

Obligation and Freedom: Reconsidering Rousseau in the Era of Globalization

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| 논문요약 |

전 세계적으로 정치적·경제적 자유주의가 부상하는 세계화 시대를 맞아, 국경 내에서 국가가 누리던 압도적인 지위와 권위는 약화되기 시작했고, 국가만이 국민에게 충성을 요구할 수 있는 배타적인 권한을 지니는가에 대한 회의가 일어나기 시작했다. 시장의 논리가 개인의 삶을 지배하고 국가가 아닌 다른 단위가 개인의 이익을 보호해 줄 수 있다면, 우리는 왜 여전히 국가에 복종할 의무를 지니는가? 무엇이 오늘날에도 국가라는 정치공동체의 필요성을 정당화하는가? 이러한 근본적인 정치철학적 질문들에 답하기 위해, 이 논문은 홉스, 로크, 루소의 정치적 복종의 의무와 개인의 자유에 대한 논의를 분석한다. 이 논문은 개인의 자유와 공동체에 대한 복종을 상호 배타적인 것으로 보지 않는 루소의 관점이 질문들에 대한 의미 있는 답을 줄 수 있다고 주장한다. 시장 논리와 사적 이익의 추구가 국가의 정당성 뿐만 아니라 결국 개인의 자유와 평등을 침해하는 시대에, 정치공동체의 적극적인 일부로서만 개인은 자유롭고 평등해질 수 있다는 루소의 통찰은 진지한 재해석이 필요하다.

▪ 주제어 : 세계화, 국가, 루소, 정치적 의무, 정치적 권위, 자유

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I . Introduction

What is the source of the state's legitimacy of ruling, and why should we obey the rule of the state? In the era of neoliberal globalization, these fundamental questions that have occupied political philosophers for a long time seem to have a new twist.

On one hand, this might be one of the times in modern history when the legitimacy of the state is most strongly consolidated without fundamental doubts or challenges. With the collapse of communism and the grand advance of political and economic liberalism during the last two decades, liberal democracy came to the position of an unquestionably superior and legitimate ideology and form of government. The position of liberal democracy is such that, although the legitimacy of specific governments may be open to question, the moral and political justification for citizens' obligation to the state in a liberal democracy is beyond doubt.¹⁾

However, on the other hand, this might also be a time when the state occupies the smallest and weakest position in the life of citizens given the global surge in political and economic liberalism. Some argue that, with the demise of communism and "the end of history," the era of politics and ideology is gone.²⁾ As economic logic overwhelms political logic, the predominant status of the state is concurrently diminishing, and the state cannot persuade or mobilize its citizens with the values or interests against the logic of market or individual economic interests. The traditional concept of governing, which is based on the territorial boundary of the state, also seems to be weakening. The state's exclusive right to demand loyalty from

1) Carole Pateman(1985), *The Problem of Political Obligation*, Cambridge: Polity Press, p. 1.

2) A representative work on this is Francis Fukuyama(1992), *The End of History and the Last Man*, New York, NY: Free Press.

subunits inside its territory has been brought into question. Political and economic entities at both sub national and international levels, including multi national corporations(MNCs), non government organizations(NGOs), and regional communities, are altering the citizens' primary identity and subject of loyalty.

Furthermore, the state's autonomy within and control over its territory has also been challenged. Enhanced economic openness and integration, free floating capital across national borders, worldwide information sharing, and powerful international organizations are seen as the forces that severely constrain the state's policy-making autonomy and control over domestic actors and policy outcomes.³⁾ According to this logic, the state has been reduced to the role of "adjusting national economies to the dynamics of an unregulated global economy."⁴⁾ The state might be no longer the locus of effective political power and could become just one among many contending powers.⁵⁾ Now the students of international relations question the concept of sovereignty itself⁶⁾ as well as the viability of the state.⁷⁾

3) For detailed discussion on this issue, see David Held et al.(1999), *Global Transformations: Politics, Economics and Culture*, Cambridge, UK: Polity Press, pp. 442-443; Linda Weiss(2002), *States in the Global Economy: Bringing Domestic Institutions Back In*, New York, NY: Cambridge University Press, pp. 7-9; and David Marsh, Nicola Smith and Nicola Hothi(2006), "Globalization and the State," in Colin Hay, Michael Lister and David Marsh, *The state: Theories and Issues*, New York, NY: Palgrave Macmillan.

4) Robert W. Cox and Timothy J. Sinclair(1996), *Approaches to World Order*, New York, NY: Cambridge University Press, p. 528.

5) Held et al.(1999), *Global Transformations: Politics, Economics and Culture*, Cambridge, UK: Polity Press, pp. 442-444.

