

My aim in this article is to reconstruct Rousseau's philosophical position regarding the legitimacy of social inequality, especially economic inequality, in a way that reveals its relevance to contemporary discussions of inequality. I focus on his view as presented in the *Discourse on the Origin of Inequality* (the Second Discourse), but his full position cannot be understood without bringing in ideas from *The Social Contract*. I emphasize that I am interested in Rousseau's *philosophical* position because I believe both that he has a coherent position worthy of our attention and that the philosophical significance of the Discourse has been only vaguely understood by the many interpreters who have written about it. I argue that although Rousseau's position is robustly egalitarian in the sense that it places severe limits on permissible inequalities in wealth, he values economic equality exclusively instrumentally, as a means for promoting citizens' *freedom* and for securing the social conditions that make satisfactory recognition, an essential component of human *well-being*, available to all.

In previous work,<sup>1</sup> I reconstructed Rousseau's view concerning the *origin* of inequality—one of the two questions the Discourse announces as its principal concern. Although his answer to this question is complex, its core idea is that inequality is pervasive in human societies because a specific form of self-love—*amour propre*, the desire to acquire a recognized standing for others—plays a fundamental role in human motivation and because this passion easily turns into a desire to be recognized as superior to others, providing us with a

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1. Frederick Neuhaus, *Rousseau's Theodicy of Self-Love* (Oxford: Oxford University Press, 2008), chaps. 1–4.

motivation to seek out relations of inequality. In this article, I address the Second Discourse's *normative* project, as announced in the second of its two main questions: "is inequality authorized by natural law?" The question I examine is: "when and why are social inequalities illegitimate?"; and answering it involves articulating what is objectionable about social inequalities (when they are illegitimate) and understanding the limits within which social inequalities must be kept if they are not to become objectionable.

Rousseau begins the Second Discourse by distinguishing two types of inequality: natural and moral inequality. The former includes "differences of age, health, or bodily strength," while the latter consists in "different privileges some enjoy to the prejudice of others, such as being wealthier, more highly honored, more powerful, or even getting oneself obeyed" (*DI*, 131/*OC* 3, 131).<sup>2</sup> One point of making this distinction is to emphasize that moral inequalities are "artificial," which is to say, they are created and sustained by us, and for this reason we are responsible for them in a way we are not responsible for the inequalities created by nature.<sup>3</sup> Moral inequalities are, as Rousseau puts it, "established, or at least authorized" by a kind of convention that rests ultimately on human consent (*DI*, 131/*OC* 3, 131). The talk of consent as the foundation of moral inequalities is potentially misleading because Rousseau does not mean that we explicitly agree to social arrangements that further inequality nor that our consent, whatever it consists

2. I cite Rousseau parenthetically in the text, using the following abbreviations: *DI*: *Discourse on the Origin and Foundations of Inequality among Men*, in *The Discourses, and Other Early Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), pp. 111–222; *SC*: *The Social Contract*, in *The Social Contract, and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), pp. 39–152 ("SC, II.11.ii" refers to book 2, chapter 11, paragraph 2); *PE*: *Discourse on Political Economy*, in *The Discourses, and Other Early Political Writings*, pp. 3–38; *OC* 3: *Oeuvres Complètes*, ed. Bernard Gagnebin and Marcel Raymond, vol. 3 (Paris: Gallimard, Bibliothèque de la Pléiade, 1959–69).

3. More precisely, moral inequalities can be just or unjust for Rousseau, whereas natural inequalities by themselves cannot. This implies that it is not unjust that some humans are born without sight, whereas it can be unjust that we are born into distinct economic classes. Since many of the *consequences* of natural inequalities depend, however, on social arrangements that are up to us, it is possible for those consequences to be just or unjust (and therefore possible for us to have a duty to change them). Nature dictates, without injustice, that certain individuals cannot see, but it does not dictate that blindness should translate into an inability to ride public transportation.

in, genuinely legitimizes those arrangements. Instead, his claim is that moral inequalities are embedded in practices whose existence depends on their participants' beliefs in the legitimacy of those practices, and this is why they are "moral": practices and institutions that sustain social inequalities are maintained for the most part not by force—or not by force alone—but by a (tacit or explicit) consensus that they are justified. Since Rousseau's normative treatment of inequality is concerned only with moral—or, as I'll call them, *social*—inequalities, they are the only ones I treat here. Moreover, I focus on only one of the social inequalities Rousseau is concerned with: economic inequality (inequality in wealth).

From the Discourse alone it is possible to gain the impression that simply viewing social inequalities as artificial settles the normative question for Rousseau. This impression is reinforced by the Discourse's concluding paragraph, which seems to claim that social inequalities are legitimate only when they are "directly proportional to [natural] inequality" (*DI*, 188/*OC* 3, 193–94). As illustrations of this principle, Rousseau offers the feeble prescriptions that the young ought not to command the old and that imbeciles ought not to lead the wise, but it is important to see that he has more resources than this to answer the question of when social inequalities are illegitimate. Rousseau may believe that *natural law* authorizes only inequalities grounded in natural advantages, but he does not believe that only nature-based inequalities can be legitimate. For, as *The Social Contract* makes clear, there is a source of legitimacy other than nature, namely, the "convention" (or agreement), in which right in society is grounded. That Rousseau is committed to the legitimacy of certain inequalities not directly due to natural inequality becomes clear in *The Social Contract*. In saying, for example, that the state's goal should be to bring the extremes of rich and poor "as close together as possible," Rousseau acknowledges that absolute equality in "power and riches" is too severe a demand (*SC*, II.11.ii). Thus, the mere artificiality of inequality does not imply that it is unjustified; its artificiality merely means that it is appropriate for normative questions regarding its legitimacy to be raised. As I argue below, Rousseau's answers to these normative questions follow from his vision of what must be shown about social arrangements in general in order to establish their legitimacy, a vision that looks beyond nature—to freedom—for its normative criteria.

## I. ETHICAL DANGERS OF INEQUALITY: DOMINATION AND “UNHAPPINESS”

The first step in reconstructing Rousseau's position involves understanding why economic inequality is ethically dangerous—why, when viewed from the perspective of what is good for human beings, economic inequality is something we should worry about. Explaining this is a central task of the Second Discourse, and it offers a relatively clear answer to this question: “as soon as . . . equality disappeared, . . . *slavery* and *misery* . . . germinated and grew” (*DI*, 167/*OC* 3, 171; emphasis added).<sup>4</sup> These two effects of social inequality correspond nicely to the features of the original state of nature and of the “Golden Age” that Rousseau points to earlier in the text when explaining why those conditions are good: what makes the latter “the best state for human beings” is that in it individuals are “free, healthy, good, and happy” (*DI*, 167/*OC* 3, 171). What these passages suggest is that we should be disturbed by economic inequality because of its tendency to produce two evils: unhappiness and the loss of freedom.

