of natural right is “coeval” with the emergence of what he calls “political science.”⁴² Therefore, one may say that the discovery of the problem of natural right is a result of philosophy and that those who attempt to seriously address this problem are philosophers. Further, for reasons that have not yet been described, this philosophic problem seems to have political implications. As a result, philosophic inquiry into the problem of natural right may accurately be referred to as political philosophy.

³⁹ Strauss, *Natural Right and History*, 120.

⁴⁰ Strauss, *Natural Right and History*, 81.

⁴¹ Strauss, *Natural Right and History*, 120.

⁴² Strauss, *Natural Right and History*, 81.

To understand natural right it is helpful to have some understanding of the philosophic tradition that Socrates initiated. Strauss writes, “Philosophy is the quest for the ‘principles’ of all things, and this means primarily the quest for the ‘beginnings’ of all things or for ‘the first things’.”⁴³ The word “principles” here has a normative quality. The philosopher’s search for the “principles of all things” is a search for how the world *should* be ordered as apposed to an empirical analysis of how things are. The philosopher’s search for “principles” is the search for that which is good intrinsically (i.e., *the good*).⁴⁴ The philosopher’s quest for principles seems to be inherently moral in character. Stated perhaps more clearly, inquiry into these principles would seem to have inescapable moral implications.

These principles are discovered by looking to the “beginnings of all things” and to the “first things.” This, however, is only a partial explanation of philosophy. As it stands, our definition would seem to indicate that because the “principles” of things are determined by their “beginnings” and “the first things,” one could discover the good simply by looking to history. In other words, it could be interpreted to imply an “identification of the good with the ancestral.”⁴⁵ This, however, is not true of Socratic philosophy.

Strauss elaborates on his definition, “Philosophy as distinguished from myth came into being when nature was discovered, or the first philosopher was the first man who discovered nature.”⁴⁶ This discovery, the discovery of nature, is best characterized as the

⁴³ Strauss, *Natural Right and History*, 82.

⁴⁴ Strauss, *Natural Right and History*, 91.

⁴⁵ Strauss, *Natural Right and History*, 83.

⁴⁶ Strauss, *Natural Right and History*, 82.

realization that nature, or the natural, is not “the totality of phenomenon.”⁴⁷ Stated differently, nature is a term of distinction; to discover nature is to discover that there is that which is natural and that which is not. The natural becomes distinguishable from the unnatural. It is perhaps easiest to first explain what is meant by *unnatural*. Quite simply, the unnatural is that which is man-made or conventional.⁴⁸ The emergence of philosophy can thus be associated with the realization that mankind can do and create things which are unnatural or artificial and should accordingly be distinguished from the natural or nature. In contrast, the natural is that which is not created by humans. Strauss argues that for philosophers this distinction is of primary importance, writing, all philosophers “admit that the distinction between nature and convention is fundamental. For this distinction is implied in the idea of philosophy.”⁴⁹ One cannot separate philosophy from this idea of distinguishing between the natural and the unnatural.

This being said, it is not necessarily self-evident as to why this distinction is so significant. What is the fundamental difference between the natural and the artificial? Strauss identifies the natural with “first things” and the eternal while he describes that which is man-made or conventional as comparatively transitory and fleeting. Things which exist by nature are more permanent than things which are created by man. Therefore, in distinguishing between the natural and the conventional, one is essentially distinguishing between things which are eternal and things which are temporary. This distinction between the eternal and the temporary brings us closer to the fundamental

⁴⁷ Strauss, *Natural Right and History*, 82.

⁴⁸ Strauss, *Natural Right and History*, 88.

⁴⁹ Strauss, *Natural Right and History*, 11.

reason why the philosopher is concerned with distinguishing the natural from the artificial. Strauss explains:

The man-made things lead to no other first things than man, who certainly is not the first thing simply. The artificial things are seen to be inferior in every respect to, or to be later than, the things that are not made but found or discovered by man. The artificial things are seen to owe their being to human contrivance or to forethought....

The philosophic quest for first things presupposes not merely that there are first things but that the first things are always and that things which are always or are imperishable are more truly beings than the things which are not always.⁵⁰

The philosopher is concerned with the distinction between the natural and the artificial, and thereby the eternal and the temporary, because natural things are “more truly beings” and “of higher dignity” than are positive things.⁵¹

To return to Strauss’ original definition of philosophy, his use of the phrases “the beginnings of all things” and “the first things” acquires an added significance following our discussion of nature. We stated earlier that Socratic philosophy does not associate the good with the ancestral. This is the case because philosophy raises the possibility that the ancestral is contrary to the natural. The discovery of nature raises the possibility that man has strayed from or has corrupted the natural. The search for *the* good is the search for the principles of all things—that is, the search for the way things *should* be. Philosophy, by insisting on this distinction between the natural and the artificial, informs us that in searching for the good, one should look for *natural* principles of how things should be rather than *positive* (i.e., man-made) principles of how things should be. The philosopher seeks these natural normative principles because they are “more truly beings” and “of

⁵⁰ Strauss, *Natural Right and History*, 88-89.

⁵¹ Strauss, *Natural Right and History*, 89.

higher dignity” than are positive or man-made normative principles. The philosopher is concerned with discovering the naturally right order or things—that is, natural right.

We will now turn from mere abstract discussion of natural right to more tangible examples that demonstrate why natural right philosophy becomes, regardless of intention, political philosophy and even political science. The philosophic pursuit of natural right can encompass many facets of inquiry. However, our particular interest is its relation to man. The pursuit of natural right, as it pertains to man, is the quest for human nature.

What is this being called man and how should he live? What is the nature of man?

Strauss argues that the answers to these questions have political implications.⁵²

In the introduction to *Natural Right and History* Strauss describes a scenario that emerges in political life that illustrates the problem of natural right. Strauss writes:

The need for natural right is as evident today as it has been for centuries and even millennia.... Now it is obviously meaningful, and sometimes even necessary, to speak of “unjust” laws or “unjust” decisions. In posing such judgments we imply that there is a standard of right and wrong independent of positive right and higher than positive right: a standard with reference to which we are able to judge the positive right.⁵³

The phrase “positive right” refers to “the way” of a particular group of people. This “way” can be seen in the laws or acts of governance emanating from a society’s political authority. It can also be represented by the traditions and customs of a particular society.⁵⁴ At root, positive right is man-made right. The problem of natural right emerges when an individual or group within such a society claims some knowledge of a “higher” standard by which positive right can be judged. We know from our previous discussion

⁵² Strauss, *Natural Right and History*, 91.

⁵³ Strauss, *Natural Right and History*, 2.

⁵⁴ Strauss, *Natural Right and History*, 83.

of the natural and the artificial that if there are in fact two rights (i.e., positive right and natural right) why it is that natural right would be “higher” than positive right.

This notion, the idea of passing judgment on traditions, laws, and acts of governance, is not an unfamiliar one, especially to modern readers. One must consider that the phenomenon of some one or some group concluding that a particular law is unjust and voicing this concern is fundamentally different than their ability to adequately explain this judgment and to demonstrate the validity of their questioning of authority. What proves infinitely more complex than the act of questioning positive right is the rendering of an articulate explanation of the independent “standard of right and wrong” being used to judge positive law. Implicit in deeming something unjust is knowledge of some higher measure or standard of justice. Otherwise, the use of terms such as justice and injustice becomes completely arbitrary. Strauss alludes to the fact that modern man is quite familiar with the act of judging positive right but somewhat clueless as to the substance this act implies.⁵⁵

Natural right doctrine represents a particular approach to making claims against authority. While the natural right tradition may not offer the only explanation of a standard independent of positive right, it does, with all of its generational variety (e.g., classic and modern natural right), represent a noteworthy body of work dedicated to addressing this issue. Despite whatever differences exist between classic and modern natural right thinkers, they are similarly concerned with judging positive right. For classic natural right thinkers, this notion of a higher or natural standard of justice is tied to their conception of nature. The nature of man is determinative of what is just and unjust. It is

⁵⁵ Strauss, *Natural Right and History*, 2-3.

therefore necessary to examine how classic natural right theorists approach the search for nature and human nature.

The Teleological Conception of Nature

The fundamental reason for the shift from classic natural right to modern natural right emanates from an historic change in how nature is understood. Modern natural right emerges because of what Strauss describes as the “destruction of the basis of traditional natural right.”⁵⁶ This “basis” of classic natural right thought is its methodological approach to discovering nature—that is, its teleological understanding of nature. As mentioned above, philosophy implies the distinction between nature and convention. Accordingly, classic natural right thinkers are engaged in a search for nature, and more specifically, a search for human nature. As will become evident, Rousseau has a fundamentally different approach to nature in the *Second Discourse* than do the classics.

The significance of these different understandings of nature will become clear in chapters three and four. At present, it is necessary to expand on the classics’ approach to nature. Strauss writes:

Natural right in its classic form is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation is good for them.⁵⁷

The connection between classic natural right and this teleological conception of nature will be examined shortly. First, it is important to demonstrate exactly what this understanding of nature entails. From the above we can gather that the natural is not associated with the elemental. Nature is found in something’s end rather than its

⁵⁶ Strauss, *Natural Right and History*, 166.

⁵⁷ Strauss, *Natural Right and History*, 7.

beginnings. A natural being fulfills its nature when it reaches its purpose or destiny.

Masters' description of Aristotle's approach to nature is instructive:

Aristotle speaks of the nature of a thing as its end or perfection. Since full development is an essential part of that which is natural, the beginning of a thing—mere potentiality—is not in itself decisive in establishing natural characteristics; the name 'nature' is most deservedly given to the end or perfection, for it is the good form of a thing which is not corrupted. Although Aristotle uses the phrase 'by nature' to indicate that which occurs because of physical or material necessity, the understanding of nature which is most commonly associated with his teaching assumes that when things have a beginning and an end or perfection, it is the latter which is their essence or nature. This conception of nature, which is often called 'teleological', thus accepts 'final causes' as an important... way of explaining being.⁵⁸

Masters makes a distinction in this explanation that is of the greatest importance. In describing Aristotle's approach to nature he differentiates between "that which occurs because of physical or material necessity" and "the end or perfection" of something. According to the teleological approach to nature, natural beings are drawn to their end or their perfection by non-material or non-physical forces. In other words, a being's natural purpose is not determined by physical or material causes but rather by "final causes." Inquiry into these non-material and non-physical forces that direct a natural being to its end or perfection is sometimes referred to as metaphysics. Also, Strauss describes this mode of analysis as being based on a "natural theology."⁵⁹

We need not describe these natural metaphysical causes any further than to indicate that they seem to be of a spiritual character or part of a non-material essence. A point which will become significant as we explore Rousseau's methodology is that these metaphysical causes cannot be examined or understood by what we will term modern

⁵⁸ Masters, *The Political Philosophy of Rousseau*, 113.

⁵⁹ Strauss, *Natural Right and History*, 276.

science. While Aristotle does not associate the natural with physical or material necessity, those who reject the classic conception of nature in favor of modern science will *only* acknowledge physical and material causes in searching for nature.⁶⁰ This distinction cannot be overstated. Strauss' analysis is telling: "The period between Hooker and Locke had witnessed the emergence of modern natural science, of nonteleological natural science, and therewith the destruction of the basis of traditional natural right."⁶¹

Despite the fact that they are nonphysical and nonmaterial, these metaphysical causes do draw natural beings towards their end or perfection. This does not mean that all beings reach their natural end. In fact, the attainment of this end or perfection is rare.⁶² However, the journey towards perfection is marked by a hierarchy of lesser goods or ends. Simply because a natural being does not reach its perfection does not mean that it cannot fulfill many natural goods.⁶³ The naturally right existence can be viewed as a being's journey towards its perfection. The journey's value is not limited to its completion.

Strauss' definition of philosophy can now be more fully understood: "Philosophy is the quest for the 'principles' of all things, and this means primarily the quest for the 'beginnings' of all things or for 'the first things'." This search for "the first things" is the search for that which does not require human forethought—that is, nature. However, because of this teleological conception of nature, the quest for first things does not require one to look backwards. Rather, the philosophic quest for the principles of things

⁶⁰ See chapter three below.

⁶¹ Strauss, *Natural Right and History*, 166.

⁶² Plato *The Republic* 471-472.

⁶³ Aristotle *Nicomachean Ethics* Book I.

is the quest for the end or perfection of natural beings; it is the quest for how things should be ordered, according to nature. We are now in a position to understand Strauss when he says, “Through the discovery of nature, the claim of the ancestral is uprooted; philosophy appeals from the ancestral to the good, to that which is good intrinsically, to that which is good by nature.”⁶⁴ Because “philosophy recognizes nature as the standard,”⁶⁵ positive right’s claim to authority is truncated by the mere existence of Socratic philosophy. Positive right and ancestral right are of lower dignity than is natural right. Positive right, as far as it tells men how they should live, is no longer the final word. Positive right can potentially impede men from reaching their naturally sanctioned end. Stated differently, positive right has the potential to be unjust.