6) For an interesting argument about the sovereignty, see Stephan D. Krasner(1999), *Sovereignty: the organized hypocrisy*, Princeton, NJ: Princeton University Press.

7) For works on this argument, see Robert B. Reich(1991), *The Work of Nations: Preparing Ourselves for 21st century Capitalism*, New York, NY: A. A. Knopf; Gidon Gottlieb(1993), *Nation against State*, New

This circumstance demands us to return to the very basic questions of political theory: the questions on the political obligation and authority. If the state, which arguably exists to protect the citizens' freedom and property, cannot function better than other entities, why are citizens still obliged to obey the state? Why do utility maximizing individuals need a political community such as the state and bind themselves to its rules and restrictions in a time of market dominance?

The question of "why, and whom should I obey?" has agitated political thinkers for centuries. Among the numerous quests for an answer to this age old question, this essay analyzes those of Hobbes, Locke and Rousseau, focusing on their inquiries on political obligation and freedom. This essay argues that we need to revisit Rousseau as one who can suggest a viable answer to the questions regarding political obligation in the era of neoliberal globalization. Like the liberals of his time, who sought to delimit the respective boundaries of constraint and freedom, Rousseau attempted to establish the respective rights of the sovereign and the citizen. However, unlike others, he found the way to freedom in the community where a person surrenders all his or her rights without becoming a slave.⁸⁾ By understanding freedom as a public rather than private matter, Rousseau provides an intriguing alternative to the liberalist perspective on political obligation and the way individuals can attain true freedom as part of a political community.

York, NY: Council on Foreign Relations Press; Mathew Horsman & Andres Marshall(1994), *After the Nation State*, Londo: HarperCollins; Kenichi Ohmae(1995), *The End of the Nation State*, London, UK: HarperCollins; Group of Lisbon(1995), *Limits to Competition*, Cambridge, MA: MIT Press; and Michael Ross Fowler and Julie Marie Bunck(1995), *Law, Power, and the Sovereign State*, University Park, PA: Pennsylvania State University Press.

8) Peter Gay(2007), "Introduction," Jean Jacques Rousseau, *The Basic Political Writings*, Indianapolis, IN: Hackett Publishing Company, p. xv.

II. Political Obligation

Under what conditions are obedience and disobedience required or justified? To what or to whom is obedience or disobedience owed? What is the relationship between having an obligation and having freedom to act?⁹⁾ These questions regarding political obligation are closely tied to the questions of political authority, and involves three main issues. The first issue is the origins of political obligation: how is it that I come to have political obligations, or do I have any at all? The second issue is the identification of political authority: to whom, or to what, do I owe my political obligations? Then the final issue is the extent of political obligations: how far, or in what respects, am I obligated to those in political authority?¹⁰⁾

Until roughly the beginning of the sixteenth century the answer given to the first question regarding the origins of political obligation was either that we simply inherit them, as a given fact of nature like parental obligations, or that we must simply accept them as God's will. As long as it is generally believed that political authority is an immutable fact, natural or divine, the question of whether we have political obligations cannot be raised. For example, Luther regarded a secular government as instituted by God to create peace and prevent men from "tearing each other apart."¹¹⁾ And Filmer argued that all authority had its origin in the divine establishment of 'patriarchal' power in Adam and was passed on to the monarch.¹²⁾

9) Richard E. Flathman(1972), *Political Obligation*, New York, NY: Atheneum, p. xiii.

10) David Miller et al.(eds.)(1987), *The Blackwell Encyclopedia of Political Thought*, New York, NY: B. Blackwell, p. 378.

11) Martin Luther(1991), "On Secular Authority," in Harro Hopfl(ed.), *Luther and Calvin on Secular Authority*, New York, NY: Cambridge University Press.

12) Peter Laslett(ed.)(1988), *Locke: Two Treatises of Government*, New York, NY: Cambridge University Press, pp. 67-69. For more detail, see Robert

Such absolutist claims were opposed by the social contract tradition, and reached its golden age by Hobbes and Locke in the seventeenth century. At the heart of social contract theory is the idea that a legitimate government is the artificial product of the “voluntary” agreement of free moral agents. The source of political legitimacy is, therefore, the consent of individuals.¹³⁾ In other words, political obligation and authority are co products of everyone’s freedom and will, and thus there is no “natural” political authority. The state is designed to serve a specific purpose, i.e. avoiding the dangers and difficulties of the state of nature, and political authority is necessary to achieve this end. The authority arises from the individuals’ common agreement to alienate or transfer their natural rights to a political sovereign, and the individual retains at least some of the rights he or she enjoyed in the state of nature. As a consequence, there is a clear conceptual line between the sphere of political authority and the sphere of individual rights.¹⁴⁾

The answer to the question of where the line is drawn, i.e. the extent of political obligations, differs according to the views on human nature and the state of nature. For example, Hobbes regards men as an equal(equally able to kill each other) and selfish being, and the state of nature, which is a hypothetical condition, as “a warre, as is of every man, against every man,” where the life of man is “solitary, poore, nasty, brutish, and short.”¹⁵⁾ This miserable state can be avoided only by the “voluntary” and “mutually transferring of right, is that which men call Contract.”¹⁶⁾ “The right of all sovereigns is

Filmer(2009), “Patriarcha,” Peter Laslett(ed.), *Patriarcha and other political works*, Oxford: B. Blackwell.