I begin with the connection between inequality and freedom, which is both the more important and the easier to understand. There are two parts to the claim that economic inequality endangers freedom, both of which are prominent themes throughout the Second Discourse. The first concerns the freedom-threatening character of human dependence in general, where dependence consists in relying on the cooperation of others in order to get one's needs (or what one takes one's needs to be) satisfied. Rousseau expresses this part of his view in saying: “since ties of servitude are formed solely by the mutual dependence of men and the reciprocal needs that unite them, it is impossible to subjugate a man without first having placed him in the position of being unable to do without another” (*DI*, 159/*OC* 3, 162). The thought here is simple. One of the Discourse's fundamental ideas is that all forms of human dependence carry with them the danger that dependent individuals will have to compromise their freedom in order to satisfy the needs that impel them to cooperate with others. If freedom consists in “obeying only oneself” (*SC*, I.6.iv), then dependence poses a standing threat to being free, since it opens up the possibility that in order to get what I need,

4. “Misery” does not mean only poverty but the “suffering of body or soul” (*DI*, 150/*OC* 3, 152).

I may have little choice but to tailor my actions to conform to the wills of those on whose cooperation I rely. When regularly faced with a choice between getting what I need and following my own will, it will be no surprise if satisfying my needs often wins out over remaining free.

The threat that dependence poses to freedom is greatly exacerbated when economic inequality, the second element of Rousseau's account, is brought into the picture. Here, too, the idea is simple: it is much less likely that dependence will translate into a loss of freedom for some if interdependent beings encounter one another on an equal footing than if, from the start, one side has an advantage over the other with respect to wealth or power. This is the basis for Rousseau's advice in *The Social Contract* that "as for wealth, no citizen should be so rich that he can buy another, and none so poor that he is compelled to sell himself" (SC, II.11.ii). Economic inequality becomes dangerous, in other words, when it threatens the ability of the less advantaged to follow their own wills rather than those of the better off. Distinguishing these two elements of Rousseau's account of the problem—dependence and inequality—enables us to see more clearly the strategy of his response to it: since dependence is fundamental to human existence (and since abolishing it would do away with most of what makes our lives recognizably human), good social institutions seek not to eliminate dependence but to restructure it, which means placing limits on what *can* be reduced without harming essential human interests, most notably, substantial disparities in wealth.

It is important to see that Rousseau has something very specific in mind when he speaks of the loss of freedom. Several conceptions of freedom play a role in Rousseau's thought, but the one at issue here is the absence of *domination*, the essence of which is "obeying only oneself," as opposed to obeying the wills of others. This conception of domination—emphasizing *obedience*—is a forerunner of what Max Weber later calls *Herrschaft*, "the likelihood of finding obedience to one's commands in others."<sup>5</sup> Weber's definition is very close to how Rousseau characterizes domination in the Second Discourse, namely, as (regularly) "succeeding in getting oneself obeyed" (DI, 158/OC 3, 161), where it is assumed that obedience is asymmetric, proceeding in one direction

5. Max Weber, *Economy and Society*, trans. Ephraim Fischhoff et al. (Berkeley: University of California Press, 1987), 1:53; translation amended.

only. At the same time, there is an important difference between these two conceptions: whereas *Herrschaft* for Weber can be legitimate (some forms of one-sided obedience are justified), anything that Rousseau calls domination counts as an absence of freedom and warrants critique. Since Rousseau, too, believes that some forms of one-sided obedience—children obeying parents or citizens obeying legitimate law—are compatible with freedom (and therefore not domination), his definition of domination merely in terms of “success in getting oneself obeyed” must be modified to reflect this fact. It is tempting to deal with this problem as many republican theorists do, by distinguishing the *arbitrary* wills of others from those that “track the interests and ideas” of those who obey.<sup>6</sup> Yet this is not how Rousseau characterizes domination, and examining why he does not reveals significant differences between him and much of the republican tradition.

Traditional republican definitions of freedom as nondomination, in contrast to Rousseau’s, typically do not refer to obedience at all. Instead they define domination in terms of the dominator’s ability to “*interfere* on an arbitrary basis with the choices of the dominated,” where “arbitrary” signifies that the interferer “is not forced to track the interests and ideas of those who suffer the interference.”<sup>7</sup> The absence of obedience from this definition (*interference* is a broader phenomenon than finding obedience in the wills of others), together with its emphasis on someone’s being subject to *arbitrary* power, points to a significant difference between the two conceptions: for Rousseau, the core of domination resides not in being interfered with in ways that are contrary to one’s interests but in obeying a foreign will, or failing to be the master of one’s own will (in the sense of allowing someone else’s commands to determine what one does). This means that for him, the ideal to which domination is opposed is *determining for oneself*<sup>8</sup> how one acts rather than, as traditional republicans would have it, acting—including being compelled or commanded to act—in ways that promote my interests (as I understand them), regardless of whether it is I or someone else who determines what those acts are. For Rousseau, in other words, freedom

6. Philip Pettit, *Republicanism* (Oxford: Oxford University Press, 1997), p. 272.

7. Pettit, *Republicanism*, pp. 22, 272; emphasis added.

8. The talk of self-determination is not intended to suggest a positive conception of freedom. “Determining for oneself” contrasts with others deciding for me; it is compatible with acting on unreflected desires as long as they are mine rather than someone else’s.

as nondomination is more closely connected to an ideal of *free agency*—determining for oneself what to do, or obeying only oneself—than to the ideal of having one's interests promoted,<sup>9</sup> where the question of who determines what such promoting consists in is unimportant.

Does it then make no difference to Rousseau's conception of domination whether the will that I obey directs me toward my own interests or whether it disregards them? Is the arbitrary character of the commanding will irrelevant to domination? Although Rousseau never explicitly poses this question, his view is best reconstructed as follows: domination is made worse—it is intensified *as domination*—when the will that I regularly obey leads me to act in ways that conflict with my own interests. Yet there is still domination even if what that will commands me to do serves my interests: regularly obeying a will other than my own constitutes a deficiency in free agency, even when the will I obey is benign. Getting clear on Rousseau's view requires seeing that there are two senses in which a commanding will can be foreign, the first of which is essential to domination, whereas the second is neither necessary nor sufficient (though its co-presence with the first increases the severity of domination). The first, more straightforward sense is when the commands of the will I obey are issued by some agent other than me. This is a question about where the commands that I follow originate: in myself or in some other agent? But a will can also be foreign in a second sense: with respect to its content. A will that is foreign to me in this sense is one whose commands, regardless of who issues them, fail to direct me to act in ways that promote my interests and are therefore arbitrary. It is the converse of this claim—a will counts as mine (in a limited respect) when it promotes my interests—that stands behind Rousseau's claim that the general will is *in some sense* my own will (because it promotes my freedom and well-being), even when I do not subjectively recognize it as such.<sup>10</sup> And no doubt some version of this idea stands behind the claim of traditional republicanism that nonarbitrary interference is not domination and is therefore compatible with the freedom of the agent who suffers such interference.

9. More precisely, the ideal is invulnerability to having one's agency interfered with in ways that disregard one's interests.

10. This is the idea behind Rousseau's statement that "whoever refuses to obey the general will shall be constrained to do so, . . . which means only that he will be forced to be free" (SC, I.7.viii).