Classic Natural Right and Human Nature

Since our interest in classic natural right is merely contextual, we will be somewhat brief in bringing this chapter to a close. Having a teleological view of nature does not force one to adopt a certain view of man. It is not clear that the classics’ means of analysis necessarily precludes any of a number of various characterizations of human nature. However, within the classic natural right tradition there do exist certain points concerning the substance of human nature on which many classic natural right philosophers tend to agree. The following passage from *Natural Right and History* is a good representation of the classical view of man:

Man will be good if he does well the proper work of man, the work corresponding to the nature of man and required by it. To determine what is by nature good for man or the natural human good, one must determine what the nature of man, or man’s natural constitution, is.... In one way or another everyone distinguishes between the body and the soul... That which distinguishes the human soul from

⁶⁴ Strauss, *Natural Right and History*, 91.

⁶⁵ Strauss, *Natural Right and History*, 92.

the souls of the brutes, that which distinguishes man from the brutes is speech or reason or understanding. Therefore, the proper work of man consists in living thoughtfully, in understanding, and in thoughtful action... The good life is the perfection of man's nature. It is the life according to nature.⁶⁶

As mentioned before, this view of nature is not only concerned with the a being's ultimate good or perfection; the teleological perspective includes a hierarchy of goods or ends.

Let us hypothetically suppose, based on the above passage, that man's perfection is something similar to a life of "thoughtful action." This type of life or activity is not necessarily the only thing that men should do or be concerned with. It is important to remember that perfection is rare. However, to attempt the fulfillment of nature one would need to reflect on how to obtain this life of thoughtful action. Such reflection could lead one to the following conclusion: "Man is by nature a social being. He is so constituted that he cannot live, or live well, except by living with others. Since it is reason or speech that distinguishes him from the other animals, and speech is communication, man is social in a more radical sense than any other social animal."⁶⁷ Therefore, although a life of thoughtful action is *the* natural end of man, he must live in a social setting to obtain this end. Accordingly, not only is society natural, but actions which help to facilitate society are also natural and thus good. Although not the ultimate end of man, social virtue—as it helps man live in society—is *a* natural end of man; an end that assists another end. While this reasoning has been somewhat hypothetical, it is fairly

⁶⁶ Strauss, *Natural Right and History*, 127.

⁶⁷ Strauss, *Natural Right and History*, 129.

representative of a classic natural right theorist's outlook. They tended to view man as a naturally rational and a naturally social creature.⁶⁸

Our concern is not the details of the classics' views regarding human nature. Rather, it is the implications of this approach to understanding human nature. As has been mentioned, it is the classic natural right tradition that discovers man's potential to act unnaturally. Human action is somewhat denigrated by this tradition. The positive can now be judged by nature. However—and this point is of great importance—the classic's perspective also allows for man to act according to nature. For classic natural right theorists, there seems to exist a potential harmony between human reason and the natural order of the universe.⁶⁹ By use of his reason, man can discover and participate in this natural order. Man can discover his end or *telos*. It is true that man finds much of the world around him to be artificial. Yet, he also finds the natural in his current surroundings. Man can look to his present social environment and distinguish between the natural and the artificial.⁷⁰ Through his reason man can seek the natural and through his ability to act man can raise his conventional surroundings to the standard provided by nature—if he so wishes. Because the natural is found in a being's end and because this being is guided by metaphysical causes it seems that there is a broad spectrum of possibilities with regard to the substance of human nature. The natural does not limit man but rather draws him forward. Classic natural right, because of its understanding of nature, embraces the complexity of the human condition. This is not to say that classic natural right is relative or malleable. However, because nature is transcendent man can

⁶⁸ Strauss, *Natural Right and History*, 169.

⁶⁹ Strauss, *Natural Right and History*, 175.

⁷⁰ Strauss, *Natural Right and History*, 268.

look to his current environment and discover nature. In contrast, as we will see, modern natural right thinkers are forced to squint towards the dimly lit origins of humanity for knowledge of human nature.

While no doubt a complex subject on many levels, the connection between classic natural right and morality can be explained in rather simple terms. Classic natural right's appropriateness as a foundation for morality is not at present the issue. There are no doubt valid criticisms to be made of its perception of natural right and human nature. However, what does seem clear is that, despite any flaws that it may possess, it does seem to be relevant to man as he currently exists. It holds nature to be dynamic in the sense that man is fundamentally involved in the unfolding of nature. Herein is the fundamental point, *if* one accepts the precepts of classic natural right, it lends itself to being the foundation for morality. This is not necessarily the case for Rousseau's account of natural right. Strauss argues that Rousseau's "conception of the state of nature points toward a natural right teaching which is no longer based on considerations of man's nature."⁷¹ As we will see, it is not clear that Rousseau's conception of natural right similarly lends itself to serving as the foundation for morality. Rousseau indicates that it does. However, this point is far from settled. Again, Strauss holds that Rousseau's conception of nature and natural right makes it "absurd" for him to look to nature for the "norm for man."⁷² As another commentator aptly asks, given his view of human nature, "can the situation of natural man have any significance (negative or positive) for the

⁷¹ Strauss, *Natural Right and History*, 276.

⁷² Strauss, *Natural Right and History*, 274.

present?”⁷³ Even if one accepts all of Rousseau’s assumptions, it is not clear that his account of human nature forms a sufficient foundation for morality.

⁷³ Daniel Cullen, *Freedom in Rousseau’s Political Philosophy* (DeKalb: Northern Illinois University Press, 1993), 50.

CHAPTER III

ROUSSEAU AND NATURE

In the preceding chapter we described Strauss' account of the foundations of the natural right tradition and examined what he terms "classic natural right." Chapter three will in turn look to Rousseau's treatment of nature and natural right in the *Second Discourse*. Rousseau's thought will be related from time to time to aspects of classic natural right. The following analysis will draw heavily from the text of the *Discourse* itself and also utilize Strauss and other interpreters for points of clarification and insight into Rousseau's thought.

To explore the role of nature in Rousseau's thought we will outline four elements of his treatment of nature in the *Second Discourse*. First, we will describe how Rousseau portrays his own place in the natural right tradition and why it is that he views his own account of natural right as unique. As we will see, Rousseau explicitly draws parallels between the *Second Discourse* and works of both classic and modern thinkers. While Rousseau is undoubtedly a substantively modern thinker, it seems that that he feels the need to portray his work as being somewhat transcendent. The *Second Discourse* gives the impression of being rooted in both classic and modern natural right. This being said, he does make clear that he is at root a critic of *all* who have preceded him. Secondly, we will look to the methodology Rousseau uses in his search for nature and natural right. It is

in his means of discovering nature that Rousseau begins to stand out among other natural right thinkers. Consideration of his methodology will illuminate why it is appropriate that Strauss characterizes Rousseau's approach to natural right as distinctly modern. Thirdly, examination of Rousseau's methodology will direct us towards the concept he calls "the state of nature." As we will see, the state of nature proves to be a key aspect of Rousseau's approach to understanding human nature and thus a key element of his thought in general. Rousseau was not the first to employ the idea of the state of nature as a philosophical tool, however, his unique and radicalized use of this concept does make the Rousseauian account of human nature noteworthy. Finally, and perhaps most importantly, we will examine Rousseau's account of human nature. That Rousseau searches for the nature of man is not unique. However, Rousseau's distinct brand of natural right (informed by his distinct use of the state of nature) facilitates his adoption of an—at least at the time—idiosyncratic account of man. The final section of this chapter will describe his account of "natural man" and thereby human nature.

The Rousseauian Search for Natural Right

Rousseau portrays the *Second Discourse* as transcending the natural right tradition. In other words, he draws parallels between his work and those of the ancients and the moderns. We will begin by demonstrating some of these parallels. To avoid unnecessary repetition, modern natural right will largely be explained as we analyze Rousseau's thought (he is after all fundamentally modern in his approach to natural right). From our discussion in chapter two we are relatively familiar with the foundations of the natural right tradition and with classic natural right. On a nominal level, the preface of the *Second Discourse* indicates that Rousseau's work would not present us with

anything fundamentally different from what we have previously seen in examining his ancient counterparts. This is the case because Rousseau—in a rather explicit manner—frames his work as being within the natural right tradition and draws parallels between his search for natural right and that of classic natural right theorists.

At several points in the preface Rousseau indicates that his *intentions* parallel those of the classics. Rousseau begins the *Second Discourse* by stating, “The most useful and the least advanced of all human knowledge seems to me to be that of man...”⁷⁴ On the most basic level, this passage sums up the problem addressed in the *Second Discourse*—that is, the human race is deficient in self-knowledge. Rousseau’s introductory observation, however, offers nothing distinct from classic thought; classic natural right theorists acknowledge this same problem. Stated differently, the above passage is quite consistent with the Socratic tradition. Rousseau is not unaware of the perennial nature of the issue that he is raising and even demonstrates its universality by drawing the connection between his opening passage and the inscription on the Temple at Delphi: Know Thyself.

While their intentions appear comparable, it is necessary to further explore the depth of the apparent similarities between Rousseau’s thought and classic natural right. Exactly how similar is their shared quest for this knowledge of man? It will prove helpful to look at exactly what *type* of knowledge concerning man Rousseau is seeking and what he hopes to gain in acquiring this knowledge. As for classic natural right theorists, we have examined their search for human nature. With this analysis in mind, the following passages, also from the preface to the *Second Discourse*, may sound somewhat familiar. Rousseau writes, “It is this ignorance of the *nature* of man that casts such uncertainty on

⁷⁴ Rousseau, *Second Discourse*, 122.

the genuine definition of *natural right*...”⁷⁵ He continues, “But so long as we do not know natural man, we shall in vain try to ascertain either the Law which he has received or that which best suits his constitution.”⁷⁶ From these excerpts three points of similarity between Rousseau and classic natural right thinkers can be drawn. Firstly, the knowledge that Rousseau is seeking and holds as being important is that pertaining to human nature or “natural man.” The desire to discover human nature motivates both Rousseau and the classics. In other words, they appear to both seek the same type of knowledge. Secondly, Rousseau indicates that knowledge of nature, or human nature, will lead to a “genuine definition of natural right.” Again, the parallel between Rousseau and the classics is clear: both acknowledge the concept of a natural right and both make the connection between natural right and human nature. They similarly hold that one cannot understand natural right as it pertains to man if one does not understand human nature. Thirdly, Rousseau indicates that the uncovering of human nature and natural right has political implications. Because the law “which best suits his [i.e., man’s] constitution” is related to his nature and to natural right, the *Second Discourse*, the work in which Rousseau seeks knowledge of human nature and natural right, informs and is the basis for his political writings.⁷⁷ That Rousseau’s most philosophic work serves as the basis for his political writings is not unique. The connection between general philosophic questions (e.g., What is human nature? or, What is natural right?) and politics is something that permeates throughout classic natural right writings. One may recall, we previously alluded to

⁷⁵ Rousseau, *Second Discourse*, 124. (emphasis added)

⁷⁶ Rousseau, *Second Discourse*, 125.

⁷⁷ Strauss, *Natural Right and History*, 264.

Strauss' argument that the emergence of political science is coeval with the discovery of natural right.

The above passages, all from the preface, give the distinct impression that Rousseau's intentions in the *Second Discourse* are similar to those of classic natural right theorists. These intentions flow from the following presumption: to adequately address normative questions relating to politics it is helpful—if not necessary—to first gain insight into human nature and the principles of natural right. Lest one misunderstand our point, we have not yet addressed whether Rousseau defines all of these terms and concepts as do the classics. We are simply demonstrating the Rousseau uses some of the same language as the classics use. The connections between the *Second Discourse* and classic natural right that have been demonstrated thus far are purely nominal.

The apparent unity between the *Second Discourse* and classic natural right is further bolstered by Rousseau's overt references to classic thinkers. In the preface and the exordium to the *Second Discourse* alone he makes at least eight explicit references to works and thinkers of antiquity. As mentioned above, in the opening sentence of the preface he mentions the inscription on the Temple at Delphi. Later in the preface he states that the problem he is addressing is not “unworthy of the Aristotles and the Plinys of our century.”⁷⁸ This clearly demonstrates his desire to have his work viewed as being somehow associated or affiliated with those of Aristotle and Pliny. Towards the end of the exordium he states, “I shall suppose myself in the Lyceum of Athens, repeating the Lessons of my Masters, with the likes of Plato and Xenocrates as my Judges, and

⁷⁸ Rousseau, *Second Discourse*, 123.

Mankind as my Audience.”⁷⁹ Perhaps no other single statement in the *Second Discourse* better illustrates Rousseau’s desire to link his work with classic natural right.

Indeed, the connections and similarities (both real and apparent) between Rousseau’s works and those of the classics is a worthy topic of inquiry. However, for our purposes, what is important to note is the fact that Rousseau is explicitly drawing lines of comparison between his work and those of antiquity. Rousseau clearly acknowledges a long standing tradition and hopes to cast his work as a continuance of this tradition. At present, it is not the substance of these similarities that interest us but rather Rousseau’s explicit attempt to demonstrate that these similarities exist.

As previously mentioned, the natural right tradition is diverse and had changed in profound ways during the nearly two-thousand years it existed before Rousseau offered his contribution. For simplicity’s sake, Strauss’ definitional dichotomy between modern and classic natural right is quite helpful. While Rousseau’s work is clearly part of the modern natural right corpus, as we have just seen, he pays homage to classic natural right thinkers and tries to portray his work as being somehow comparable to those of the classics. However, in ways which we have yet to describe, the *Second Discourse* is clearly more closely aligned with works representative of modern natural right than with those of the classics. In particular, Rousseau’s indebtedness to Thomas Hobbes is unmistakable. One could go so far as to say that, in certain respects, Rousseau takes Hobbes’ premises more seriously than does Hobbes.⁸⁰ What is important for our current purposes, however, is to determine whether Rousseau acknowledges his indebtedness to Hobbes within the *Second Discourse*. And in fact, this is the case. Rousseau writes,

⁷⁹ Rousseau, *Second Discourse*, 133.