13) Pateman(1985), p. 1.

14) Miller et al.(eds.), pp. 379-380 & p. 479.

15) Thomas Hobbes(1968), *Leviathan*, New York, NY: Penguin Books, Ch. 13.

16) *Ibid.*, Ch. 14.

derived originally from consent of every one of those that are to be governed,”¹⁷⁾ and human wills “make the essence of all covenants.”¹⁸⁾ This is an alienation of a man’s all natural rights, except for the right to resist when immediately attacked “to take away his life” or to give “Wounds, and Chayns, and Imprisonment.”¹⁹⁾ “This is the Generation of that great Leviathan···to which wee owe···our peace and defense .”²⁰⁾

Two problems arise from this Hobbesian concept of consent. First, as the result of such transfer of right, virtually absolute authority is created. To Hobbes, the distinction between the good and bad forms of government is not important. The original contract includes the formation of government, and the sovereign can act in whatever way is thought necessary for the security of his or her subjects.²¹⁾ Under this consent, even the preservation of one’s life, which is the purpose of and the basic right under the consent, might not be maintained once the absolute power is given to the sovereign. Second, Hobbes understands the attaining of the sovereign power by two ways, ie. by institution and by acquisition, seeing no differences between them except for the object of the fear. In the first case, “men choose their sovereign for fear of one another, and not of him whom they

17) Ibid., Ch. 42.

18) Ibid., Ch. 40.

19) Ibid.

20) Ibid., Ch. 17.

21) Concerning the nature of the contract, two points deserve mentioning here. First, in the theory of Hobbes, every subject covenants with every other to form a society and to obey a government, and a subject will therefore break a sort of contract of government with other subjects if he refuses to obey. Second, the ruler is also bound to give protection to the lives of his or her subjects, and if he or she fails to do so the subjects may rebel. So after all, there is an implicit contract between ruler and subjects, which the ruler may and actually can break. See Ernest Barker(1997), *Social contract*, New York, NY: Oxford University Press, pp. xii-xiii.

institute,” and in the latter case they “subject themselves to him they are afraid of. In both cases they do it for fear.”²²⁾ Therefore, there is no significant difference between setting up a sovereign by consent in the first place or by a forced agreement caused by conquest later on. Then consent can be not a voluntary agreement among free agents but a passive and unconditional obligation to whichever authority out of fear.

It is Locke who provides wider room for individual freedom and emphasizes political obligation as voluntary consent of individuals, which can be withdrawn. Locke’s view starts from the more tolerable picture of the state of nature. The state of nature is “a State of perfect Freedom...and Equality” within the bounds of the Law of Nature.²³⁾ Man part with this freedom for “the enjoyment of it is very uncertain, and constantly exposed to the invasion of others,” and unite “for the mutual Preservation of their Lives, Liberties and Estates,” which he calls “Property.”²⁴⁾

Whosoever therefore out of a state of Nature unite into a Community, must be understood to give up all the power...to the majority of the Community...And this is done by barely agreeing to unite into one Political Society, which is all the Compact that is or needs be, between the Individuals, that enter into, or make up a Common wealth. And thus that, which begins and actually constitutes any Political Society, is nothing but the consent of any number of Freemen capable of a majority to unite and incorporate into such a Society. And this

22) Hobbes(1968), Ch. 20.

23) John Locke(1988), “The Second Treatise,” in Peter Laslett(ed.), *Locke: Two Treatises of Government*, New York, NY: Cambridge University Press, §4 & 5.

24) *Ibid.*, §123.

is that, and that only, which did, or could give beginning to any lawful Government in the World.²⁵⁾

According to the Lockean theory, political authority arises in two stages. First men make an unanimous contract of society to form themselves into a political society by renouncing their natural right to execute the laws of justice, and then a majority decision of those incorporated is made as to the particular form of government. By merely “entrusting” their natural rights to the state, men reserve their right to resume their executive powers if the state fails to discharge its trust. Government, thereby, is limited to its ends, i.e. the preservation of individual property.