For Rousseau, regularly obeying a will that is foreign in only the first of these senses qualifies as domination (and warrants critique), but regularly obeying a will that is foreign in both senses counts as more intense domination than when the obeyed will fails to be foreign in the second sense. Hence, Rousseau agrees with traditional republicans that being subject to others' arbitrary wills is illegitimate without agreeing either that it is the arbitrariness of those wills that makes that obedience domination or that domination requires arbitrariness. There is an important respect, then, in which Rousseau's conception of domination is the more demanding of the two: by not making the arbitrary character of the will I obey a necessary condition of domination, it includes much the same phenomena the traditional definition does while, in addition, objecting to someone's regularly obeying another will even when that will tracks his interests.

It might be objected that focusing on obedience and de-emphasizing arbitrariness runs the risk of confusing domination with the less objectionable phenomenon of paternalism. In fact, Rousseau's position enables us to define paternalism—regular, one-sided obedience of a will that is foreign in the first sense but not in the second—in a way that differentiates it from obedience to a will that is foreign in both senses and explains why the latter is more objectionable than the former (it involves obeying a will that is foreign in two senses rather than merely one). Rousseau's definition does not indeed *distinguish* paternalism (among adults) from domination, but this is one of its virtues. Paternalism among adults *is* a form of domination, and without resorting to an ad hoc strategy of invoking some other conception of freedom, traditional republicanism lacks the resources to criticize it as such.<sup>11</sup>

Does this imply that parents dominate their children when they command them to do what is good for them? Clearly not. Paternalism is precisely the form legitimate authority takes within the family, and this is because in that sphere those who obey (children) are for natural,

11. Pettit embraces this counterintuitive implication: "intentional interferences that are non-arbitrary are similar to natural obstacles in . . . not compromising freedom" (Pettit, *Republicanism*, p. 77). To be precise, there is one form of paternalism traditional republicans can recognize as domination: when interference by others tracks my interests but not my ideas of my interests. There is a second form of paternalism, however, that they cannot recognize as domination, where one agent determines which specific actions are required of another if the latter's interests, as both agents understand them, are to be promoted.



developmental reasons not yet their own masters. *In cases involving only adults*, regularly obeying a will that is foreign in only the first sense distinguished above counts as domination, but future agents who have not reached the age of competency are not yet sovereign wills and therefore not yet possible victims of domination, though they can, of course, be oppressed, wronged, or mistreated when the adult wills they obey fail to track their own interests, including as future sovereign agents.

In a similar vein, one might ask whether, since they are adults, citizens who are compelled to obey legitimate laws count as victims of domination. That Rousseau speaks of individuals in this situation as “forced to be free” (SC, I.7.viii) suggests that he does not regard legitimate law as a possible source of domination. Since legitimate law is nonarbitrary rule, this might seem to push Rousseau right back into the camp of the traditional republicans from whom I have been attempting to distinguish him (who take the nonarbitrary character of law as sufficient to make it nondominating). Getting clear on why this is not the case further illuminates the differences between the two conceptions of domination, especially with respect to the importance of something traditional republicans do not emphasize: democratic rule.<sup>12</sup> If the claim that legitimate law cannot dominate is to conform to the position I attributed to Rousseau above, we must be able to explain why it does not represent a foreign will in the first of the senses explicated here, even when citizens do not obey it willingly. Explaining this requires taking note of the role that the democratic form of lawmaking plays in Rousseau’s conception of legitimate law. One way of putting the point is to say that legitimate laws must “issue from me” (SC, II.4.v) not only with respect to their objective content—they must promote my fundamental interests—but also with respect to their subjective form: it must be I who determines which specific laws direct me in ways that satisfy my interests. The question, then, is how *I* can determine the specific laws that govern me, given that laws apply to all and hence, if they are to be compatible with *our* freedom, must issue from every citizen as much as they do from myself.

12. Republicanism, as Pettit reconstructs it, has a tenuous relation to democracy: the value of democracy is subordinated to other values (avoiding arbitrary interference), and republican institutions must be democratic only in the sense that they allow for laws to be contested (Pettit, *Republicanism*, pp. 183–90, 200–2). In his latest work, however, Pettit accords more importance to democracy: see Philip Pettit, *On the People’s Terms* (New York: Cambridge University Press, 2012), chaps. 4–5.

It is the fact that Rousseau takes this consideration very seriously that explains his insistence that sovereignty cannot be represented (SC, II.1.ii; III.15.v–xi). If laws—even good laws—are to avoid being a source of domination, they must actually be made by those subject to them. Because legislation must be a collective enterprise, I can determine the laws that govern me only by actively participating in a democratic process in which those laws are made. As a citizen, I determine for myself what I am to do only insofar as I am an active member of the group that literally makes the laws that govern all of us. Moreover, my participation in that process must be sufficiently substantial that the claim that the laws issue from me—from an *us* that incorporates me as an active participant—is not merely a hollow slogan, even when some of the laws that emerge from that process diverge from my opinion of what our collective ideals and interests require us to do. This is why participatory democracy is not a peripheral feature of Rousseau’s vision of the legitimate republic; it is, rather, essential to avoiding domination in such a republic, and on this issue his differences from traditional republicans could hardly be starker. Rousseau agrees with them that “law that answers systematically to people’s . . . interests . . . does not compromise people’s liberty,”<sup>13</sup> but only on the further condition that those laws are, in a robust sense, collectively issued by the very people subject to them.

A final respect in which Rousseau’s definition of domination diverges from that of traditional republicanism is that for Rousseau, freedom from domination is not primarily a legal status—for example, that of a free citizen as opposed to a slave—but an empirically real condition constituted by *actual* (regular and one-sided) obedience.<sup>14</sup> Whereas both positions agree that domination is an enduring rather than a sporadic phenomenon, for Rousseau, one party’s regular obedience of another counts as domination, even when that pattern of obedience is not

13. Pettit, *Republicanism*, p. 35.

14. Because Rousseau focuses on actual obedience rather than a dominator’s *ability* to command obedience, traditional republicans might object that he has no resources to condemn statutes that make interference possible even when no actual interference occurs. It is true that Rousseau is committed to regarding a slave who never actually follows a master’s command as having avoided domination, but he is no less committed than traditional republicanism is to abolishing the statuses “slave” and “serf.” Since the political imperative for him is to eliminate all social conditions, including legal statuses, that make it possible for domination to arise, there is no practical difference between him and traditional republicans on this score (SC, I.4.vi).

formally inscribed in legal or social statuses.<sup>15</sup> This is important, especially in the modern world, because it enables political philosophers to detect and criticize forms of domination that are not encoded in legal statuses such as “slave” or “serf” but that arise instead out of conditions of dependence and inequality among individuals who are legally recognized as free and equal persons.