⁸⁰ Strauss, *Natural Right and History*, 268.

“Hobbes very clearly saw the defect of all modern definitions of natural right.”⁸¹ Strauss explains, “Rousseau obviously understood by ‘the modern definitions of natural right’ the traditional definitions which still predominated in the academic teaching of his time.”⁸² In other words, Rousseau agrees with the Hobbesian criticism of classic natural right. That Rousseau, in substance, is faithful to the modern critique of classic natural right is a point that will be examined in the following section. At present, it is simply being demonstrated that Rousseau does explicitly acknowledge some of the connections between the *Second Discourse* and other modern works. In addition to his nominal allegiance to classic natural right thinkers in the *Second Discourse*, Rousseau also acknowledges that he draws from modern natural right thinkers.

The point currently being made is perhaps more simple than it at first appear. In various ways and to varying degrees Rousseau explicitly embraces aspects of both classic and modern natural right within the text of the *Second Discourse*. In intentions Rousseau appears to mimic classic natural right thinkers while he also acknowledges that he is indebted to his modern counterparts. As we have said, even if the similarities between the *Second Discourse* and classic natural right are merely ornamental, it is nevertheless significant that he makes such a concerted effort to highlight these similarities.

Interestingly, it does appear that Rousseau attempts to emphasize the similarities that the *Second Discourse* shares with the classics and to down play his indebtedness to modern natural right thinkers. One could go so far as to say that he is distorting his place in this tradition. If he is in fact a modern it is odd that the similarities between his work and the classics receives such attention. A detailed analysis of why he may have done this

⁸¹ Rousseau, *Second Discourse*, 153.

⁸² Strauss, *Natural Right and History*, 266.

is beyond the scope of this piece. It may simply be that the *Discourse*'s modernity speaks for itself while its connection with antiquity is somewhat tenuous and therefore in need of amplification. This still does not explain why the connection with the classics is desired in the first place. Strauss argues that Rousseau saw the "modern venture" as a "radical error."⁸³ This so because he held that the modern's "understanding of morality is inadequate."⁸⁴ Rousseau was aware, Strauss argues, that there existed a problem with the moral implications of modern natural right. This problem being that modern natural right implies a view of man and politics that Strauss describes as "political hedonism."⁸⁵ If Strauss is correct and Rousseau did recognize these same implications of modern natural right's view of man, this may explain his attempt to distance himself from modern thought. Of course, the question then arises as to why Rousseau did not abandon the modern approach all together if he was cognizant of its shortcomings. Why did Rousseau adopt the moderns' methodology?

Before looking at Rousseau's methodology, one final point concerning his relationship with the natural right tradition must be explored. In his treatment of both classic and modern natural right thinkers Rousseau is—in one particular respect—entirely consistent. Despite whatever parallels he wishes to emphasize or similarities he wishes to acknowledge, Rousseau is, at root, a critic of *all* who have preceded him within this tradition. Rousseau writes, "The Philosophers who have examined the foundations of society have all felt the necessity of going back as far as the state of Nature, but none of

⁸³ Strauss, *Natural Right and History*, 252.

⁸⁴ Strauss, *Natural Right and History*, 280.

⁸⁵ Strauss, *Natural Right and History*, 188.

them has reached it.”⁸⁶ The precise meaning and validity of this claim is not beyond debate. As a critique of previous thinkers, however, it is accurate. None who have preceded him have reached the Rousseauian state of nature.

Strauss argues that this passage is somewhat problematic. He interprets Rousseau’s statement regarding “The Philosophers who have examined the foundations of society” as including all political philosophers. While it may be true that other political philosophers have failed to discover Rousseau’s conception of the state of nature, it is not true that all have held its discovery as a “necessity.” In fact, one could argue that Rousseau’s predecessors had failed to discover the Rousseauian state of nature because few, if any, were searching for it. In political philosophy, the use of the state of nature is usually associated with modern—or post 16th century—political thought.⁸⁷ Yet this passage, according to Strauss, is describing both ancient and modern political theorists. Strauss’ interpretation is significant because it indicates that Rousseau is being somewhat misleading. If Strauss is correct, he has discovered a distortion on the part of Rousseau. This, however, is a distortion which further demonstrates the overall argument we have been making concerning Rousseau’s desire to portray his work as being somewhat transcendent or universal with regards to the entirety of the natural right tradition.

As we will see, part of the substance of modern thought is the use of the state of nature as a philosophic tool. However, in the above passage, as interpreted by Strauss, Rousseau attempts to portray a distinctly modern aspect of philosophical thought (i.e., the state of nature) as belonging to the entire natural right tradition or to philosophy in general. Stated differently, Rousseau attempts to characterize his method of gaining

⁸⁶ Rousseau, *Second Discourse*, 132.

⁸⁷ Strauss, *Natural Right and History*, 183-184.

knowledge of human nature and natural right (i.e., by returning to this state of nature) as being consistent with the methods employed by both the ancients and the moderns. Rousseau's critique is technically correct: no one has been successful in reaching the Rousseauian state of nature. However, it is disingenuous to imply that all have found it's discovery necessary. The way in which Rousseau phrases his criticism points only to a *degree of separation* between his work and his predecessors and thereby distorts the *fundamental separation* that divides his search for nature from that of classic natural right theorists. The essence of his search for human nature is found, not in his nominal intentions, but rather, in his methodology. His attempt to distort this separation is, however, consistent with of his desire to emphasis the universality of his work; it is consistent with his attempt to portray his work as being somewhat transcendent in relation to the entirety of the natural right tradition. Regardless, he is clear, neither the moderns nor the ancients have successfully reached the state of nature. Therefore, Rousseau's work is unique in that it is the first to describe this primitive state.

Rousseau's Methodology

Thus far in chapter three, the apparent similarity of intentions between Rousseau and the classics has been demonstrated: both are involved in a search for human nature and natural right. We will now explore the method that Rousseau uses to pursue his intentions within the *Second Discourse*. In the examination of his methodology the vast gulf that separates Rousseau from the ancients—the fundamental separation which he tries to obscure—becomes visible.

One perhaps ancillary but telling point regarding this difference in approach should be made at the outset as it may help illuminate the following analysis. One may

have noted that Strauss refers to natural right as a “problem” and an “issue.” This is the case because natural right pertains to subject matter that does not lend itself to being solved or resolved. Classic natural right thinkers, because of their methodology, seem to embrace the notion that natural right is, and will remain, a perennial (i.e., continuous) problem. To be clear, the constancy of this problem does not result from any indifference on the part of classic natural right thinkers. Rather, because of a general air of humility they possess with respect to their ability to fully grasp the principles of nature, the classics see natural right as remaining a problem.⁸⁸ In contrast, for Rousseau, because of his chosen methods, the perennial nature of the problem of natural right is somewhat altered. Rousseau may indeed doubt that this problem can be resolved in the sense that all of humanity will at some point in the future live according to the principles of natural right. However, what Rousseau does seem to argue is that, because of his methodology, he is able to prove certain aspects or principles of natural right which can (at least potentially) be employed by any one or any society in the attempt to live according to natural right. Whereas “Socratic wisdom” is characterized by “knowledge of one’s ignorance,”⁸⁹ Strauss argues that Rousseauian wisdom, as portrayed in the *Second Discourse*, is characterized by a belief in the ability to answer questions concerning “the precise character” of natural right “on the most solid grounds.”⁹⁰ Rousseau does indeed indicate that true knowledge of human nature may lead to “the genuine definition of natural right.”⁹¹ Strauss writes, “This view, of which the classic exposition is to be found

⁸⁸ Strauss, *Natural Right and History*, 32, 125, 262.

⁸⁹ Strauss, *Natural Right and History*, 262.

⁹⁰ Strauss, *Natural Right and History*, 265.

⁹¹ Rousseau, *Second Discourse*, 124. (emphasis added)

in Rousseau's *Second Discourse*, led to the consequence that 'the historical process' was thought to culminate in an absolute moment: the moment in which man, the product of blind fate, becomes the seeing master of his fate by understanding for the first time in an adequate manner what is right and wrong politically and morally."⁹² As we proceed, the connection between Rousseau's methodology and his desire to gain *precise* knowledge of the *genuine* definition of natural right will become apparent.

According to Strauss, classic natural right theorists either "explicitly or implicitly" base their search for natural right on a "natural theology."⁹³ We need not explore this point any further than demonstrating how it relates to the *Second Discourse*. Rousseau's personal theological beliefs are debatable and not of great importance presently. What is relevant to our inquiry is his reluctance to base any of his findings in the *Second Discourse* on theological or metaphysical principles. Rousseau alludes to the fact that arguments based on theological principles are open to certain objections and difficulties.⁹⁴ While this does not prove that he holds such arguments to be untrue, it does demonstrate his belief that, regardless of their validity, findings based on theological principles seem to be incapable of overcoming the skeptic's objections.⁹⁵ Melzer writes, "Indeed, one sees throughout Rousseau's philosophical works that, although he often makes supplementary arguments that refer to God or to man's free will, he expressly

⁹² Strauss, *Natural Right and History*, 315.

⁹³ Strauss, *Natural Right and History*, 276.

⁹⁴ Rousseau, *Second Discourse*, 142.

⁹⁵ See Strauss' discussion in *Natural Right and History* (170-171) of "traditional philosophy" and its perceived shortcomings by modern natural right theorists. Also, note the emphasis on the relationship between ascertaining wisdom and methodology.

avoids basing his major claims on these arguments.”⁹⁶ If not on theological principles, then on exactly what does Rousseau base his search for nature and natural right?

The simple answer to this question is that Rousseau’s findings in the *Second Discourse* are intended to be scientific or based on modern natural and social science. These modern sciences, modeled after mathematics, prove to be quite capable of overcoming the skeptic’s objections.⁹⁷ This being the case, a theory of natural right based upon modern science would prove more certain than a theory of natural right based upon a natural theology. These modern sciences, rooted in mathematical explanations of cause and effect, can be described as materialist in character. Materialism, at least for our purposes, simply implies that a valid explanation of a particular phenomenon should be based on terrestrial physical causes. Materialists would accordingly reject any theological, metaphysical, or spiritual dimensions within this cause and effect paradigm. Therefore, any dependence on revelation, a dualistic metaphysics, or a natural theology in explanation of natural right would render the *Second Discourse* distinctly non-scientific by these standards. And, as Strauss writes, “The argument of the *Second Discourse* is meant to be acceptable to materialists as well as to others. It is meant to be neutral with regard to the conflict between materialism and antimaterialism, or to be ‘scientific’ in the present-day sense of the term.”⁹⁸ Accordingly, Rousseau’s analysis in the *Second Discourse* is presented as factual because it takes on the form of what Strauss terms a

⁹⁶ Melzer, *The Natural Goodness of Man*, 30 n. 1.

⁹⁷ Strauss, *Natural Right and History*, 172-173.

⁹⁸ Strauss, *Natural Right and History*, 266.

“physical investigation.”⁹⁹ Rousseau clearly sees modern science as capable of producing neutral and unobjectionable results in the quest for natural right.¹⁰⁰

In the present context, the significance of Rousseau’s reliance upon modern scientific principles within the *Second Discourse*, the importance of his methodology, largely emanates from the fact that this method represents a fundamental shift within the natural right tradition. Stated differently, it is in Rousseau’s attempt to make his work scientific (in the modern sense of the term) that he creates the afore mentioned gulf which separates his work from those of classic natural right theorists. Rousseau’s means of discovering nature make the *Second Discourse* distinctly modern.

However, for interpretive purposes, his reliance in the *Second Discourse* on modern science is a much more complex issue than this analysis would suggest. What is being avoided, and will continue to remain only at the periphery of our discussion, are the theological developments which occurred subsequent to the establishment of the natural right tradition; the most notable of these developments being the emergence and spread of Christianity.¹⁰¹ Our sole reason for mentioning this phenomenon is that its consideration is necessary to correctly interpret certain passages from the *Second Discourse*. For example, the following excerpt cannot be properly understood unless one considers the context in which it is written:

⁹⁹ Strauss, *Natural Right and History*, 266.

¹⁰⁰ It is worth noting that in his attempt to be “neutral,” Rousseau essentially precedes as though he is a materialist. The assumption that modern science is inherently neutral is not uncommon in modern thinkers. Also, Roger Masters refers to Rousseau’s “unquestioning acceptance of the perspective of modern science,” (Masters, *The Political Philosophy of Rousseau*, 115).

¹⁰¹ Strauss does include Aquinas (a Christian thinker) within the classic natural right tradition. However, the rejection of classic natural right would not necessitate a rejection of Christianity. The connection between the two is complicated and well beyond the scope of this piece. For our purposes, we will attempt to demonstrate that Rousseau ultimately rejects classic natural right as a means of philosophic inquiry, at least in part, for the same reasons that he does not rely on biblical accounts of human nature. In other words, in an attempt at simplification we will associate Christian theology with classic natural right.