The Supreme Power cannot take from any Man any part of his Property without his own consent. For the preservation of Property being the end of Government, and that for which Men enter into Society²⁶⁾...the Prince or Senate, however it may have power to make laws for the regulating of Property between the Subjects one amongst another, yet can never have a Power to take to themselves the whole or any part of the Subjects Property, without their own consent...even absolute Power...is not Arbitrary by being absolute, but still limited by that reason, and confined to those ends.²⁷⁾

However, Locke's concept of consent also has problems. He asserts that a man, by merely inhabiting or owning property in the dominions ruled over by a government, thereby tacitly consented to all its laws.

²⁸⁾ However, how people can be understood to have consented is not

25) Ibid., §99.

26) Ibid., §138.

27) Ibid., §139.

a simple matter. Living inside the territories of a government does not automatically imply a willingness to obey all its laws. Minorities or the disadvantaged with significant discontent with their government might have no choice but to live in the territory of it. Their residence itself cannot be regarded as acquiescence and granting permission and legitimacy to the government.²⁹⁾ These problems concerning the tacit consent reveal Locke's very ambiguous attitude to voluntarism. He is actually arguing that even if citizens cannot be said to have promised or consented, they are, nevertheless, politically obligated in the liberalist state.³⁰⁾

Contractarians insist that political obligation must be conditional upon the state's fulfilling its restricted purposes and going no further. The analysis of Hobbesian and Lockean views on consent show, however, that the circumstances under which an individual might properly consider himself or herself to have been released from his or her obligations are usually specified either so stringently(Hobbes) or so ambiguously(Locke) that the effect is often to attenuate or even to nullify the condition of consent. Under this circumstance, what really legitimizes political obligation is not consent but the state of nature itself, which leaves no choice to people but to condition of consent if they are rational or moral.³¹⁾

It is Rousseau who attempts to overcome these problems. He clearly argues that the ideas of consent, contract and voluntary actions are tied together as Hobbes and Locke do, by saying that "Civil association is the most voluntary act in the world; since every individual is born free and his own master, no one is able, on any

28) Ibid., §119.

29) J. P. Plamenatz(1968), *Consent, Freedom, and Political Obligation*, New York, NY: Oxford University Press, pp. 6-12; and Pateman(1985), pp. 16-17.

30) Ibid, p. 3.

31) Miller et al.(eds.)(1987), p. 380.

pretext whatsoever, to subject him without his consent.”³²⁾ But he develops a line of thought that culminates in the critique of the liberal individualist tradition of conditional obligation.

While Hobbesian or Lockean state of nature is already a social and developed state, Rousseau begins with an account of the state of nature that is a hypothetical “pre societal” condition where human beings live isolated without speech, reason, morality or the concept of authority.³³⁾ By nature, men are free, but left to their own devices they enslave each other. There is a tension between natural freedom and the spontaneous march to inequality and oppression in which all men participate. Thus men voluntarily create a political sovereign and transfer their rights to it. The crucial point at which Rousseau differs from classical contract theorists is in arguing that, in order to create a legitimate political sovereign, under which all men are free and equal, men in the state of nature must alienate all their natural rights.

Rousseau might appear as a proponent of unconditional, absolute political authority. However, such a complete alienation of right not only creates political authority but also incorporates and modifies individuals’ private wills into “the general will.”³⁴⁾ Everyone has both a particular interest as an individual and a general interest as a citizen. From this distinction between an individual and a citizen, Rousseau finds a corresponding distinction between the private will and the general will. While the private will is partial, the general will is impartial and seeks to further the interests of citizens as a whole,

32) Jean Jacques Rousseau(1987a), “On the Social Contract,” in Donald Cress(ed.), *Jean Jacques Rousseau: The Basic Political Writings*, Indianapolis, IN: Hackett Publishing Company, Book 4, Ch. 2.

33) Jean Jacques Rousseau(1987b), “Discourse on the Origin and Foundations of Inequality,” in Donald Cress(ed.), *Jean Jacques Rousseau: The Basic Political Writings*, Indianapolis, IN: Hackett Publishing Company, pp. 38-43.

34) Miller et al.(eds.)(1987), pp. 381-382.

i.e. the common good or public interests. Because all are the equal citizens, the general will is devoted equally to all.³⁵⁾

If a transformation of private wills into the general will takes place in the process of the social contract, the above mentioned problems of political obligation in liberal social contract theories are redefined. If individuals' private wills are identical with the general will, their obligations to the state are, in a sense, to themselves. Rousseau says, "Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole."³⁶⁾ From this perspective, the central issue is not any more political obligation or identifying the proper line between individual freedom and political authority. Since obligation to political authority and individual freedom are not mutually exclusive, the key question becomes how individuals may achieve true freedom.³⁷⁾ Rousseau moves our attention from the issues of political obligation and authority to the issue of freedom.