Now that we have examined in detail what domination is for Rousseau, we are in a better position to grasp its relevance for his critique of economic inequality. One way of revealing this relevance is to consider the relation between domination and coercion. Domination differs from coercion along two dimensions. First, whereas coercion can consist in a single act of obeying, domination is an enduring condition, a regular obeying of a foreign will. Second, and more important, what typically compels my actual obedience of another for Rousseau is not physical force or threatened penalties but my needing the cooperation of someone who is in a more advantaged position than I. When I depend on advantaged others for the satisfaction of my needs, the mere prospect that they may do nothing—that they may refuse to cooperate because they need my help less urgently than I do theirs—can be sufficient to motivate me to obey their commands or cater to their desires. This suggests that the type of domination that interests Rousseau involves obeying a foreign will in a more robust sense than when one is coerced to obey by physical force or the threat of punishment.<sup>16</sup> This type of domination involves *willingly* obeying another—in the absence of force or

15. Whereas freedom is primarily a legal status for traditional republicans (Pettit, *Republicanism*, pp. 30–32, 36, 66), it is not exclusively so for Pettit. Like traditional republicans, he focuses not on actual interference but on dominators' *ability* to interfere. This makes domination an enduring condition, though not necessarily a legal one. But Pettit is not always clear about what an ability to interfere consists in. It sometimes seems that having a status as the citizen of a republic suffices to make one free of domination. Yet he also notes that certain nonlegal forms of social power can give persons an ability to interfere, implying that his version of republicanism requires “radical changes in traditional social life” and not merely constitutional guarantees against arbitrary interference (Pettit, *Republicanism*, p. 47).

16. Regular obedience based on coercion counts as domination, just not the sort Rousseau is most interested in. Perhaps this is because he thinks that few real instances of domination can be explained exclusively in this way. To be effective, standing threats of force usually also rely on the (false) opinions of the dominated regarding the legitimacy of the dominator's commands. This means that domination often depends on false consciousness and that domination can exist without the dominated knowing it.

threats—which means that actual consent does not itself indicate the absence of domination, a point that is brought out in Rousseau's consideration of the specious social contract in Part II of the Second Discourse, where the property-less consent to the terms of their own domination. When one is dominated in the way the Second Discourse is most concerned with, one is motivated to obey others not by force or threats but by the prospect of finding one's needs unsatisfied. Although this makes it difficult sometimes to determine precisely where free cooperation ends and domination begins, there can be no doubt that domination exists and is common in the societies we live in. It is the very phenomenon Adam Smith points to in *The Wealth of Nations* when he notes that because workers need to eat more urgently than their masters need to make a profit, wage disputes in capitalism are almost always decided in favor of the latter.<sup>17</sup> Because of their disadvantaged position in relation to those with whom they stand in relations of dependence, workers typically end up laboring under conditions dictated by their bosses, a prime example of obeying a foreign will.

I turn now to a second reason the Second Discourse provides for worrying about economic inequality: the obstacles it poses to human happiness—or, more precisely, its tendency to promote *unhappiness*, defined as a regular or systematic frustration of persons' desires.<sup>18</sup> The connection Rousseau draws between inequality and unhappiness is more complex than the corresponding point regarding freedom. The relevant claim is not that being poor makes one unhappy since it means that many of the poor's desires will be unsatisfied. This is certainly true; however, the object of Rousseau's critique is not poverty but inequality, and the two ideas must be kept separate by bearing in mind that it is possible to be on the lower end of an unequal distribution of wealth without being poor (in the sense of having basic needs unmet or falling short of the minimal standards for a decent life). Rousseau's idea, rather, is that substantial disparities in wealth make it difficult for social members to satisfy one specific, fundamental longing that plays a major role in human happiness, the desire, derived from amour propre, to

17. Adam Smith, *The Wealth of Nations* (London: Penguin, 1986), p. 169.

18. The ideals realized in the original state of nature are best characterized in terms of the *absence* of the evils civilization brings with it: freedom is the absence of domination, and happiness is the absence of frustrated desires.

achieve a recognized standing for others. One problem is that in societies marked by inequalities in wealth, especially societies whose public culture regards wealth as an indicator of status or worth, being at the bottom of the economic scale is commonly experienced as humiliating, making it difficult for the recognitive desires of the worse off to be satisfied. Even if we grant the argument of anti-egalitarians that the largest part of what is humiliating in such a situation is being poor (being unable to lead a humanly decent life in which basic needs are met) rather than being worse off than others, it remains plausible that, even where no one is poor, substantial inequalities in wealth translate into corresponding inequalities in social recognition that pose significant hindrances to all satisfying their desire for recognized standing.

Yet the most interesting way in which Rousseau takes economic inequality to foster unhappiness is more complex than this. The main claim of the Second Discourse is that societies with substantial economic inequality tend to produce in individuals *inflamed* desires for recognition, desires that make the society-wide satisfaction of amour propre impossible and, so, guarantee frustration and conflict. Rousseau's understanding of what counts as inflamed amour propre is complex,<sup>19</sup> but for present purposes it is sufficient to focus on one of its most prominent manifestations, the desire to have a recognized standing as superior to others. The social problems produced by desires for superiority are legion and, especially since Hobbes, familiar. One is that when success is defined as achieving superiority, the universal satisfaction of amour propre becomes impossible: when everyone seeks superior status, recognition becomes a scarce good, and rather than being available to all, it becomes the object of endless competition, conflict, and frustrated desires. A second difficulty is "keeping up with the Joneses." This problem is due to the fact that superior standing, once attained, tends to be insecure as long as it is achieved in relation to others who desire the same. In order to outdo the competitor who has just surpassed me, or to maintain the preeminence I now enjoy, I must constantly be engaged in enhancing my own current standing. But in such a situation, individuals are burdened with a limitless need to better their own positions in response to, or in anticipation of, their rivals' advances, resulting in an unceasing game of one-upmanship. The

19. See Neuhouser, *Rousseau's Theodicy of Self-Love*, chap. 3.

problem here is not merely that the only satisfaction *amour propre* can find will be fleeting and insecure but also that desires become boundless in a way that is inimical to genuine happiness.

Rousseau's main claim concerning the connection between economic inequality and unhappiness is based on the view that the economic features of a society affect the consequences *amour propre* will have in it by structuring the field of possibilities within which social recognition can be pursued: how individuals seek to satisfy their *amour propre* depends on the opportunities for recognition their society permits and encourages, and the economic sphere plays a major role in defining these opportunities. A society that limits disparities in wealth generates different recognitive aspirations in its members from one whose economic system feeds on and celebrates the desire to be "filthy rich." Social institutions, in other words, shape the desires of their members, and substantial economic inequalities have the potential to produce in them aspirations that ultimately cannot be satisfied for all.