Let us begin by setting aside all the facts, for they do not affect the question. The Inquiries that may be pursued regarding the Subject ought not be taken for historical truths, but only for hypothetical and conditional reasonings; better suited to elucidate the Nature of things than to show their genuine origin, and comparable to those our Physicists daily make regarding the formation of the World. Religion commands us to believe that since God himself drew Men out of the state of Nature immediately after the creation, they are unequal because he wanted them to be so; *but it does not forbid us to form conjectures based solely on the nature of man and of the Beings that surround him, about what Mankind might have become if it had remained abandoned to itself.* This is what I am asked, and what I propose to examine in this Discourse.¹⁰²

If read literally, this passage would seem to call into question our argument regarding Rousseau's desire for his work to be factual and thus our analysis of his methodology. However, upon close consideration, it is not clear that this passage is intended to be read literally. Rousseau states that his inquiries should not be interpreted as indicating "historical truths," and that they do not show the "genuine origins" of things, but rather, are "hypothetical" and "conditional reasonings" that simply illuminate the "Nature of things." He states that he will begin by "setting aside all the facts" and then compares his inquiries to those of a physicist examining the "formation of the World."

Close examination of the above passage exposes certain problems. It is striking that he offers no explanation for why one should distinguish between mankind's "genuine origins" and the "Nature of things." While making this distinction may not be an untenable position, if it were the position held by Rousseau it would have implications for our account of his methodology. In fact, as we will see, Rousseau argues that inquiry into the nature of things is very much related to their genuine origins. The above passage also seems to indicate that Rousseau regards the biblical account of man as factual while simultaneously holding that the search for the "Nature of things" can be undertaken

¹⁰² Rousseau, *Second Discourse*, 133.

irrespective of the biblical account of “things.” One must note the divergence between nature and theological principles that this reasoning presumes. Further, it is likely that a physicist investigating the creation of the world, who is supposed to be analogous to Rousseau, would be very much concerned with historical truths and the world’s genuine origins. Stated differently, it is unlikely that a physicist would begin an inquiry by stating, “let us begin by setting aside all the facts.” Finally, even if we overlook the preceding difficulties, the wording of this passage relegates the *Second Discourse* to the status of mere inquiry into “what if?” If someone is aware of a group of facts, it is not clear what is gained in an analysis in which these facts are intentionally disregarded. It is important to recall our observation that the *Second Discourse* serves as the foundation of Rousseau’s political theory. Strauss comments, “If Rousseau’s account of... nature were hypothetical, his whole political teaching would be hypothetical.”¹⁰³ If the *Second Discourse* is entirely conjectural it follows that any political theory based on this work would prove to be nothing more than conjecture heaped upon conjecture. Yet, this and other passages from the *Second Discourse* imply that the work is in fact merely hypothetical.¹⁰⁴

To properly interpret the above passage one must recognize the environment in which the *Second Discourse* was written. Rousseau lived in a time and place where one could be punished for publicly rejecting Christian doctrine.¹⁰⁵ Further, “Rousseau was fully aware of the antibiblical implications of the concept of the state of nature. For this

¹⁰³ Strauss, *Natural Right and History*, 267 n. 32.

¹⁰⁴ Rousseau, *Second Discourse*, 123, 161-162.

¹⁰⁵ Gourevitch, intro to *Rousseau: The Social Contract and Other Later Political Writings*, trans. and ed. Victory Gourevitch. Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 2007), ix.

reason,” Strauss argues, “he originally presented his account of the state of nature as altogether hypothetical.”¹⁰⁶ One can therefore attribute the conjectural tone of portions of the *Second Discourse* to Rousseau’s reluctance to offend the Christian sensibilities of his age. When Rousseau says that he is not forbidden from making conjectures as though mankind was abandoned to itself, he means that he is not forbidden to speculate on human nature without theological, metaphysical, or spiritual considerations.¹⁰⁷ One must assume that he believes that this “scientific” approach to discovering human nature is effective. If not, the *Second Discourse* would be nothing more than an arbitrary and useless intellectual exercise. Rousseau’s account of man is antibiblical because it presumes that human nature can be understood and explained without reference to the Bible. Yet, in conducting his physical investigation he is careful to not make its antibiblical implications obvious. Therefore, when Rousseau begins by setting aside all the facts, he actually means to set aside the theological and metaphysical beliefs of his particular age in order to search for a physical explanation of human nature that will resonate with men of all ages. Rousseau writes, “Since my subject concerns man in general, I shall try to speak in a language suited to all Nations,” and will thus forget “times and places.”¹⁰⁸ One may recall that he envisions himself at “the Lyceum at Athens,” a notably pre-Christian setting. Rousseau does not actually believe that the “Nature of things” can be distinguished from their genuine origin, he simply thinks that many of his contemporaries are wrong with respect to the genuine origins of things (i.e.,

¹⁰⁶ Strauss, *Natural Right and History*, 267 n. 32.

¹⁰⁷ Masters, *The Political Philosophy of Rousseau*, 118.

¹⁰⁸ Rousseau, *Second Discourse*, 133. Once again we see Rousseau’s presumption of the neutrality of modern science. He simply takes it for granted that his methods would render his findings acceptable to men of any age.

the biblical account of creation). He is attempting to relay his account of human nature without making clear that he is tacitly dismissing the Bible. By portraying the *Second Discourse* as hypothetical he hopes to avoid condemnation.

Again, Rousseau's personal views regarding Christianity are not presently important. For our purposes, his reluctance to base his arguments on biblical teachings is no different than his reluctance to base his arguments on Aristotelian metaphysics save the fact the rejection of the former is more controversial at the time. Both are rejected because they are not "neutral" or "scientific" and are therefore both open to the skeptic's objections. Neither can obtain the factual status of a physical investigation. Yet, he is not anxious to explicitly demonstrate his rejection of either Socratic natural theology or biblical revelation. Overt rejection of the former would expose the gulf that separates his work from classic natural right thinkers and overt rejection of the latter would place him at risk of persecution. However, for the above mentioned reasons and perhaps others, they are both rejected as scientific modes of inquiry. For simplicity's sake, we are able to characterize his methodological rejection of both biblical and non-biblical theological principles as part of his wholesale rejection of metaphysics and theology in his search for natural right. Ironically, by attempting to be neutral with respect to materialism and anti-materialism, Rousseau proceeds in the *Second Discourse* as though he is a materialist.¹⁰⁹

From the above analysis one can detect the underlying presumption in Rousseau's thinking—namely, that human nature can be adequately examined by means of modern scientific methods or through a "physical investigation." It is one thing to hold that

¹⁰⁹ It is important to point out that some interpreters do hold the various theological statements which Rousseau makes throughout his works as being an essential element of his core thoughts. While the validity of this approach is debatable, it is clear that this fundamentally changes the substance of Rousseau's thought (Melzer, *The Natural Goodness of Man*, 30 n. 1).

arguments based on modern science are more certain than are arguments based on metaphysics. However, it is quite another to assume that modern science is capable of addressing the same subject matter as is metaphysics. At no point does Rousseau offer an explanation for why modern science is the appropriate means of exploring human nature. Because of modern science's perceived certainty Rousseau simply assumes that it should replace metaphysics. Recognition of this underlying presumption brings one face-to-face with the fundamental split between classic natural right and modern natural right. Strauss writes, "Natural right in its classic form is connected with a teleological view of the universe... The teleological view of the universe, of which the teleological view of man forms a part, would seem to have been destroyed by modern natural science."¹¹⁰ Rousseau's work, and indeed that of modern natural right thinkers in general, is illustrative of an ongoing attempt to come to terms with the implications that the triumph of modern natural science has for man's understanding of himself. The teleological conception of nature that is so fundamental to classic natural right is replaced by modern science. As previously mentioned, the modern approach emphasizes the importance of physical or material causation. From our discussion in chapter two it should be evident that the emergence of modern science represents a fundamental shift in how nature is viewed.

The *Second Discourse* represents Rousseau's attempt to articulate an adequate account of human nature using a non-teleological natural science. Jumping ahead of ourselves only momentarily, Strauss suggests that this and similar attempts by modern natural right theorists largely fail. Strauss writes, "this 'naturalistic' solution is exposed to grave difficulties: it seems to be impossible to give an adequate account of human ends

¹¹⁰ Strauss, *Natural Right and History*, 7.

by conceiving of them merely as posited by desires and impulses [i.e., physical causes].”¹¹¹ Strauss would argue that human nature cannot be adequately or fully explained by modern science.

We have yet to precisely demonstrate Rousseau’s methodology other than indicating that it is based on modern natural science and is a “physical investigation.” It is distinctly non-teleological. Yet, as we have seen, Rousseau adopts the language, or the intentions, of classic natural right theorists. Like the classics, Rousseau is seeking to separate the natural from the artificial. Although they may differ greatly in terms of their respective methods, Rousseau would agree with the ancients that differentiating between the artificial and the natural is important and that the natural is to be viewed as superior to the man-made.¹¹² That Rousseau embraces this distinction is of the greatest importance. While Socratic philosophy raises the possibility that man can act contrary to nature, because of the teleological conception of man and nature held by classic natural right theorists, the Socratic philosopher would also raise the possibility that by use of his reason man can participate in the unfolding of nature.¹¹³ This is not the case for Rousseau. Modern natural science is based on physical, or material, cause and effect. Natural (i.e., non-human) causes create natural effects and human causes (i.e., man’s interaction with nature) produce unnatural or artificial effects. Everything that man creates or does is by definition artifice. It may be that man can emulate or approximate nature, but he cannot participate in the unfolding of nature. While both the classics and Rousseau search for nature, argues Masters, “nothing marks the difference between

¹¹¹ Strauss, *Natural Right and History*, 8.

¹¹² Masters, *The Political Philosophy of Rousseau*, 113.

¹¹³ Strauss, *Natural Right and History*, 7.

Rousseau's thought and the classics so clearly as the radical shift in the meaning of 'nature'."¹¹⁴ Underlying the shift from the classic's teleological conception of nature to the modern's physical explanation of nature is a change in the meaning of nature. Nature means something fundamentally different to the classics than it does to a modern like Rousseau. The teleological view of nature seeks a natural being's end or perfection. The modern conception of nature, as it applies to man, implies a man's origins or beginnings. As we will see, this shift from a teleological understanding of nature to an elemental understanding of nature facilitates man's almost complete separation from nature. For the classics, man can either act according to nature or rebel against it. For the moderns, mankind, as a species, has rebelled against nature. Men may be able to examine nature and attempt to regain portions of their nature, however, mankind's current existence is fundamentally unnatural.¹¹⁵ Despite this shift in the meaning of nature, Rousseau, like the classics, holds knowledge of human nature as being a necessary aspect of political philosophy. Nevertheless, because of the change in the meaning of nature the *Second Discourse* comes to quite different conclusions than the classics.

Although his current existence is artificial, man, as a species, must be natural, as he could not have created himself. What Rousseau attempts to do in the *Second Discourse* is to discover man "as he must have issued from the hands of Nature..."¹¹⁶ Natural man is the being that existed before man was able to alter himself. Because human manipulation of nature is artificial, human nature is found in "the first Embryo of

¹¹⁴ Masters, *The Political Philosophy of Rousseau*, 113.

¹¹⁵ Strauss, *Natural Right and History*, 268.

¹¹⁶ Rousseau, *Second Discourse*, 134.

the species,”¹¹⁷ or in mankind before it transformed itself. Rousseau poses the question, “how will man ever succeed in seeing himself as Nature formed him, through all the changes which the succession of times and of things must have wrought in his original constitution, and to disentangle what he owes to his own stock from what circumstances and his progress have added to or changed in his primitive state?”¹¹⁸ For Rousseau, human nature cannot be discovered by observing men as they currently exist, but rather, by examining a primitive being who no longer exists. Crocker characterizes Rousseau’s conception of nature and man as follows, “We see at once that to Rousseau the word ‘natural’ means ‘original,’ or ‘precultural’—and of this we must never lose sight. It does not signify an end or a capacity, and above all, it is not what (in Rousseau’s words) is ‘natural to man in society’; it is, rather, the starting point.”¹¹⁹ Accordingly, in discussing the *Second Discourse* it is necessary to employ two different terms to describe man because, in Rousseau’s analysis, man becomes two distinct beings: natural man and social man. Masters observes, “The opposition between nature and society is overtly established as the basis of Rousseau’s analysis at the outset of the *Second Discourse*.”¹²⁰ The connection between natural man and social man has become almost completely obscured. Rousseau states that man has “changed in appearance to the point of being almost unrecognizable.”¹²¹ Therefore, the *Second Discourse* is a physical investigation into what man was like in his origins, or, at “the starting point.” This starting point is

¹¹⁷ Rousseau, *Second Discourse*, 134.

¹¹⁸ Rousseau, *Second Discourse*, 122.

¹¹⁹ Crocker, *Jean-Jacques Rousseau* (New York: The Macmillan Company, 1968), 256.

¹²⁰ Masters, *The Political Philosophy of Rousseau*, 119.

¹²¹ Rousseau, *Second Discourse*, 122.

what we have been referring to as the state of nature. If Rousseau can discover man as he existed in the state of nature, he has discovered natural man. This is the being who Rousseau hopes that knowledge of will help to guide our current politics.