III. Freedom

Rousseau begins his work, "On the Social Contract," with the following well known words: "Man is born free, and everywhere he is in chains."³⁸⁾ As this passage demonstrates, Rousseau's ultimate question is freedom. For him, freedom is also the goal of the social contract. This is the point where Rousseau's ideal political community is fundamentally different from Hobbes' or Locke's. For Hobbes, people

35) Richard Dagger(1997), *Civil Virtues*, New York, NY: Oxford University Press, p. 85.

36) Rousseau(1987a), Book 1, Ch. 6.

37) Miller et al.(eds.)(1987), pp. 381-382.

38) Rousseau(1987a), Book 1, Ch. 6.

subordinate themselves under the absolute authority because of their fear of one another. For Locke, individuals use the community to protect their individual property. However, for Rousseau, the political community is the place where human beings are freed. And it is also important to understand that Rousseauistic freedom not only possesses a different status but also contains a different meaning from Hobbesian or Lockean freedom.

Hobbes stands for authority rather than freedom. Hobbes believes that what men need is order, which can be achieved only when men renounce the dangerous freedom they have in the state of nature, i.e. the freedom to do anything, even to kill one another. Such a view has become the commonplace of subsequent conservative thinking about the state. He defines freedom as “the absence of external impediments”³⁹⁾ and says “a Free Man is *he, that in those things, which by his strength and wit he is able to do, is not hindered to doe what he has a will to.*”⁴⁰⁾ In other words, one is free when he or she is left alone. Such Hobbessian view of freedom, which identifies it with non obstruction, represents “negative freedom.”⁴¹⁾ Hobbes also argues that freedom in the sense of non coercion is always invaded by the coercive laws imposed by the state. “Law is always a fetter,” even if its objective is to prevent the greater loss of freedom as a

39) Hobbes(1968), Ch. 14.

40) Ibid., Ch. 21.

41) The contemporary discussions of freedom have been dominated by the distinction between negative and positive freedom. Negative freedom involves the absence of interference where interference is a more or less intentional intervention of the sort exemplified, not just by the physical coercion but also by the coercion of the credible threat. Positive freedom requires more than the absence of interference, more than just being left alone by others. It requires the agent to take an active part in gaining control or mastery of himself or herself. See Philip Pettit(1999), *Republicanism*, New York, NY: Oxford University Press, p. 17; and Isaiah Berlin(1969), *Four Essays on Liberty*, New York, NY: Oxford University Press, pp. 118-172.

result of the absence of law. Once government is instituted, freedom is a matter of “the silence of the laws,” since every law is an intrusion and freedom begins where law ends.⁴²⁾ Hobbes says that “The liberty of a Subject lyeth therefore only in those things, which in regulating their actions, the Sovereign hath pretermitted.”⁴³⁾

Locke’s understanding of freedom is different from Hobbes’. He argues that “freedom from Absolute, Arbitrary Power”⁴⁴⁾ is essential, saying that “The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule.”⁴⁵⁾ In addition, freedom is one “by” the laws not “from” the laws. “The liberty of man, in society, is to be under no other legislative power, but that established by consent, in the commonwealth, nor under the dominion of any will, or restraint of any law, but what the legislative shall enact, according to the trust put in it.”⁴⁶⁾ Locke sees that law enables freedom: “For Law···is not so much the Limitation as the direction of a free and intelligent Agent to his proper Interest···the end of law is not to abolish or restrain, but to preserve and enlarge Freedom.”⁴⁷⁾

However, Locke is also different from Rousseau in that he draws a clear line between the sphere of individual life and that of political authority. Because the government is set up to protect individual freedom, it does not have the right to intervene the individual sphere,

42) Charles Larmore(2004), “Liberal and Republican Conceptions of Freedom,” in Daniel Weinstock and Christian Nadeau(eds.), *Republicanism: History, Theory and Practice*, Portland, OR: Frank Cass., p. 99; and Berlin(1969), p. 123.

43) Hobbes(1968), Ch. 21.

44) Locke(1988), op, cit, §23.

45) Ibid., §22.

46) Ibid.

47) Ibid., §57.

especially individuals' property. Individuals, on the other hand, remain quite apolitical and are not interested in the job of government unless they need to overthrow the government. Individuals and politics seem to keep a distance from each other.

Rousseau, on the other hand, identifies freedom with obedience to laws and to the general will. Contrary to the Hobbesian view, laws and freedom are not intrinsically opposed. Individuals are free when they obey the laws that they have prescribed for themselves to promote their own interests as citizens. The individuals who enter into the social contract may surrender the freedom of the state of nature that had enslaved them, but gain the freedom that comes with self legislation and self restraint against their "impulse of appetite."⁴⁸⁾ The individual who enters the social contract "obeys only himself and remains as free as before."⁴⁹⁾ Paradoxically, freedom is compatible with a greater degree of interference for Rousseau, and not equated with the lack of intervention from political authority, as Hobbes and Locke see it.⁵⁰⁾ This is where freedom is identified with positive self government or self mastery. That is, one is free not simply when he or she is unobstructed by others but only when one is his or her own master.