The relation economic inequality has to unhappiness is weaker than its relation to domination, but the connection—and the danger it poses—is real nonetheless. As I have described this relation, economic inequality is a source of unhappiness only on the assumption that a society's culture is such that wealth is imbued with recognitive significance and functions as a marker of status. This, however, seems to be an unproblematic assumption: while it may be possible to imagine human societies where this is not the case, they would surely be exceptions to the general trend. A more interesting qualification of Rousseau's claim is that not all societies in which differences in wealth are linked to differences in status need generate desires for superior standing in their members. Societies with rigid class or caste hierarchies may foreclose the possibility of economic advancement to such an extent that most individuals never develop a desire to enhance their standing by acquiring wealth and hence would not be frustrated by their failure to do so. Of course, solving the problem of inflamed desires for recognition by introducing a fixed hierarchy of classes stands in great tension with Rousseau's commitment to avoiding arbitrary distinctions in basic social or political status; in modern societies informed by such a commitment, where the pursuit of wealth must be open to all, the connection between economic inequality and the generation of inflamed desires for recognition is, if not perfectly tight, more than accidental.

## II. CRITERIA FOR LEGITIMATE INEQUALITY

This concludes my account of the two dangers of economic inequality, and it puts us in a position to reconstruct Rousseau's answer to the more specific question of the extent to which economic inequality is illegitimate, or impermissible. In short, his view is that economic inequality is permissible when, and only when, it does not threaten the fundamental interests of any citizen—in freedom and the basic social conditions of well-being—that it is the task of the legitimate republic to safeguard. In this section, I elaborate on this principle in order to make Rousseau's criteria for legitimate inequality as specific as possible. Once I have sketched the general principle of political legitimacy that follows from Rousseau's account of the basic terms of the social contract, I discuss, first, the constraints on inequality that derive from the consequences it has for the *freedom* of citizens and, second, the constraints deriving from the threat inequality poses to *well-being*. Both sets of constraints reinforce a point already implicit in my discussion of the ethical dangers of inequality, namely, that Rousseau's evaluation of economic inequality has a significant consequentialist<sup>20</sup> strand: to the extent that economic inequality is objectionable, it is because of its objectionable consequences, not because it is somehow wrong “in itself.”

The principle governing Rousseau's position on the limits of permissible inequality follows from his general account of the conditions of political legitimacy as articulated in *The Social Contract*. There Rousseau defines the legitimate state as one that allows for the fundamental interests of all citizens to be satisfied. What those interests are can be read off his formulation of the problem the social contract is supposed to solve: “Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each, uniting with all, nevertheless obeys only himself and remains as free as before” (SC, I.6.iv). As I interpret this statement, Rousseau ascribes two kinds of fundamental interests to human beings, corresponding to the two main dangers of social inequality depicted in

20. One way of formulating this consequentialist element is to say that freedom (the absence of domination) is an end institutions “seek to promote, not a constraint that they have to honor in pursuit of other goals” (Pettit, *Republicanism*, p. 81). Below I distinguish Rousseau's position from full-blown consequentialism as usually understood.



the Second Discourse: the first comprises interests in *well-being*—closely related to what the Discourse calls happiness—which include interests in the preservation of life, personal security, and certain unspecified goods essential to human well-being (*PE*, 23/*OC* 3, 262); the second is an interest in *freedom*, defined as “obeying only oneself.”

Rousseau’s statement of the problem the social contract is to solve makes it clear that legitimate laws aim at realizing the freedom and promoting the social conditions of well-being for each citizen and that in doing so they accord equal weight to the fundamental interests of each. This means that despite its focus on the consequences of economic inequality, Rousseau’s position is *not* consequentialist in the sense of seeking to maximize the sum total of the goods it seeks to promote regardless of how those goods are distributed. This is especially clear in the case of freedom: although some sense might be made of the idea of maximizing overall freedom—or, more intuitively, minimizing overall domination—Rousseau’s consistent emphasis on the interests of each clearly implies that, starting from a presumption of equal freedom, laws and institutions may not be designed to achieve lower overall domination at the cost of increasing the domination suffered by any individual or group.<sup>21</sup> Moreover, given that domination consists in regular asymmetries of obedience rather than merely sporadic instances of it, it is unlikely that Rousseau could accept any level of domination. For this reason, even talk of equalizing freedom is potentially misleading: legitimate laws seek not to equalize but to eliminate domination (for all).

That Rousseau condemns economic inequality because of its consequences is made clear in his discussion of the constraints that considerations of freedom place on inequality, especially in his well-known claim that the general will has two principal aims—freedom and equality—and that equality (in wealth and power) is such an aim because “freedom cannot subsist without it” (*SC*, II.11.i.). Here Rousseau states unambiguously that we should seek economic equality because (and only when) it threatens social members’ freedom. With regard to citizens’ interest

21. Rousseau treats both individuals and groups as possible victims of domination. But group domination always involves the domination of individuals: it makes sense to say that “the rich” dominate “the poor,” but this implies that poor individuals, by virtue of their membership in a group, suffer domination.

in being free, Rousseau's criterion for the legitimacy of economic inequality can be formulated as follows: disparities in wealth are permissible only when they do not pose systematic obstacles to the freedom of any individual, especially to the freedom of the less well off;<sup>22</sup> economic inequality is permissible only to the extent that it is compatible with the absence of relations of domination among social members. Clearly, this formulation of the criterion leaves many questions unanswered about how it is to be applied to yield judgments about specific laws and institutions. I have already mentioned that, because it is compatible with the actual consent of the dominated, domination is sometimes difficult to distinguish from genuine cooperation. But there are other problems as well: does the principle apply to all forms of domination, or are there instances of domination that, because they belong to a private domain mostly unaffected by social and political conditions, are not subject to the principle? And for forms of domination that are the proper object of the state's concern, how does one determine the "tipping point" at which economic inequality goes from being benign to posing substantial obstacles to the freedom of the worse off? Despite these unanswered questions, Rousseau's principle does provide an orientation for thinking about the limits of permissible economic inequality; it directs us to ask: which types and degrees of economic inequality are compatible with the basic social conditions individuals need in order to be able to satisfy their needs while avoiding regular obedience to foreign wills?

Returning to Smith's example of domination may be instructive here. In this case, Rousseau's principle might be interpreted as ruling out the very divisions in economic class that Smith's example relies on—where the freedom of some is threatened by a basic inequality reflected in the circumstance that some own only their own labor power, while others own the means of production, access to which everyone needs in order to live. Alternatively, the principle might be interpreted as justifying a set of institutions—strong labor unions with aggressive laws protecting the bargaining rights of workers, for example—that mitigate the freedom-endangering potential of class distinctions while leaving that fundamental inequality in place. I have suggested that, even if Rousseau's principle

22. This coheres with what Elizabeth Anderson calls "democratic equality," which "guarantees all . . . citizens effective access to the social conditions of their freedom": Anderson, "What Is the Point of Equality?" *Ethics* 109 (1999): 289.