By linking his mode of inquiry with modern science, as we have done, one might expect Rousseau, in his search for natural man, to perhaps conduct experiments or to base his arguments on archeological discoveries. And indeed, Rousseau seems to proceed at times as though he is an anthropologist.¹²² Further, he does raise the possibility of conducting various experiments to determine if perhaps certain primates are in fact examples of natural man. Rousseau asks, “What experiments would be needed in order to come to know natural man; and by what means can these experiments be performed within society?”¹²³ However, Rousseau indicates that such experiments are not at his current disposal.

By and large, Rousseau’s account of the state of nature and natural man is speculative.¹²⁴ Our use of the word speculative is not intended to be critical. Rather, it is simply meant to describe how Rousseau comes to his conclusions. Because he is not able to actually observe natural man Rousseau must recreate this primitive beast in his mind before describing him. It is important to remember that natural man no longer exists. Even the most primitive men on earth today are social and have left the state of nature. Rousseau, who ultimately finds the current science on the subject of human nature to be inconclusive, proceeds in his inquiry by “disregarding all the scientific books that only teach us to see men as they have made themselves, and meditating on the first and

¹²² Melzer, *The Natural Goodness of Man*, 25, 29.

¹²³ Rousseau, *Second Discourse*, 123-124.

¹²⁴ Strauss, *Natural Right and History*, 269; Crocker, *Jean-Jacque Rousseau*, 256.

simplest operations of the human soul...”¹²⁵ This passage suggests that Rousseau himself would not object to our characterizing the *Second Discourse* as speculative. While speculative, the findings in the *Discourse* are nevertheless intended to be factual.

Rousseau employs what could be described as a formula in determining the characteristics of natural man. This formula is basically a logical look at certain causes and effects. For example, because the human race is alive today one can presume that natural man survived and likely even flourished in the state of nature. If man did not survive the state of nature social man would not have come into existence. Further, Rousseau holds that mankind has acquired attributes that are artificial or conventional. In other words, social man is quite different from natural man. Therefore, according to Rousseau, one can discover natural man by stripping social man of all those qualities that are not essential to man’s survival in the state of nature. In essence Rousseau is exploring how much of man’s current attributes can be scraped away without endangering the survival of the species in the state of nature. Masters writes, “In order to establish his thesis that human society is an [unnatural] phenomenon, Rousseau must prove that the human species could survive in a purely animal condition; hence he begins by considering how primitive man could overcome threats to his existence.”¹²⁶ This reductionist analysis can accurately be described as physical because Rousseau is applying physical causes to physical effects. He offers various threats to man’s existence, and determines how he was physically able to overcome these threats.¹²⁷ He is interested in determining how mankind was able to survive, as a species, before leaving the state of

¹²⁵ Rousseau, *Second Discourse*, 125.

¹²⁶ Masters, *The Political Philosophy of Rousseau*, 120.

¹²⁷ Masters, *The Political Philosophy of Rousseau*, 120.

nature. All attributes which man has subsequently acquired are effects of various physical causes.

Because he cannot actually observe natural man, Rousseau is forced to speculate on what this primitive existence would look like. To be sure, his speculations are not completely arbitrary. Rousseau supports his arguments by referencing works which describe various primitive civilizations and works that describe how other animals survive in nature.¹²⁸ While neither of these examples can replace first hand observance of natural man (primitive civilizations have already left the state of nature and animals are obviously not human), they do seem to provide Rousseau with some necessary insight into how humans lived in the state of nature. Therefore, despite his use of information pertaining to various indigenous populations and wild animals, Rousseau's account of natural man does emanate from his own imagination. If speculative his investigation can also be described as "physical" because his reasoning and logic are based on physical cause and effect. He does not rely on non-material or non-physical causes.

Rousseau does however make certain assumptions and claims that are somewhat less "scientific." One of the arguments we will make regarding Rousseau's account of natural right is that it contains a psychological dimension. When Rousseau refers to man's soul, he is not referring to his spirit but rather to man's psyche or mental state. We will see that Rousseau praises natural man's soul and is convinced that this primitive being was happy. His account of natural man's soul is still part of his physical investigation. Apparently Rousseau's scientific approach does not preclude examination of a being's mental state or heart.

¹²⁸ Masters, *The Political Philosophy of Rousseau*, 122-123; Melzer, *The Natural Goodness of Man*, 52.

At root, many of these psychological arguments in the *Second Discourse* are rooted in introspective meditation. Melzer convincingly argues that many of Rousseau's principles are based on a combination of introspection into his own mind and a more formal psychological theory. However, this distinction becomes somewhat muddled. As Melzer states, "To some extent, Rousseau's psychological doctrine is merely a formalization of what he has discovered through introspection..."¹²⁹ Rousseau's psychological account of human nature appears to be informed by an introspective look into his own conscience or psyche. One of the effects of this use of introspection is that he does not always offer adequate explanations for his principles. Stated differently, he sometimes gives insight into human nature without offering the corresponding "science" to prove this finding. While natural man is almost unrecognizable, Rousseau (himself a social man) is able to determine elements of natural man's mental state by looking into the depths of his own psyche. While perhaps not a completely indefensible method, it is nevertheless odd that Rousseau assumes that his personal introspective meditation will reveal elements of natural man's psyche and thus human nature. One point that we will make in chapter four is that a key element of his account of natural right is in fact a presumption concerning the psychological state of natural man.

After establishing that Rousseau's account of human nature is based on (albeit informed) *speculation* concerning man's physical survival and mental state while in the state of nature, one may question in exactly what sense the *Second Discourse* is to be considered scientific or factual. Again, comparison with an alternate approach is helpful. Theological principles are by definition neither provable nor disprovable by scientific inquiry. Rousseau contends that even if his principles are not the result of scientific

¹²⁹ Melzer, *The Natural Goodness of Man*, 36.

experiments or actual observation of natural man, they are nevertheless capable of being proven by modern science. Whereas a metaphysical account of human nature can stand or fall despite “modern science.” Metaphysics and physical science operate in separate realms. Rousseau’s account of human nature is scientific in the sense that, if not based on scientific experiments, one can prove or disprove his claims by scientific inquiry.

Rousseau seems quite confident that future developments in the natural sciences will only bolster his claims.¹³⁰ He states, “on the principles I have just established, no other system could be formed that would not give me the same results and from which I could not draw the same conclusions.”¹³¹ According to Masters, Rousseau holds that “Even if some aspects of [his] description of the state of nature are shown, on the basis of future scientific inquiry, to have been incorrect, the fundamental perspective is unchallengeable.”¹³² Rousseau’s claims within the *Second Discourse* are answerable to modern science. While he is confident that they will only be affirming, future scientific discoveries will have implications for his theories of human nature.

Natural Man

If one were to search for a “thesis” of the *Second Discourse* it may well be in Rousseau’s claim that man is naturally good. Strauss writes, “Rousseau has summed up the result of his study of natural man in the statement that man is by nature good.”¹³³ Melzer points out that Rousseau’s claim regarding man’s natural goodness sets his conception of human nature apart from the classic view, the Christian view, and the

¹³⁰ Masters, *The Political Philosophy of Rousseau*, 117-118.

¹³¹ Rousseau, *Second Discourse*, 162.

¹³² Masters, *The Political Philosophy of Rousseau*, 118.

¹³³ Strauss, *Natural Right and History*, 269.

Hobbesian view of human nature. In other words, Rousseau's portrayal of human nature is rather unique. This may in fact be why Rousseau views his claim regarding the natural goodness of man as the most important aspect of his work.¹³⁴ As was mentioned in chapter one, Rousseau offers his account of this naturally good being as a corrective to man's present wickedness. The relevance of the *Second Discourse* seems to hinge on man being naturally good. The following will explore Rousseau's account of this naturally good being that results from the physical investigation he undertakes in the *Second Discourse*.

To begin, it is necessary to reconsider Rousseau's criticism of the political philosophers who have preceded him. He writes, "The Philosophers who have examined the foundations of society have all felt the necessity of going back as far as the state of Nature, but none of them has reached it."¹³⁵ Despite the before mentioned problems with this statement, the criticism it contains is in fact accurate. None of those who have preceded Rousseau have reached his conception of the state of nature. Rousseau was not the first to distinguish between the state of nature and man's contemporary social and political environment. However, he was the first to take this distinction seriously. In other words, he views the state of nature as an historical period rather than a philosophic abstraction. Further, Rousseau argues that man, as a species, changes from historical epoch to historical epoch. Rousseau writes, "the Mankind of one age is not the Mankind of another age..."¹³⁶ Because those who preceded Rousseau had not conceptually reached the state of nature, they were ignorant of natural man. Strauss explains, "Rousseau's

¹³⁴ Melzer, *The Natural Goodness of Man*, 15.

¹³⁵ Rousseau, *Second Discourse*, 132.

¹³⁶ Rousseau, *Second Discourse*, 192.

predecessors attempted to establish the character of natural man by looking at man as he is now.”¹³⁷ Even those who utilized the concept of the state of nature did not recognize that man of the present era may be fundamentally different from man of the state of nature (i.e., natural man). Rousseau realizes that if natural man exists in a different environment than does social man (i.e., a different historical period), it is quite likely that these two beings would possess radically different characteristics.

We previously alluded to a formula that Rousseau uses to discern natural man from social man—namely, that one can discover natural man by stripping social man of all his qualities that are not essential to man’s survival in the state of nature. For reasons that are not altogether clear, Rousseau determines that man is capable of survival in the state of nature as a solitary individual. It follows that natural man is a-social or pre-social. Rousseau refers to the “solitary way of life prescribed to us by nature.”¹³⁸ He also portrays natural men as “having neither a fixed Dwelling nor any need of one another,” and therefore concludes that two primitive men would likely “meet no more than twice in their life, without recognizing and speaking with one another.”¹³⁹ Rousseau sees natural man as a fundamentally solitary creature. He does address the question of procreation and child rearing. However, for our purposes, it will suffice to say that he thinks it *possible* that the human race could flourish in the state of nature absent any relationship between mother and father save the initial act of conception.¹⁴⁰ Because it is not necessary for survival, the family cannot be demonstrated as existing in the state of nature. Rousseau’s

¹³⁷ Strauss, *Natural Right and History*, 268.

¹³⁸ Rousseau, *Second Discourse*, 138.

¹³⁹ Rousseau, *Second Discourse*, 146.

¹⁴⁰ Masters, *The Political Philosophy of Rousseau*, 131, 135.

insistence that natural man is an isolated creature illuminates a certain peculiarity of his “formula.” It may be that man can survive as a solitary individual in the state of nature. However, it is not clear that there exists a connection between the fact that man *could* live a certain way that that he *has* actually lived this way. That men could potentially survive without a family does not prove that they ever have.

Strauss seems to think that Rousseau came to the conclusion that natural man is an isolated being because he was *a priori* “concerned with the radical independence of the individual.”¹⁴¹ In other words, his method was selected to support a pre-conceived conclusion. However, Masters contends that while Rousseau may have held such concerns, he was ultimately led to the conclusion that natural man existed in relative isolation for scientific reasons.¹⁴² Regardless, once Rousseau concludes that natural man’s existence in the state of nature is solitary, the above mentioned formula must be revised or expanded. Strauss writes, those attributes of man “which presuppose society cannot belong to man’s natural constitution, since man is by nature solitary.”¹⁴³ Once it is presumed that natural man is a solitary creature, it is necessary to strip him of all qualities that could only exist as a result of his being social. In other words, Rousseau must consider not only natural man’s ability to survive but also his isolation as a factor in determining the characteristics of human nature. Because none of Rousseau’s predecessors have reached the state of nature they have all “spoke of [natural] Man and depicted Civil Man.”¹⁴⁴ For Rousseau, any description of natural man must presume his

¹⁴¹ Strauss, *Natural Right and History*, 278.

¹⁴² Masters, *The Political Philosophy of Rousseau*, 142.

¹⁴³ Strauss, *Natural Right and History*, 269.

¹⁴⁴ Rousseau, *Second Discourse*, 132.

isolation. Natural man cannot possess any attributes that presuppose or require society. Therefore, it is likely that natural man will prove to be quite different from “civil man.”

Stemming from natural man’s isolation is his circumscribed capacity for rational thought. However, to describe the savage’s mental capacity as circumscribed may be too generous. Rousseau goes so far as to describe natural man’s mind as being “heavy and stupid.”¹⁴⁵ The *Second Discourse* does give a logical explanation for why natural man has this diminished mental capacity. While we outline this argument it is important to keep in mind the underlying presumption of the *Second Discourse*—that is, man’s natural isolation. It could certainly be argued that once this presumption is challenged Rousseau’s construct begins to unravel.

Rousseau argues quite convincingly that speech presupposes sociability. It is not likely that isolated beings would have the need or ability to develop languages; the inability to speak would not seem that limiting for a being who lives in relative isolation. However, because man’s natural isolation would indicate an inability to speak, Rousseau argues that natural man would also lack the ability to reason. Strauss points out that the *Second Discourse* holds that “Reason is coterminous with language, and language presupposes society: being presocial, natural man is prerational.”¹⁴⁶ Rousseau is quite clear that reason requires speech. However, as Rousseau admits, this argument is somewhat circular because the development of speech would in turn require some capacity to reason.¹⁴⁷ Regardless, natural man’s diminished mental skills are clearly portrayed as a result of his lack of speech in the *Second Discourse*. Rousseau writes, “If

¹⁴⁵ Rousseau, *Second Discourse*, 145.