Rousseau identifies freedom with obedience not only to laws but also to the general will. Rousseau's idea of merging individual wills with the general will, discussed in the previous section, sounds radical. Rousseau goes even further and says, "for the social compact to avoid being empty formula, it tacitly entails the commitment that whoever refuses to obey the general will will be forced to do so by the entire

48) Dagger(1997), p. 88.

49) Rousseau(1987a), Book 1, Ch. 6.

50) Daniel Weinstock(2004), "Introduction," in Daniel Weinstock and Christian Nadeau(eds.), *Republicanism: History, Theory and Practice*, Portland, OR: Frank Cass, p. 2.

body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence.”⁵¹⁾ This well known, controversial passage regarding “being forced to be free” can be interpreted as a dangerous totalitarian perspective. However, considering the close association between laws and the general will in Rousseau’s perspective, this could simply mean that we shall be forced into obedience if we break the laws that we agreed to prescribe for ourselves.⁵²⁾

Rousseau argues that “since each person gives himself whole and entire, the condition is equal for everyone; and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.” In addition, “since there is no associate over whom he does not acquire the same right that he would grant others over himself, he gains the equivalent of everything he loses.”⁵³⁾ That is, all the people consist of sovereign power by alienating their whole rights, and after the alienation, they are as free as before. Therefore, one’s submission to the general will could mean that the person acknowledges others within the community as his or her equals and accepts equal terms, which will complete the individual as a free, independent citizen of the community.⁵⁴⁾

Rousseau strongly believes that the distorted human nature and inequality can be overcome by the social contract. Most social restraints are imposed on the many for the sake of the few, but the free society is a society of equals, where no one is the inferior to another but all depend equally on the community of which they are all

51) Rousseau(1987a), Book 1, Ch. 7.

52) Miller et al.(eds.)(1987), p. 165.

53) Rousseau(1987a), Book 1, Ch. 6.

54) N. J. H. Dent(2001), “Jean Jacques Rousseau,” in Steven Emmanuel(ed.), *The Blackwell Guide to the Modern Philosophers*, Malden MA: Blackwell Publishers, p. 219.

active members. Rousseau believes that the free society can awaken individuals' reason and morality and can develop their faculties and capacities harmoniously. A human, as a rational and moral being, cares deeply for freedom, not because he or she is a creature of desires, but because he or she is a moral person having notions of excellence.⁵⁵⁾

IV. Representation and Government

Rousseau regarded that individuals are truly free when they become equal citizens and actively participate in the common affairs of their community. The issue of freedom then is closely related to a more practical matter regarding how to run the community, i.e. the issues of representation and government. What are the differences between the legitimate and illegitimate governments? How much right and rights to do what shall we alienate to our representatives and government?

The essence of liberal social contract theories is that individuals ought to agree to obey their representatives, to whom they have alienated their right to make political decisions. Hobbes defined representation as acting in the name of another who has authorized the action. When people authorize a sovereign in the social contract, he becomes their unlimited representative.⁵⁶⁾ Rousseau's critique of this liberal perspective is that such a contract limits individuals' freedom and equality. It is important to note that Rousseau does not deny the need for a government as an agent of the state or the

55) John Plamenatz(1963), *Man and Society*, Vol. 1, London, UK: Longman, pp. 391-395 & pp. 440-441.

56) Miller et al.(eds.)(1987), p. 432.

sovereign but is against the representation of sovereignty. Rousseau emphasizes the inalienability and non representability of the general will by saying that “Since sovereignty is merely the exercise of the general will, it can never be alienated, and that the sovereign, which is only a collective being, cannot be represented by anything but itself. Power can perfectly well be transmitted, but not the will.”⁵⁷⁾

To promise to obey representatives is to state that people making the promise are no longer free and equal, but subordinate to their representatives.⁵⁸⁾ By alienating their rights to representatives, citizens are alienated from politics. They are free only at the moment of elections. As soon as represented, they are subject to an alien will of representatives.⁵⁹⁾ Rousseau argues that representative institutions only substitute the will of a few people for that of the entire community. To entrust lawmaking to a small group of individuals is to invite them to pursue their private interests at the expense of the collective interests.