does not yield a fully determinate picture of the laws and institutions a free society should aim at, it succeeds in defining a major problem to be addressed and in providing a basic orientation for thinking about the forms of economic inequality that must be avoided if the social contract's ideal of freedom for all is to be realized. Apart from this, though, much of the *tone* of the Second Discourse—its pessimistic view of the “crimes, wars, . . . miseries, and horrors” that unequal private property (in land) brings in its wake (*DI*, 161/*OC* 3, 164)—expresses a general preference for one of two strategies for responding to the freedom-endangering potential of inequality. The more radical of these strategies involves reforming society from the bottom up in order to eliminate the fundamental causes of inequality (in this case, by eradicating class differences), while the other accepts those basic inequalities but seeks to correct for their freedom-endangering potential through measures that balance out the power disparities among parties, perhaps by strengthening workers' ability to bargain collectively or by instituting laws requiring that workers have equal say in matters that concern them.<sup>23</sup> Whatever such corrective measures consist in, they will most likely rely on political efforts aimed at mitigating the effects of underlying economic inequalities. The part of Rousseau's view that pushes him to prefer the former strategy—one of several respects in which his position anticipates Marx's—is a fundamental pessimism about the power of purely political measures to correct imbalances residing in a society's economic structure. The specious social contract, which institutionalizes asymmetries in power rooted in economic inequality, seems to him a virtually unavoidable consequence of that basic inequality (*DI*, 172–73/*OC* 3, 176–78). Once citizens' particular interests are as deeply opposed and entrenched as they are in societies divided into propertied and nonpropertied classes, the former will nearly always find ways to circumvent whatever laws attempt to reduce their power to command the latter. As Marx was to argue in “On the Jewish Question,” the aims of politics cannot be much out of line with the pattern of interests in the economic sphere if the former is to remedy the problems generated by the latter: a harmony of interests “at the top” (in politics) requires some basis for that harmony “below” (in the economy).

23. Pettit distinguishes the same two strategies but unlike Rousseau embraces the second (Pettit, *Republicanism*, pp. 67, 85).

It is worth asking whether the arguments presented here really tell against relative deficiencies in wealth as opposed to absolute conditions of privation: is what threatens universal freedom having less than others or being poor? The answer to this question is probably *both*, since under the right circumstances either can increase the likelihood of domination. It might be thought that Rousseau's arguments imply that being poor is the true threat to avoiding domination since the connection between inequality and the likelihood of domination relies on the claim that dependence—the lack of self-sufficiency with respect to satisfying *needs*—is what motivates individuals to obey the wills of others. If people's basic needs are met, so the objection goes, inequalities in wealth will be unproblematic because no one will be compelled by need to obey others, and in the absence of that incentive no one, or very few, will be inclined to do so. This would imply that if the worse off ceased to be poor (in absolute terms), their being worse off than others, even considerably worse off, would no longer pose a substantial obstacle to their freedom. (Of course, even if this objection were correct, Rousseau's arguments would reveal an often overlooked evil of poverty under conditions of inequality: beyond merely having one's needs unmet, being poor makes one vulnerable to domination by the nonpoor.)

This objection gets something right: being both poor and worse off than others poses a greater danger to one's freedom than merely having less than others. Yet, even so, Rousseau's principle is justified in singling out inequality as the threat to freedom. One reason is that absolute deprivation is not itself sufficient to generate domination (whereas, as I argue below, inequality can generate domination in the absence of absolute deprivation). This is because equal absolute deprivation, though bad for other reasons, creates no basis for asymmetries in patterns of obedience to arise. Since domination, like all "moral" inequalities, is a relative phenomenon—a *privilege* "some enjoy to the prejudice of others" (*DI*, 131/*OC* 3, 131)—its source must be relative as well: economic inequality and not merely neediness absolutely defined.

A second reason Rousseau is correct to highlight inequality is that, as many defenders of egalitarianism have pointed out, our conceptions of our basic needs, or of what is necessary to live a decent life, evolve in response to social and cultural developments. If, as seems likely, these historical variables include the overall wealth of a society, as well as how well off various groups within that society are, it is doubtful that, except

in very extreme cases, poverty is ever defined wholly in absolute terms. (One widely used measure of poverty, that of the OECD, defines the poor relatively, as those whose income falls below 60 percent of society's median income.) If our conception of what it is to live a minimally decent life depends in part on how much social wealth there is generally, or on how well off other groups in society are, then inequality, and not merely some absolutely conceived standard of poverty, is a justified target of Rousseau's principle. Another way of putting this is to say that, except for societies with very primitive levels of development, the concept of need (and hence of poverty) is itself a relative notion, and relative not only to existing technology but also to how much wealth others in the same society have. Alternatively, one could say that considerations of *amour propre* (of what appropriately reflects the dignity of human beings) enter into our conception of what individuals in a given society must have available to them in order to live a decent human life. One implication of this is that even when public policy declares poverty its enemy, it is often, though perhaps unwittingly, targeting inequality as well.<sup>24</sup> Rousseau's point, however, is not that reducing inequality is good because it reduces poverty but rather that we have an important reason to reduce inequality beyond our usual reasons for condemning poverty, namely, because inequality generates domination.

Rousseau's claim that poverty is less important than inequality in generating domination is reinforced by the fact that the needs invoked in explaining the connections among dependence, inequality, and domination do not have to be "true" but only perceived needs, since the latter, too, provide dependent individuals with an incentive to obey others in order to secure their cooperation: the danger of domination arises whenever the worse off perceive themselves as needing something that

24. Another implication of the relative character of poverty is that it is theoretically possible to reduce poverty by reducing inequality without improving the absolute lot of the worst off; even more paradoxically, it is sometimes possible to reduce poverty by reducing inequality even when doing so makes the least advantaged worse off in absolute terms. Rawls's difference principle could tolerate the first measure but not the second. Rousseau's position could justify both but only for the purpose of reducing domination. Because Rousseau gives us grounds for endorsing the second scenario under certain circumstances—when making the worst off worse off in absolute terms is necessary to avoiding their domination—he gives us a reason the difference principle cannot for sometimes preferring equality over maximizing the position of the worst off. This reflects the priority for him of freedom over well-being.

cooperation with the better off could give them. And since the judgments of amour propre—judgments of what we need in order to secure a recognized status—are the most important factor in turning desires into perceived needs, inequalities can be expected to increase dependence (by increasing what we think we need in order to have our sense of self confirmed by others), which, under the conditions of that inequality, easily translates into relations of domination: in order to acquire what we take to be necessary to count publicly as someone, we are more likely to be tempted to follow the wills of more favorably situated individuals whose cooperation—perhaps their thinking well of us—enables us to do so.

As I have suggested, Rousseau's view that disparities in wealth threaten not only the freedom of social members but also their happiness suggests a second criterion for legitimate economic inequality: inequality is impermissible to the extent that it engenders in social members inflamed desires for recognition that make the universal satisfaction of amour propre impossible. Articulating this claim requires saying more about the relation between what the Second Discourse calls happiness and what I am calling citizens' fundamental interest in *well-being*. Happiness, it should be clear, is too broad a concept to appear in the formulation of the social contract's basic task, for two reasons. First, if happiness is relevant to the basic aims of political society, it cannot be that a legitimate state must secure the actual happiness of its members. Since individual happiness depends on many factors beyond those states or societies can be held responsible for, making the actual happiness of all a condition of political legitimacy would be too demanding. At most, the state might be charged with ensuring that the basic social *conditions* of individuals' happiness obtain, conditions that make happiness, to the extent that the state is responsible for it, available in principle to everyone.