¹⁴⁶ Strauss, *Natural Right and History*, 270.

¹⁴⁷ Rousseau, *Second Discourse*, 145-147.

one considers how many ideas we owe to the use of speech; How much Grammar exercises and facilitates the operations of the Mind... then one can judge how many thousands of Centuries would have been required for the successive development in the human Mind of the Operations of which it was capable.”¹⁴⁸ Because of his isolation, natural man’s mind does not benefit from the use of speech and is therefore pre-rational.

As has been mentioned, Rousseau was not the first modern natural right theorist to use the state of nature as a philosophic tool of inquiry. Most notably, Thomas Hobbes employed the concept as a key aspect of his philosophic analysis of human nature. However, Rousseau seems to have been the first to take this concept seriously as a fact of the past. As a result, Rousseau seems to have most fully thought through the implications that this concept has for human nature. Although not always consistent in applying these implications, others were aware that the state of nature implied that natural man was a-social and pre-rational. In other words, others had at least recognized that this approach to understanding nature implied that man was pre-rational and a-social. Yet, Rousseau seems to have stumbled upon another implication that had been previously undetected. If natural man was isolated and non-rational, it is likely that he lacked many of the *passions* and *sentiments* that social man has. For example, Rousseau found it unlikely that natural man would possess the pride and vanity the social men exhibit. Strauss argues that once one takes the state of nature seriously as a historical epoch “one must regard it as possible that many passions which arise in man as we observe him are conventional in so far as they originate in the subtle and indirect influence of society and hence of convention.”¹⁴⁹ This observation further expands the possible disconnect between the character of natural

¹⁴⁸ Rousseau, *Second Discourse*, 146.

¹⁴⁹ Strauss, *Natural Right and History*, 267-269.

man and the character of social man. From the preceding, we may refer to the three primary reductionist observations that Rousseau makes in constructing the character of natural man—that is, natural man’s lack of social interaction, his lack of reason, and his lack of social, or conventional, passions.

Strauss’ observation that natural man is “subhuman”¹⁵⁰ can now be more fully appreciated. It is not clear that this naturally good being possesses any human characteristics. This being the case, it is necessary to determine in what sense it is that natural man is good. How is knowledge of this subhuman being supposed to remedy our present wickedness?

In the preface to the *Second Discourse* Rousseau gives two positive characteristics of natural man that form the basis for natural right. Rousseau writes:

I believe I perceive... two principles prior to reason, of which one interests us intensely in our well being and our self-preservation, and the other inspires in us a natural repugnance to seeing any sentient Being, and especially any being like ourselves, perish or suffer. *It is from the cooperation and from the combination our mind is capable of making between these two Principles... that all the rules of natural right seem to me to flow.*¹⁵¹

Rousseau sees in natural man the “principles” of self-preservation and pity (sometimes referred to as compassion or commensuration). Pity and self-preservation may be appropriately be referred to an man’s two natural sentiments.

Rousseau clearly argues that from the combination of these two natural sentiments flows the principles of man’s natural goodness and thereby natural right. Our presentation of Rousseau’s thought has certainly implied the connection between man’s natural goodness and natural right. Further, Rousseau indicates that natural man’s lack of

¹⁵⁰ Strauss, *Natural Right and History*, 271.

¹⁵¹ Rousseau, *Second Discourse*, 125-126. (emphasis added)

artificial passions (e.g., pride and vanity) further demonstrates the goodness of this primitive being. Rousseau writes:

Hobbes very clearly saw the defect of all modern definitions of Natural right: but the conclusions he draws from his own definition show that he understands it in a sense that is no less false. By reasoning on the principles he establishes, this Author should have said that, since the state of Nature is the state in which the care for our own preservation is least prejudicial to the self-preservation of others, it follows that this state was the most conducive to Peace and the best suited to Mankind. He says precisely the contrary because he improperly included in Savage man's care for his preservation the need to satisfy a multitude of passions that are the product of Society...¹⁵²

Natural man, a being who's desire to preserve himself is tempered by his pity and who lacks the artificial passions of society, lives in a state "conducive to peace." While describing the "true founder of civil society" Rousseau asks, "How many crimes, wars, murders, how many miseries and horrors Mankind would have been spared by him who... had cried out to his kind: Beware of listening to this imposter..."¹⁵³ The founder of civil society seems to have instigated man's present wickedness.

Social man, with his crimes, wars, murders, and many miseries, has lost his natural goodness. However, by discovering the character of natural man, man can determine "what is right and wrong politically and morally."¹⁵⁴ By using his acquired capacity to reason, man can reestablish natural right on new foundations. Rousseau's account of natural man holds the key to reestablishing natural right.

¹⁵² Rousseau, *Second Discourse*, 153.

¹⁵³ Rousseau, *Second Discourse*, 164.

¹⁵⁴ Strauss, *Natural Right and History*, 315.

CHAPTER IV

ROUSSEAUEAN NATURAL RIGHT

We have established that Rousseau has a positive (i.e., favorable) view of natural man and the state of nature and a negative (i.e., unfavorable) view of social man and society. Man is presently wicked but was naturally good. Rousseau attempts to establish morality by gaining knowledge of this naturally good being. Strauss writes, “The physical investigation of the *Second Discourse* is meant to be identical with a study of the basis of natural right and therewith morality...”¹⁵⁵ However, Strauss argues that Rousseau’s account of man’s natural goodness is ultimately devoid of any substantive human content. Rousseau attempts to measure social man’s existence by comparing him with a “subhuman” being. Strauss’ criticism is fundamentally correct; the *Second Discourse* is not sufficient as a foundation for morality. There is however a substantive moral element to the *Second Discourse*. The following will demonstrate the *Discourse*’s morality.

The Natural Goodness of Man Reconsidered

The foundation of Rousseau’s analysis is the connection he makes between goodness and nature. If man were not naturally good, Rousseau would have little reason to return to nature as a remedy for man’s present wickedness. Rousseau’s account of natural man is therefore normative and moral. Natural man provides a standard by which

¹⁵⁵ Strauss, *Natural Right and History*, 266.

one can judge society and social man. Accordingly, it is necessary to further consider the goodness that man naturally possesses.

Of course, we know that natural man is, at least partially, guided by the sentiment of pity. It is tempting to attribute man's natural goodness to his possession of this particular sentiment: natural man is good because he is guided by pity or compassion. Rousseau describes pity's observable effects in the state of nature by offering a reformulated version of the Golden Rule. To understand how pity operates one simply need replace "Do unto others as your would have them do unto you" with "Do your good with the least possible harm to others."¹⁵⁶ Because natural man possesses pity he does his own good without causing unnecessary harm to others. As a source for morality this is a rather ambiguous idea.

Rousseau is good enough to give us a more explicit example of how pity might operate in the state of nature. He argues that pity would keep a "sturdy savage from robbing a weak child or an infirm old man of his hard won subsistence if he can find it elsewhere..."¹⁵⁷ Unfortunately, Rousseau is not all together clear as to what he means by "if he can find it elsewhere." However, one may assume that he is referencing whether or not the sturdy savage's meal has been provided by the earth's "natural fertility."¹⁵⁸ When such a meal is provided, "he is at peace with nature and a friend to all his kind."¹⁵⁹ Because natural man possesses pity he will not attack a weaker being for food when it can be obtained by other means.

¹⁵⁶ Rousseau, *Second Discourse*, 156.

¹⁵⁷ Rousseau, *Second Discourse*, 156.

¹⁵⁸ Rousseau, *Second Discourse*, 135.

¹⁵⁹ Rousseau, *Second Discourse*, 203.

Rousseau's reference to the child and the old man may perhaps be an example of his skill as a rhetorician. No doubt, the robbing of a child or an old man by a sturdy savage is a somewhat offensive notion to many of Rousseau's likely readers. Yet, it seems that his use of these sympathetic victims may be an attempt to portray the *Discourse's* morality as being more substantive than it in fact is. It appears that he is arguing that natural man is good because he does not attack those weaker than himself. However, Masters raises the point that, if in the event that natural man cannot find his food elsewhere, Rousseau indicates that this hungry savage would in fact seek out a child or an old man as prey because they would present him with the least resistance.¹⁶⁰ The savage originally avoids taking another's food because it is easier to gather his own. Once the savage has determined that he must take another's food in order to survive, the "do your good" aspect of Rousseau's reformulated Golden Rule would take effect and compel the savage to seek the weakest possible victim. Rousseau writes, "[The savage] never comes to blows without first having compared the difficulty of prevailing with that of finding his sustenance elsewhere..."¹⁶¹ Rousseau gives no reason to believe that a hungry savage would choose to take from another "sturdy savage" rather than a comparatively weak being simply because of his sentiment of pity. Pity does not prevent a sturdy savage from robbing a child or an infirm old man. It simply diminishes the likelihood that this means of obtaining food would be the norm in the state of nature.

To be sure, natural man's possession of pity is an important component of his natural goodness. Strauss writes, "goodness is immediately connected with the natural

¹⁶⁰ Masters, *The Political Philosophy of Rousseau*, 156.

¹⁶¹ Rousseau, *Second Discourse*, 203.

sentiment of compassion [i.e., pity].”¹⁶² However, as we have seen, man’s possession of pity does not prevent his engaging in violent behavior. Strauss characterizes Rousseau’s conception of goodness as “the desire to do good or at least the complete absence of a desire to do harm.”¹⁶³ What becomes clear is that pity’s impact in the state of nature is purely negative. Natural man repulses at harming other sentient beings because of his natural compassion.¹⁶⁴ Therefore pity does guarantee that the savage will not gain pleasure simply by harming others. However, his possession of this sentiment does not preclude his engaging in violence. Rather, it merely ensures that violence in the state of nature can always be explained as a means to an end; violence will never be an end in itself. The savage will only partake in the repugnant act of harming another if it is necessary for survival. It is worth noting that the judgment of when violence becomes a necessity for survival is entirely subjective. Rousseau writes that natural man “will never harm another man or even any sentient being, *except in the legitimate case when, his preservation being involved, he is obliged to give himself preference.*”¹⁶⁵ Although naturally compassionate, a paranoid savage may find that violence is required quite often. That natural man possesses pity indicates nothing regarding his behavior except that he is not a creature who will partake in violence merely for the sake of partaking in violence.

Rousseau’s account of pity is no doubt an important concept that reemerges in his other works and therefore warrants close consideration in any comprehensive analysis of his thought. However, the operative importance of pity in the state of nature proves to be

¹⁶² Strauss, *Natural Right and History*, 290.

¹⁶³ Strauss, *Natural Right and History*, 290.

¹⁶⁴ Rousseau, *Second Discourse*, 126.

¹⁶⁵ Rousseau, *Second Discourse*, 126. (emphasis added)

negligible. By considering natural man's pity, one is informed of what natural man *is not* rather than what he *is*. Masters writes, "...in the pure state of nature a conscious sentiment of pity directed toward other living members of the species cannot really exist, or at least be effective in producing external action..."¹⁶⁶ And in fact it is the pure state of nature that reveals natural right and therewith morality. Natural man's possession of this "obscure"¹⁶⁷ sentiment proves insufficient as the source of morality within the *Second Discourse*.

Perhaps we can gain insight into the moral element of the *Second Discourse* by looking at certain aspects of Rousseau's comparisons of natural man and social man. As we have seen, natural man is a solitary creature who lacks the capacity to reason and who's range of passions is rather narrow. In the fifteenth footnote of the *Second Discourse* Rousseau reflects on the rare, but possible, confrontational encounters that savages have with one another in the state of nature and the significance that their lack of reason and limited passions would have for this rendezvous:

since it is contempt or the intent to harm, and not the harm itself, that constitutes the offense, men who are unable to appreciate one another or to compare themselves with one another [i.e., men in the state of nature] can do each other much violence when there is some advantage in it for them, without ever offending one another. In a word, every man viewing his kind scarcely differently from the way he would view Animals of another species, can rob the weaker of his prey or yield his own to the stronger without considering these acts of pillage as anything but natural occurrences, without the slightest stirring of arrogance or resentment, and with no other passion than the pain or pleasure at success or failure.¹⁶⁸

¹⁶⁶ Masters, *The Political Philosophy of Rousseau*, 145.

¹⁶⁷ Rousseau, *Second Discourse*, 155.

¹⁶⁸ Rousseau, *Second Discourse*, 219-220.

This passage points to an important distinction that Rousseau makes in the *Second Discourse*—namely, the distinction between man’s external actions and his internal mental or psychological state. If a person takes another’s possessions, but does so without contempt or intent to harm, it is quite different than if the same act is perpetrated with malice. Now, clearly this distinction becomes quite complicated once man leaves the state of nature. Social man has the ability to reason and possesses a variety of passions that he had previously lacked. In order to analyze such a confrontation between social men one would be forced to consider not only the perpetrator’s intentions but also the victim’s perception of the aggressor’s intentions. However, this is a road down which we need not travel. In the state of nature man has not the capacity to act with “contempt” or “intent to harm.” Further, the victim has no reason (nor capacity) to assume that the aggressor’s actions were anything but a “natural occurrence.”