Rousseau also disapproves groups or “partial associations” within the state. These groups have their own private will, which might not coincide with the general will of the community as a whole. They also divide the loyalty of the people and make them think themselves as members of these groups rather than citizens. When this happens, the private wills of these groups will prevail over the general will.⁶⁰⁾ “In order for the general will to be well expressed, it is therefore important that there be no partial society in the State, and that each citizen give only his own opinion.”⁶¹⁾

Rousseau’s abhorrence of representation might seem like unrealistic

57) Rousseau(1987a), Book 2, Ch. 1, p. 153.

58) Pateman(1985), p. 19.

59) Miller et al.(eds.)(1987), p. 433.

60) Dagger(1997), p. 87.

61) Rousseau(1987a), Book 2, Ch. 3

moral obsession considering the huge size of the political community we are in, but one cannot deny that he foresees the serious ills of today's representative democracy, that is people's apathy to and alienation from politics.

Once public service ceases to be the chief business of the citizens, and they prefer to serve with their wallet rather than with their person, the state is already near its ruin...By dint of laziness and money, they finally have soldiers to enslave the country and representatives to sell it...The better a state is constituted, the more public business takes precedence over private business in the minds of the citizens.⁶²⁾

When people are represented and their private business takes precedence over political participation, the state begins to be degraded. Rousseau regards the use of representatives to make the law as an expedient to compensate for the moral corruption and political indifference of citizens. A corrupt society may preserve the external form of free institutions but, as citizens become preoccupied with their own private concerns, the general will will have less and less importance for them. As citizens' attendance at the assembly falls, they will see the sovereign assembly manipulated for private objectives by those who remain. The cynicism of citizens will increase and their participation will further decrease.⁶³⁾

However, Rousseau acknowledges the need for a body to deal with particular affairs on behalf of the sovereign, i.e. the government. It is important to remember that Rousseau clearly distinguishes the government from the state. The government, for Rousseau, is merely

62) Ibid., Book 3, Ch. 15, pp. 197-198.

63) Bertram(2004), p. 171. Also see Rousseau(1987a), Book 3, Ch. 15.

an agent of the state or the sovereign,⁶⁴⁾ composed of all people who are subject to the law. Therefore, submitting to the general will does not mean submitting to the government.

The public force must have an agent of its own that unifies it and gets it working in accordance with the directions of the general will, that serves as a means of communication between the state and the sovereign...This is the reason for having government in the state, something often badly confused with the sovereign, of which it is merely the minister.⁶⁵⁾

Rousseau emphasizes that “the essential difference between these two bodies is that the state exists by itself, while the government exists only through the sovereign.”⁶⁶⁾ Therefore, citizens alienate their power and rights to the state, but not to a specific government that could be dominated by personal rules of tyrants as critics of Rousseau are concerned. Here, Rousseau makes an important point that individuals become slaves of arbitrary power when they confuse a government with the state and believe that a government deserves to have as much power over them as the state deserves to have.

The sovereign decides the form of government, and entrusts the task of government to particular individuals, “magistrate,” who are merely the agents of the sovereign and can be dismissed by the sovereign. The Lockean government is similar to the Rousseauistic

64) On the state and the sovereign, Rousseau explains that “This public person...formed by the union of all other persons, formerly took the name of city, and now takes that of Republic or politic body; it is called by its members State when passive, Soereign when active, and Power when compared with others like itself.” Rousseau(1987a), Book 1, Ch. 6.

65) Rousseau(1987a), Book 3, Ch. 1.

66) Ibid.

government in the sense that the magistrates can be dismissed, yet different in that the people vest lawmaking power in the government.⁶⁷⁾ For Rousseau, the tasks of the government, defined as the “legitimate exercise of the executive power,”⁶⁸⁾ do not include lawmaking but only include applying, interpreting and enforcing laws that are pre-established by the political community as a whole. The relationship between the sovereign and the government is not a contract, and the government has no rights vis à vis the sovereign.⁶⁹⁾

All in all, to Rousseau, the state can be maintained only by the active participation of its all citizens. And only in a participatory community individuals can liberate themselves from the tyranny of society and achieve freedom.⁷⁰⁾ When private business takes precedence over public business in the minds of the citizens and citizens alienate their right to representatives, the state begins to be degraded and citizens, alienated from politics, lose their self-mastery.

V. Conclusion: Beyond Liberalism

Liberalism has become the zeitgeist in the era of globalization. Armed with the supremacy of neoliberal capitalism, liberal democracy appears to provide the final answer to the long quest for political legitimacy of the state. However, ironically, the triumph of liberalism has also undermined the importance of politics and challenged the

67) Bertram(2004), p. 170 & p. 172.

68) Rousseau(1987a), Book 3, Ch. 1.

69) Christopher Bertram(2004), *Rousseau and the Social Contract*, New York, NY: Routledge, p. 151 & pp. 170-172.