The second problem with including happiness among the state's aims is that happiness, conceived of as the satisfaction of desires (or, negatively, as the absence of frustration), is defined in relation to *actual* desires without attention to how important those desires are to genuine well-being or to whether they are desires the state should make it its business to promote. When happiness is defined merely formally—as a correspondence between desires and one's success in satisfying them—it depends too much on which desires individuals happen to

have, and, as Rousseau famously maintains, what humans actually desire is both extremely malleable (subject to influence by society and culture) and extremely vulnerable to corruption (to becoming desires for things that are bad for us). This is why a plausible statement of the social contract's aims must refer to fundamental interests in well-being, objectively construed, rather than to happiness, even if having one's fundamental interests in well-being satisfied is a necessary (but not sufficient) condition of happiness. In other words, not all elements of individuals' happiness will be of concern to the state, and of those that are it is only the social conditions of those goods that the state can be required to ensure. This explains why, rather than mentioning happiness in formulating the social contract's basic task, Rousseau merely lists certain goods that are plausible candidates for fundamental human interests, namely, "the person and goods of each associate" (SC, I.6.iv) or "the goods [and] life . . . of each member" (PE, 9/OC 3, 248). For reasons I cannot go into here, I believe it is plausible to attribute to Rousseau the view that finding satisfaction of one's amour propre—finding satisfying types of social recognition—counts as a fundamental interest of human beings (an essential part of their well-being) and that some of the conditions of this satisfaction come within the purview of political philosophy because social and political institutions play a significant role in shaping and satisfying individuals' recognitive desires.

My suggestion, in other words, is that Rousseau's political theory can be read as committed to thinking about how society must be constituted if each of its members is to be assured the basic social conditions necessary for finding a satisfying degree of recognition, and in such a way that this is compatible with the other goods he recognizes as fundamental interests—life, freedom, property, and personal security—also being secured for each. In order to see how this task figures implicitly in *The Social Contract*, it is necessary to focus on amour propre's comparative nature and on the fact that a comparative standing does not have to be a superior one. If what my amour propre leads me to seek is the respect I deserve as a human being—a respect I am willing to grant to others in return—then the standing I seek is comparative but not superior; equal standing is still comparative standing.<sup>25</sup> This means that a well-ordered state can go a long way toward satisfying its members' needs for

25. Joshua Cohen, *Rousseau* (Oxford: Oxford University Press, 2010), pp. 101–4.



recognition by creating political institutions that guarantee citizens equal respect, which in turn affects the self-conceptions of those who grow up in such a society, including the ways they seek to satisfy their generic need for recognition. It is easy to see, then, how the legitimate republic accommodates citizens' fundamental interest in finding recognition, for the core ideal of its principle of legitimacy is the moral equality of all, as embodied, for example, in the ideal of equality before the law. In realizing this ideal in a variety of ways,<sup>26</sup> the legitimate republic provides a stable source of public recognition of (one significant dimension of) the worth of all individuals.

These political measures, however, cannot exhaust Rousseau's response to the threats posed by inflamed amour propre to the well-being of all, precisely because equal political respect cannot fully satisfy individuals' legitimate desires to be valued by others.<sup>27</sup> Even in a society where the political ideal of equal citizenship were perfectly realized, there would remain room in other social spheres for inflamed desires for superiority to take hold of social members and produce the pathologies of recognition discussed above that make the universal satisfaction of amour propre impossible. *To the extent that economic inequalities built into the basic structure of these social spheres generate inflamed desires for recognition*, a political philosophy committed to securing the fundamental interests of all its members must be concerned with regulating those inequalities. The task of the social contract cannot be accomplished without paying attention to the ways in which nonpolitical institutions shape the cognitive aspirations of their members, and reducing the possibilities for inequalities in wealth plays a significant role in carrying out this task.

### III. ROUSSEAU'S CRITIQUE IN RELATION TO CONTEMPORARY POSITIONS

In the remainder of this article I attempt to situate Rousseau's critique of inequality in relation to treatments of the same topic in liberal political theory today, with the aim of asking whether Rousseau has anything distinctive to contribute to the contemporary debate. For reasons of

26. In addition to equality before the law, citizens enjoy the same negative freedoms; they have the same rights to political participation; and laws count as legitimate only if they safeguard the fundamental interests of each.

27. Neuhouser, *Rousseau's Theodicy of Self-Love*, pp. 67–70.

space I limit myself to discussing Rawls, the most prominent of contemporary Rousseauians.<sup>28</sup> I begin with the part of Rousseau's view just articulated, the idea that limiting inequalities in wealth might be part of a strategy for preventing desires for recognition generated within society from becoming inflamed in ways that guarantee frustration. That this proposal bears similarities to Rawls's view comes to light in his singling out of "the social bases of self-respect" (*JF*, 60)<sup>29</sup> as "perhaps the most important" (*TJ*, 440) of the primary goods that just institutions must distribute fairly. Both thinkers agree, then, that securing the social conditions of satisfying recognition for all is a principal task of the just state.<sup>30</sup> In fact, Rawls seems to have incorporated Rousseau's reflections on the relation between economic equality and the satisfaction of amour propre to such a degree that it is difficult to find a fundamental difference between them on this score. For after showing how certain basic features of a just society—private property (*JF*, 114), private associations (*TJ*, 440), equal rights of citizenship and liberty (*TJ*, 536)—help to establish the social bases of self-respect for all, Rawls goes on to allow that applying the difference principle might require reducing the gap in wealth between society's extremes solely for the purpose of preventing the rise of inflamed passions—most prominently, envy—that, when recognized status is linked to relative wealth, generate the very pathologies of recognition highlighted in the Second Discourse (*TJ*, 546). While there may be subtle differences between the two views on this issue, the degree to which they overlap far outweighs their disagreement.

For this reason I will focus instead on the more complicated issue of limiting economic inequality for the purpose of securing freedom—the absence of domination—for all social members.<sup>31</sup> While at first glance

28. Others include Elizabeth Anderson, Joshua Cohen, and Samuel Scheffler.

29. References to works of John Rawls use the following abbreviations and are cited parenthetically: *JF*: *Justice as Fairness* (Cambridge, Mass.: Harvard University Press, 2001); *PL*: *Political Liberalism* (New York: Columbia University Press, 1993); *TJ*: *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).

30. Rawls includes recognition—"finding our person and deeds appreciated and confirmed by others"—among the circumstances that support self-respect (*TJ*, 440).