Two points begin to emerge regarding man’s natural goodness which parallel the two points mentioned in the introduction regarding the character of Rousseau’s morality. First, this naturally good being is completely individualistic. His pity is operative only as far as he does not see it conflicting with his own self-interest. Further, he views other men “scarcely differently from the way he would view Animals of another species...” This naturally good being has no meaningful interaction with other men. The second point that becomes clear from the above passage and from our discussion of pity is that man’s natural goodness does not preclude his engaging in external behavior that is harmful or physically offensive to others. Men in the state of nature can do one another “much violence” and partake in “acts of pillage” despite their natural goodness. What

begins to emerge is that man's natural goodness has less to do with his external behavior than it does with his internal state of mind (i.e., the composition of his soul).

Before further pursuing this point it is necessary to clarify this claim regarding man's external behavior. Rousseau does argue that the external behavior of social man is different from that of natural man. For instance, social man seems to be much more aggressive and violent than is natural man. Rousseau contrasts social man who has a tendency towards violence with savage man who is "at peace with nature" once he has satiated his hunger. The ninth footnote to the *Second Discourse* contains one of Rousseau's most pointed indictments of society. He argues that when one considers all of the defects of society it is not difficult to understand why the human species is experiencing a decline in population. One such defect is the existence of war. Rousseau writes, "more murders were committed in a single day's fighting, and more horrors at the capture of a single town, than had been committed in the state of Nature for centuries together over the entire face of the earth."¹⁶⁹ One may also recall that at the conclusion of the previous chapter we mentioned that Rousseau viewed the state of nature as being conducive to peace and his observation that mankind would have been spared many crimes, wars, murders, miseries and horrors had the founder of civil society been ignored. The point is, social man is much more violent than natural man. However, this change in external behavior is only an ancillary point for Rousseau. It may be that within the *Second Discourse* Rousseau emphasizes social man's tendency towards violence because of the observation's rhetorical effect. Nevertheless, this change in external behavior is not his core moral claim.

¹⁶⁹ Rousseau, *Second Discourse*, 179.

This change in external behavior is best understood as a symptom of a moral dilemma, not its root or essence. Rousseau's treatment of Sparta is evidence that violence is not the substance of his moral critique of society. While Rousseau is a critic of society and social man in general, he does praise Spartan society as being superior to other societies.¹⁷⁰ However, the Spartans are not known for their peacefulness. In fact, when one considers that Sparta is often noted for its warlike spirit, it becomes clear that Rousseau's affinity for the Spartans cannot be based on the issue of their external behavior (e.g., violence).¹⁷¹ If this were the criterion, he could not doubt praise another group of people much less violent than were the Spartans. Rousseau's affinity for this relatively violent society indicates that there must be something aside from the external actions of man that he is taking into consideration.

For Rousseau, the fact that the state of nature is conducive to peace does not make it superior to society. Rather, the peacefulness of the state of nature is an indicator that men, since their journey into society, have been somehow altered. That the state of nature is characterized by a population increase and society, at least according to Rousseau, is presently experiencing a population decrease is simply an indication that something is wrong. He refers to violence as one of the "first discernable *effects*" of man's leaving the state of nature.¹⁷² Something has changed within man that affects his external behavior.

One may recall Rousseau's observation that "Mankind of one age is not the Mankind of another age."¹⁷³ This observation serves as the foundation of his critique of

¹⁷⁰ Rousseau, *Second Discourse*, 180, 181, 187-188.

¹⁷¹ Albert M. Craig et al., *The Heritage of World Civilizations* (New Jersey: Prentice Hall, 2000), 84-85.

¹⁷² Rousseau, *Second Discourse*, 179. (emphasis added)

other political philosophers. If mankind changes, and none have “reached” the state of nature, it follows that none have examined natural man. Rousseau’s approach to understanding man can appropriately be described as evolutionary. If mankind evolves throughout the ages, one must consider that contemporary man may be profoundly different than was natural man. Therefore, examining mankind’s journey from the state of nature to society requires one to ask how man has evolved during this journey. Rousseau argues that one need ask the following questions:

how the human soul and passions, by imperceptible adulterations, so to speak change in Nature; why in the long run objects of our needs and of our pleasures change; why, as original man gradually vanishes, Society no longer offers to the eyes of the wise man anything but an assemblage of artificial men and factitious passions which are the product of all these new relationships, and have no true foundation in Nature.¹⁷⁴

It is this change in the human soul that represents the substance of the *Second Discourse*’s moral element. Natural man’s soul has a different character than does social man’s soul.

Rousseau writes, “Observation fully confirms what reflection teaches us on this subject: Savage man and civilized man differ so much in their inmost heart and inclinations that what constitutes the supreme happiness of the one would reduce the other to despair.”¹⁷⁵ While this passage could conceivably be interpreted to simply indicate that natural man would not be happy in society and social man would not be happy in the state of nature, Rousseau clarifies who he thinks is the more happy being. Rousseau writes:

¹⁷³ Rousseau, *Second Discourse*, 192.

¹⁷⁴ Rousseau, *Second Discourse*, 192.

¹⁷⁵ Rousseau, *Second Discourse*, 192.

I know that we are repeatedly told that nothing would have been as miserable as man in this state [i.e., the state of nature], And if it is true, as I believe I have proven, that he could have had the desire and the opportunity to leave it only after many Centuries, then this would be an Indictment of Nature, not of him whom nature had so constituted; but if I understand this term *miserable* correctly, it is a word either entirely devoid of sense, or which merely signifies a painful privation and suffering of Body or soul: Now, I should very much like to have it explained to me what kind of misery there can be for a free being, whose heart is at peace, and body in health. I ask, which of the two, Civil life or natural life, is more liable to become intolerable to those who enjoy it? Almost all the People we see around us complain of their existence, and some even deprive themselves of it as far as they are able, and the combination of divine and human Laws hardly suffices to stop this disorder: I ask whether anyone has ever heard tell that it so much as occurred to a Savage, who is free, to complain of life and to kill himself? One ought, then, to judge with less pride on which side genuine misery lies.¹⁷⁶

Rousseau is clearly arguing that social man is more miserable than is the savage of the state of nature. The former will sometimes kill himself while the latter is not inclined to do so. Again, the argument regarding violence (in this case suicide) is merely indicative of social man's unhappiness. Society is not bad because social men kill themselves. Rather, the presence of suicide indicates that something is wrong with social man.

Further, natural man's happiness is not contingent on the state of nature being characterized by peacefulness. Rousseau writes, "barbarous man will not bend his head to the yoke which civilized man bears without a murmur, and he prefers the most tempestuous freedom to a tranquil subjection."¹⁷⁷ While the state of nature may be the state most conducive to peace, natural man's happiness is not however dependent on his existing in a state of peace. Rather, Rousseau argues that natural man would prefer an uncomfortable freedom (i.e., a tempestuous state of nature) to a calm servitude (i.e., a tranquil society). This corresponds with our previous observation that savages can receive

¹⁷⁶ Rousseau, *Second Discourse*, 151-152.

¹⁷⁷ Rousseau, *Second Discourse*, 181.

great harm without ever being offended. The state of nature is preferable not because of the substantive characteristics of this state, but rather because of the effects that this state has on man's soul. The savage's happiness is not a result of the state of nature's peaceful quality. Rather, the state of nature's relative peace results from natural man's internal composition.

What becomes clear is that external behavior is not inherently moral or immoral. Actions do not have definitive moral content. To be sure, Rousseau does think that the observable behavior of man changes as he leaves the state of nature. There is an important relationship between behavior and morality. However—and this is an important point—man's natural goodness is not defined by the substance of his behavior. Rather, the order or disorder of man's soul, the peace of his heart, is the criteria on which Rousseau's morality is based. The value of external action is derived from its effects on man's soul. While it is tempting to link man's natural goodness with the natural sentiment of pity, this is in fact a mistake. Pity may play a significant role in Rousseau's thought, but it is not a central feature of his concept of natural right as it is revealed in the *Second Discourse*. Natural man is good because his soul is properly ordered. Why is it that natural man has a properly ordered soul and social man does not? The nexus between the order of man's soul and the state of nature is the “natural freedom” that man experiences in this primitive state.

Rousseauian Natural Right

The above claim regarding natural freedom brings us to the core of Strauss' argument pertaining to Rousseau's account of natural right. Strauss argues that the *Second Discourse* is intended to demonstrate moral principles and that, for Rousseau,

“the primary moral phenomenon is the freedom of the state of nature.”¹⁷⁸ We will need to further explore this notion of freedom being a moral phenomenon. This idea, the notion that the natural freedom of the state of nature is the primary moral phenomenon for man, comes into sharper focus by relating it to the order of man’s soul.

Rousseau argues that because social man and natural man differ so much in their hearts and inclinations “the *supreme happiness* of the one would reduce the other to despair.”¹⁷⁹ His use of the phrase “supreme happiness” warrants consideration. Classic natural right doctrine takes on a normative tone because it regards human nature as man’s end or perfection. It holds human nature as *the* standard by which man *should* live; nature is *the* basis for morality. Despite the vast differences that separate Rousseau’s approach to natural right from the classics, he does adopt their belief in an ultimate standard by which mankind can be judged. Rousseau’s account of natural right is intended to serve as the foundation for morality. Strauss states, “Civil society must therefore be transcended in the direction not of man’s highest end but of his beginning, of his earliest past. Thus the state of nature tended to become for Rousseau a positive standard.”¹⁸⁰ Although Rousseau’s conception of nature is elemental rather than teleological, he nevertheless holds nature as the standard by which to judge society. Rousseau writes, “For it is no light undertaking to disentangle what is original from what is artificial in man’s present Nature, and to know accurately a state which no longer exists [i.e. the state of nature]... and about which it is nevertheless necessary to have exact Notions *in order accurately to*

¹⁷⁸ Strauss, *Natural Right and History*, 282.

¹⁷⁹ Rousseau, *Second Discourse*, 192. (emphasis added)

¹⁸⁰ Strauss, *Natural Right and History*, 282.

judge of our present state."¹⁸¹ Whether or not Rousseau's critique of society is ultimately valid, one could at least argue that because it is based on some standard it avoids becoming arbitrary.

It is necessary to look for the substance of this positive standard set by natural man. Rousseau asks, "What, then, precisely is at issue in this Discourse? To mark, in the progress of things, the moment when, Right replacing Violence, Nature was subjected to Law; to explain by what chain of wonders the strong could resolve to serve the weak, and the People to purchase an idea of repose at the price of *real felicity*."¹⁸² It is natural man's possession of this "real felicity" that makes his existence the standard by which to judge social man. Because man in society has traded in this real felicity he falls short of the standard set by man in the state of nature. Natural man's real felicity is *the* supreme happiness.

In the most simple terms, natural man experiences this real felicity because he is capable of satisfying all of his desires. As Rousseau states, "his Desires do not exceed his Physical needs."¹⁸³ Rousseau elaborates, "Whence it follows, since Savage man desires only the things he knows, and knows only the things the possession of which is in his power or easy to achieve, nothing must be so calm as his soul and nothing so limited as his mind."¹⁸⁴ Again, his use of the term "soul" should not be mistaken to imply a metaphysical element. When Rousseau uses the term soul he is not referring to some spiritual component of man but rather to the psychological condition of natural man.

¹⁸¹ Rousseau, *Second Discourse*, 123. (emphasis added)

¹⁸² Rousseau, *Second Discourse*, 132.

¹⁸³ Rousseau, *Second Discourse*, 143.

¹⁸⁴ Rousseau, *Second Discourse*, 214.

Because natural man can satisfy all of his desires he is psychologically sound and has a pleasant life. Rousseau writes, “His soul, which nothing stirs, yields itself to the sole sentiment of its present existence.”¹⁸⁵

Social man’s soul does not experience the “sentiment of its present existence” as does natural man’s. Rousseau argues that social men can only “be happy and satisfied with themselves on the testimony of others rather than on their own. This, indeed, is the genuine cause of all these differences: the Savage lives within himself; sociable man, always outside himself, is capable of living only in the opinion of others and, so to speak, derives the sentiment of his own existence solely from their own judgment.”¹⁸⁶ Natural man’s soul can be described as unified because it remains within him and is focused only on his own existence. He can satisfy all of his own desires. In contrast, social man’s soul is characterized by disorder because it remains concerned with the existence of the individual while simultaneously perceiving this existence through the eyes of others. Because social man is concerned with the “testimony” of others, he no longer possesses the means to satisfy all of his desires. He needs others to view him in a certain light. His soul is torn between its natural narcissistic tendencies and its new and artificial concern with the “testimony of others.” The disunity of soul, or of the psyche, that social man experiences robs him of real felicity and supreme happiness.

For Rousseau, social man is fundamentally a slave. His use of the slave analogy in the *Second Discourse* is more profound than it may at first appear. To describe the weak or the oppressed as being slaves only indicates that certain portions of society suffer the yolk of other, perhaps more fortunate, portions. However, Rousseau argues that *all* social

¹⁸⁵ Rousseau, *Second Discourse*, 144.