70) Geraint Williams(1991), *Political Theory in Retrospect: From the Ancient Greeks to the 20th Century*, Cheltenham, UK: Edward Elgar, p. 91.

validity of the state. If borderless market defines our life and entities other than the state can also protect us and enhance our property, why should we obey the rule of the state?

Today, the pursuit of personal desires and interests within a certain boundary of rules and laws is highly encouraged and people in advanced democracies are living in affluence freer from state interference than ever. But it is not clear if today's people are truly free and equal members of the political communities they belong to. With the social nature of politics waning,⁷¹⁾ the balance between the rectitude of public interests and the logic of efficiency is breaking down. Public interests are often subject to private interests of the rich and powerful. It is not a wild exaggeration that, in today's liberal democracy, citizens are the masters of the state only at the moment of elections. Once the election ends, citizens are alienated from the running of the state, which is monopolized by their representatives who do not necessarily represent public interests. As a result, a sense of powerlessness, cynicism regarding political participation, and apathy to politics and public matters are widespread among the citizens in advanced democracies.

It is intriguing that these symptoms, often regarded as the core problems of today's representative democracy, coincide with what Rousseau foresaw about two hundred fifty years ago. If he saw today's situation, Rousseau would diagnose it as a crisis not simply of the state but also of individuals' freedom and equality for which the state exists. And he would seek solutions to the problem from a perspective quite different from the currently dominant liberalist

71) For exemplary works on this aspect of declining civic nature in politics, see Michael Sandel(1998), *Democracy's Discontent: America in Search of a Public Philosophy*, Cambridge, MA: Harvard University Press; and Robert D. Putnam(2000), *Bowling Alone: The Collapse and Revival of American Community*, New York, NY: Simon & Schuster.

approach.

The Anglo-American liberal tradition tends to see the world in terms of the state versus the individual, where the major political task is to restrain the state's power over the individual. An individual, therefore, is free in the absence of state intervention. To Rousseau, however, drawing a clear line between political authority and individual freedom is not an essential task. This is because freedom is more than the absence of interference or being left alone. An individual can gain true freedom, i.e. the mastery of himself or herself, by escaping from private interests and assimilating himself or herself into the legitimate political sovereign, under which all men are free and equal.⁷²⁾ Rousseau also identifies freedom with obedience to the general will, and emphasizes the need for the state to intervene to protect public interests against private interests. In other words, freedom is compatible with a greater degree of interference by and obedience to the state. In the state human beings are freed.

One should be careful not to interpret Rousseau's emphasis on the community and obedience to the legitimate political sovereign as placing the collective over the individual. On the contrary, Rousseau was the first who gave passionate attention to an individual's sense of his or her own insignificance and fear in a society that is vast and quickly changing beyond his or her understanding and control, with everyone inside it a stranger to all but a few.⁷³⁾ This is a portrayal of us living in societies that are changing, diversifying and opening up toward the outside world in a manner that one person cannot really perceive or predict. Rousseau suggests us that the best way to overcome our sense of insecurity and insignificance and restore our self mastery is through active participation in the common affairs of

72) Bertram(2004), p. 203.

73) Plamenatz(1963), pp. 440-441.

our political community, i.e. the state. Only through all of its citizens' participation can the state also be saved from moral degradation.

Rousseau advocates an ideal polity, where citizens achieve self mastery. They are equally governed by laws that impose the same constraints on everyone and actively participate in the running of their own community without being subordinated to the will of a few representatives. There indeed is much to worry about the operation of such an ideal polity in the real world. However, in a time when the predominance of market and private interests undermines not only the legitimacy of the state but also the individual's freedom and equal citizenship, Rousseau's insight into why the state can be sustained only by citizens' participation and how political participation can make individuals free and equal beings require a serious reconsideration. Rousseau has shown us that obedience to political authority and individuals' freedom are not mutually exclusive. Obedience is the source of freedom, and freedom legitimizes obedience. The state deserves our exclusive loyalty and obligation not because it can protect us and our property best, but because we can achieve freedom by becoming part of the state as active and equal masters.

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ABSTRACT

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**Obligation and Freedom:
Reconsidering Rousseau in the Era of Globalization**

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In the era of the global surge in political and economic liberalism, the traditional concept of governing based on the predominant status and autonomy of the state is weakening, and the state's exclusive right to demand loyalty from subunits inside its territory has been brought into question. Then why are we still obliged to obey the state? To shed light on this fundamental question, this essay analyzes the inquiries of Hobbes, Locke and Rousseau on political obligation, political authority, and freedom. This essay argues that, in a time when the logic of market and private interests undermine both the freedom of individuals and their equal citizenship, Rousseau's insights into how the political community can make all citizens truly free and equal beings require a serious reconsideration.

Key words: Globalization, the State, Rousseau, Political Obligation, Political Authority, Freedom