¹⁸⁶ Rousseau, *Second Discourse*, 193.

men, not only the weak and the oppressed but also the strong and the oppressors, are in fact slaves. Rousseau writes:

To be and to appear became two entirely different things, and from this distinction arose ostentatious display, deceitful cunning, and all the vices that follow in their wake. Looked in another way, man, who had previously been free and independent, is now so to speak subjugated by a multitude of new needs to the whole of Nature, and especially to those of his kind, whose slave he in a sense becomes even by becoming their master; rich, he needs their services; poor, he needs their help, and moderate means do not enable him to do without them.¹⁸⁷

The rich are dependent upon the poor as much as the poor depend upon the rich. To be clear, this mutual dependence is not simply based on social man's ability to survive.

Rather, it is rooted in social man's desire to fulfill a plethora of artificial needs. Rousseau argues that in social relations everything is "reduced to appearances" and thus "becomes factitious and play-acting."¹⁸⁸ The rich depend on the poor for their wealth, not because they need this vast wealth to survive, but because their wealth provides them with status. The poor are also needed because their misery makes the wealthy appear all the more great. According to Rousseau, the rich "value the things they enjoy only to the extent that the others are deprived of them."¹⁸⁹ However, the poor and oppressed engage in the same play-acting. Rousseau writes, "Citizens let themselves be oppressed only so far as they are swept up by blind ambition and, looking below more than above themselves, come to hold Domination dearer than independence, and consent to bear chains so that they might impose chains [on others] in turn."¹⁹⁰ Because both the poor and the rich engage in the same play-acting they are both slaves to one another. Because they feel their own

¹⁸⁷ Rousseau, *Second Discourse*, 174-175.

¹⁸⁸ Rousseau, *Second Discourse*, 193.

¹⁸⁹ Rousseau, *Second Discourse*, 189.

¹⁹⁰ Rousseau, *Second Discourse*, 188.

existence through the eyes of others they similarly suffer from disunity of the soul and thus are similarly deprived of supreme happiness.

That Rousseau sees natural man as good because his soul is unified and social man as wicked because of the disunity of his soul seems to be a rather ambiguous concept. It is in the way that these two beings feel their existence that Rousseau views one as being better than the other. Strauss writes, “whereas sociable man derives the feeling of his existence, as it were, exclusively from the opinions of his fellows, natural man... feels his existence naturally; he gives himself ‘to the sole feeling of his present existence without any idea of the future.’ The feeling of existence is ‘man’s first feeling.’ It is more fundamental than the desire for self-preservation; man is concerned with the preservation of his existence because existence itself, mere existence, is by nature pleasant.”¹⁹¹ This naturally pleasant feeling of existence is natural right. Social man is wicked because he feels his existence only through the eyes of others. This is a fundamental corruption of what nature intended. Natural man is good because he independently feels his existence—as nature intended. Natural right is the pleasure that comes from man’s existence *when his soul is unified*. It is natural freedom that gives natural man this unified existence.

As we said before, natural freedom forms the nexus between the state of nature and the unity of man’s soul. Man was created by nature to exist in the state of nature—the state characterized by natural freedom. One could say that natural freedom is the essence of Rousseau’s conception of natural right. Strauss writes, Rousseau “suggests that the traditional definition of man be replaced by a new definition according to which not rationality but freedom is the specific distinction of man. Rousseau may be said to have

¹⁹¹ Strauss, *Natural Right and History*, 292.

originated 'the philosophy of freedom'."¹⁹² If Rousseau intends the state of nature to reveal natural right and if the question of natural right is essentially a moral one, it makes sense that Strauss would thus characterize natural freedom as, for Rousseau, the primary moral phenomenon. Strauss argues that the "consequence" of this view of human nature is "that the individual claims such an ultimate freedom from society as lacks any definite human content."¹⁹³ Strauss also writes, "The notion of a return to the state of nature on the level of humanity was the ideal basis for claiming a freedom from society which is not a freedom for something."¹⁹⁴ Rousseau's conception of natural right leads man to claim freedom merely for the sake of freedom. It is worth recalling the point that natural right is intended to provide a measure for positive right. If natural right is unlimited and undefined freedom, it seems that man would have an unlimited and undefined natural right to rebel against society (i.e., positive right). Strauss is correct that many of Rousseau's "followers" may have arrived at this conclusion. However, our argument is that Rousseau's account of human nature has more substance than a simple appeal to an absolute and undefined freedom. Strauss does allude to this point. He writes, "Rousseau is distinguished from many of his followers by the fact that he still saw clearly the disproportion between this undefined and indefinable freedom and the requirements of civil society."¹⁹⁵ Our argument is that Rousseau's is not an absolute freedom. Rousseau would reject the absolute freedom his followers adopted, not, however, simply because of

¹⁹² Strauss, *Natural Right and History*, 278-279.

¹⁹³ Strauss, *Natural Right and History*, 293.

¹⁹⁴ Strauss, *Natural Right and History*, 294.

¹⁹⁵ Strauss, *Natural Right and History*, 295.

the requirements of civil society, but because this conception of freedom also disregards the substance of his account of human nature.

Natural freedom represents a particular type of freedom. Strauss points to three different forms of freedom in Rousseau's thought—namely, natural freedom, civil freedom, and moral freedom. To explore each of these types of freedom would require examination beyond the *Second Discourse*. What is important to note is the fact that Strauss does admit that natural freedom (the freedom of the state of nature) is the type of freedom that he describes as the primary moral phenomenon. Natural freedom serves as the model for moral and civil freedom.¹⁹⁶

This argument concerning the importance of natural freedom in Rousseau's account of natural right needs clarification. Strauss argues that Rousseau's state of nature is "a state characterized by the rule of blind appetite and hence by slavery in the moral sense of the term."¹⁹⁷ He also argues that Rousseau's natural man "lacks freedom of will."¹⁹⁸ It is odd that the freedom of the state of nature serves as the primary moral phenomenon while natural man (the being who lives in the state of nature) lacks freedom of will and suffers the yoke of moral slavery. Strauss is quite aware of the seeming contradiction in how natural man has been described and argues that Rousseau's account of freedom is ambiguous and blurred.¹⁹⁹

At this point reference to man's soul and his psychological state becomes necessary. The "freedom" of the state of nature has more to do with natural man's

¹⁹⁶ Strauss, *Natural Right and History*, 281-282.

¹⁹⁷ Strauss, *Natural Right and History*, 281.

¹⁹⁸ Strauss, *Natural Right and History*, 271.

¹⁹⁹ Strauss, *Natural Right and History*, 281.

isolation and independence, and thereby unity of soul, than with what Strauss calls “freedom of will.” Despite natural man’s “slavery” to “blind appetite,” his chains of servitude are simply part of nature. Rousseau writes, “The spectacle of Nature becomes so familiar to him that he becomes indifferent to it.”²⁰⁰ His limitations are simply part of nature. Regardless of these natural limitations, natural man perceives himself to be free because he is “without any need of others” and thus “self-sufficient.”²⁰¹ Because he is independent natural man *perceives* himself to be free. This perception is the key to his happiness. One may recall that Rousseau points towards a corollary between the state of natural man’s soul and his mental capacity: “nothing must be so calm as his soul and *nothing so limited as his mind.*”²⁰² No matter how circumscribed his actions may be by natural circumstances, so long as he perceives these limitations to be natural, no harm is suffered. More accurately, he will likely not be aware that these limitations even exist. Natural man is neither capable of recognizing that he is a slave to “blind appetite” nor that he lacks “freedom of will.”

The psychological independence of natural man falls in sharp contrast to the slavery that social man endures. Strauss writes, “Man in the state of nature is happy because he is radically independent, whereas man in civil society is unhappy because he is radically dependent.”²⁰³ The freedom man experiences in the state of nature consists in his ability to independently satisfy all of his desires. Man is free because he has no need of others. Natural man is happy because of his radical psychological independence—that

²⁰⁰ Rousseau, *Second Discourse*, 144.

²⁰¹ Rousseau, *Second Discourse*, 160.

²⁰² Rousseau, *Second Discourse*, 214. (emphasis added)

²⁰³ Strauss, *Natural Right and History*, 282.

is, natural freedom. Natural man's soul is unified because it is focused on nothing other than his own particular existence. Natural man possess "godlike self-sufficiency."²⁰⁴

Melzer writes:

Rousseau is certainly not the first to have claimed that there is a natural sweetness to mere life but he seems to be the first to have made that sweetness the final end and the root of all happiness. Most of the thinkers who spoke of the 'sentiment of existence,' for example, also described it as pleasant, but they did not attribute to it such completeness and self-sufficiency. They did not go on to conclude, as Rousseau does, that man possesses the ground of his happiness and being within himself.²⁰⁵

Natural freedom is man's fundamental lack of any dependence on others in achieving supreme happiness (i.e., natural right).

However, one must keep in mind, it is this supreme happiness, or supreme felicity, that is the desired effect of natural freedom. In other words, natural freedom is not desirable simply for the sake of freedom. Natural freedom is the primary moral phenomenon because of the effects that it has on man's soul. Natural man's fundamental independence is good, not because independence is necessarily valued for itself, but because it leaves his soul unified. Rousseau's is not an unlimited and undefined freedom. Rousseau's freedom is a freedom for something. One must not mistake the fact that natural freedom may seem radical and extreme (man is a completely isolated and independent creature) with the notion that natural freedom is unlimited and undefined. If natural freedom did not have a unifying effect on natural man's soul it would not be the primary moral phenomenon. The goal is not freedom, but rather, the proper psychological state of the individual. The moral argument of the *Second Discourse* is that there exists a

²⁰⁴ Strauss, *Natural Right and History*, 292.

²⁰⁵ Melzer, *The Natural Goodness of Man*, 41.

proper order to man's soul, or psyche, and that this order is inherently good—that is, *the* good.

It is a mistake to read into Rousseau's argument of man's natural goodness the notion that in his external actions man is naturally moral. Freedom is the moral element of the state of nature because of its effect on the individual's soul. Strauss argues that Rousseau's account of natural right "lacks any definite human content."²⁰⁶ This of course depends on how one defines the term "human." For the classics, the search for human nature involves discovering man's end or perfection. We can now see more clearly the significance of our earlier statement that classic natural right embraces the complexity of the human condition. Classic natural right thinkers hold that it is at least possible that mankind's generational evolution is the natural progression towards man's natural end or perfection. Social interaction can be natural or unnatural and thereby moral or immoral. For Rousseau, all that nature has to say regarding morality exists in mankind's most primitive state. Strauss writes, "Rousseau was brought face to face with a difficulty which embarrasses most present-day social scientists: not the reflection on man's experience of men, but only a specifically 'scientific' procedure, seems to be able to lead one to genuine knowledge of the nature of man."²⁰⁷

The *Second Discourse*'s moral teaching therefore has nothing to say regarding society other than noting its fundamental separation from nature. Interaction between individuals cannot be inherently moral or immoral because such interaction is fundamentally unnatural. The *Second Discourse*'s condemnatory tone with regard to society stems from society's effect on the individual's soul. Society is the cause for

²⁰⁶ Strauss, *Natural Right and History*, 293.

²⁰⁷ Strauss, *Natural Right and History*, 268.

man's present wickedness (i.e., disunity of soul). However, Rousseau's natural right is not defined by an unlimited freedom from society. Rather, it gives man a standard by which to judge society: How does positive right effect *my* soul? Now it may be that this standard is so thin that it results in an unlimited freedom from society. However, this simply indicates that the substance of Rousseau's account of natural right is wanting. Here we detect the individualism and the psychological character of Rousseau's morality. Ultimately, man can judge positive right simply by considering how it makes him feel. After all, natural right consists of nothing more than the psychological state of the individual.

Conclusion

Our analysis has been limited to the *Second Discourse*. While this is no doubt a shortcoming, it is nevertheless defensible as the *Second Discourse* is Rousseau's most philosophic work.²⁰⁸ However, if our analysis is correct and, not freedom, but the psychological state of the individual forms the substance of Rousseau's natural right, this point should reemerge as one looks to his other works. Strauss writes, "It is true that Rousseau distinguishes true freedom or moral freedom... not only from civil freedom but, above all, from the natural freedom which belongs to the state of nature.... it is also true that he blurs these distinctions."²⁰⁹ The meaning of freedom changes throughout Rousseau's works. Although, to be clear, natural freedom does remain the model for

²⁰⁸ Strauss, *Natural Right and History*, 264.

²⁰⁹ Strauss, *Natural Right and History*, 281.

other freedoms. Strauss also observes that for Rousseau, “Man is by nature almost infinitely malleable.”²¹⁰ While there is no doubt much truth to this observation, our analysis would indicate that man’s unity of soul is a normative common denominator of sorts that is to be strived for in all situations. Rousseau’s account of natural right does give a substantive goal which one can look to in establishing positive right—that is, the unity of the individual’s soul. As evidence that this analysis is correct, one may note the malleability of the meaning of freedom within Rousseau’s works to which Strauss makes reference. Freedom changes form as to facilitate its purpose of unifying the individual’s soul.

Ultimately Strauss’ criticism of Rousseau is the same as is offered in this piece. Rousseau attempts to establish a foundation for morality that lacks sufficient substantive content. However, it is necessary to push Strauss’ analysis further and recognize that, while wanting, there is nevertheless some substantive content to Rousseau’s account of natural right. This recognition is needed because it further exposes the influence that Rousseau has had on Western society. A morality which recognizes the psychological state of the individual as *the* good is indeed a shallow concept of natural right. However, it seems to be one towards which the West is moving.

²¹⁰ Strauss, *Natural Right and History*, 271.

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