31. This is also a concern of Pettit's version of republicanism. Whereas traditional republicanism believed little could be done to reduce the material bases of domination by decreasing inequalities in wealth or economic status, his view requires the state to undertake substantive redistributive measures when they are necessary to foster the economic independence of every citizen (Pettit, *Republicanism*, pp. 158–63). For Pettit, such

there seem to be clear differences between the views of Rawls and Rousseau with respect to both specific policy recommendations and fundamental principles—Rawls, for example, does not place material dependence and domination, or the connection between them, at the center of his theory—the differences turn out to be much smaller once the entirety of Rawls's elaborate position is taken into account. If Rousseau's principal reason for limiting economic inequality is to eliminate domination, Rawls's principal reason seems to lie elsewhere, in a consideration that plays no role for Rousseau. If we think of the difference principle as Rawls's main response to the problem of economic inequality, this contrast comes into view. For the point of the difference principle is not to eliminate the conditions of domination (or to promote freedom in some other way) but to ensure a *fair* distribution of the benefits of social cooperation. It is difficult to overemphasize the importance that the idea of society as a system of mutually advantageous cooperation plays in Rawls's theory of justice, and this idea is especially prominent in his justification of the difference principle: if cooperation is a win-win situation, producing greater social wealth than noncooperating individuals would produce on their own, then the question arises as to how the advantages of cooperation are to be divided fairly among those who participate in society's cooperative scheme. (Rousseau and Rawls agree that having this distribution determined by the free market does not ensure its being just.) This means that the question addressed by the difference principle would arise for Rawls even in a society where poverty and domination were eliminated. The point of the principle is not to lift the poor out of poverty or to make them free but to ensure that the less well off (regardless of how well off they are absolutely) receive a fair share of the advantages of the cooperative scheme in which they participate.

Focusing only on the difference principle might suggest that Rawls and Rousseau also disagree on the degree of economic inequality permissible in a just society since, as many have pointed out, the difference

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measures consist primarily in welfare aid designed to ensure that all individuals have the basic capabilities needed to function “normally and properly” within society (p. 158). More radical transformations that address asymmetries in the economic structure of society, though not ruled out, play little role in his reflections on the policy implications of republicanism.

principle is capable of justifying very large disparities in wealth, whereas Rousseau believed that even modest inequalities tended to produce domination. This is where Rawls's position becomes complex. His view is that while considerations about a fair distribution of the advantages of cooperation, taken by themselves, do not rule out large inequalities, a theory of justice has other reasons for limiting inequalities in wealth, and once these reasons are taken into account, the range of permissible inequality is greatly reduced, perhaps even to a level that would satisfy Rousseau. This claim is confirmed by the argument Rawls develops toward the end of his career that only alternatives to capitalism—property-owning democracy but not welfare-state or laissez-faire capitalism—are consistent with justice (*JF*, 135–36). Property-owning democracy is an “alternative to capitalism” because it ensures “widespread ownership of productive assets,” thereby obliterating (or reducing) the class distinctions (*JF*, 139) on which capitalism depends. Whatever property-owning democracy might look like when fleshed out in more detail than Rawls provides, it is surely not remote from the kind of society Rousseau, if writing in the twentieth century, might have endorsed.

The more philosophical question is whether Rawls's reasons for endorsing property-owning democracy are similar to Rousseau's. There are grounds for thinking they are not. For the main reason Rawls limits economic inequality beyond what the difference principle requires is to create the conditions under which the *fair value of equal political liberties* and *fair equality of opportunity* can be realized.<sup>32</sup> In neither of these arguments does the avoidance of domination appear to play a central role, but in fact the issue of domination creeps into both. I begin with fair equality of opportunity. As with the difference principle, Rawls's main reason for worrying about equality of opportunity has to do not with avoiding domination but with ensuring fairness, in this case fairness in competition for public offices and social positions. To the extent that measures for limiting economic inequality are necessary in order to ensure that those “similarly motivated and endowed” have “the same

32. I am indebted to Erin Kelly for this point. For more on a Rawlsian critique of economic inequality, see Kelly, “Inequality, Difference, and Prospects for Democracy,” in *The Blackwell Companion to Rawls*, ed. Jon Mandle and David Reidy (Oxford: Blackwell, 2013).

prospects of . . . achievement” regardless of the social class they are born into, those measures are required by the principle of fair equality of opportunity (*JF*, 44).

Fairness of opportunity is not the same as freedom from domination, but the two ideals are more closely linked than they first seem to be. It is noteworthy that Rawls sometimes articulates the purpose of measures dictated by the principle of fair equality of opportunity in terms of avoiding domination: in articulating the implications of this principle, Rawls pleads for institutions that “adjust the long-term trend of economic forces so as to prevent excessive concentrations of . . . wealth, especially those likely to lead to political domination” (*JF*, 44). This certainly sounds like a version of Rousseau’s principle—limit economic inequality to the extent necessary to avoid domination—but it is worth asking how precisely inequality of opportunity is related to domination here. As Rawls says, what is at issue is political domination, and his thought must be that large inequalities of wealth adversely affect the chances of the less well off to attain the public offices through which citizens make and execute laws. This counts as a form of domination because when one group has a long-term advantage in determining laws that another group must obey, the former succeed in getting themselves obeyed by the latter. Yet even though part of the reason Rawls endorses fair equality of opportunity seems to be because it prevents a kind of domination, there is an important conceptual distinction between aiming to achieve fairness (of opportunity) and aiming to eliminate domination. In other words, Rawls’s reflections on fair equality of opportunity give us *two* (converging but still separate) reasons for limiting inequalities in wealth: doing so is a condition of achieving fairness in the opportunities citizens have available to them, but it also prevents a type of domination, where one group regularly succeeds in getting its will, expressed in laws, obeyed by another.<sup>33</sup>

Does the point I am attributing to Rousseau imply a substantive critique of Rawls? I doubt that it does at the level of institutional arrangements. And with respect to philosophical commitments, it seems

33. This is essentially Thomas Scanlon’s point when he distinguishes, as reasons for pursuing equality, between ensuring the fairness of distributive processes and ensuring that some do not have “an unacceptable degree of control over the lives of others”: Scanlon, *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), pp. 205–6.

implausible to claim that Rawls's emphasis on fairness means that his theory is unconcerned with the problem of domination. At most, Rousseau's point invites us to reflect further than Rawls himself did on the relation between fairness and freedom (the absence of domination). For example: is it possible for fairness and freedom (in this sense) to generate conflicting rather than converging requirements, and if so, which of the two has priority? And, even if fairness and freedom are conceptually distinct, does aiming at perfect fairness (in matters concerning economic inequality) automatically remedy the problem of domination, without our needing to worry about what additional measures might be necessary to ensure that social members avoid the conditions of inequality that make domination virtually inescapable?

I now turn to the second set of reasons Rawls has for limiting economic inequality beyond what the difference principle requires, those deriving from realizing the fair value of equal political liberties. Here economic inequality is clearly brought into relation with freedom—some liberties remain “merely formal” unless a certain degree of economic equality<sup>34</sup> provides citizens with the means they need to exercise their rights more or less equally and thereby realize the “fair value” of those rights—but the question is whether this part of Rawls's view addresses the threat that Rousseau sees economic inequality as posing to freedom, understood as the absence of domination. Interestingly, the answer to this question is precisely the one we encountered in discussing fair equality of opportunity: ensuring the fair value of equal political liberties—it is only political liberties whose fair value is ensured (*JF*, 44, 148)—is also aimed at eliminating domination in the political sphere. As Rawls puts the point: “the fair value of the political liberties ensures that citizens . . . have roughly an equal chance of influencing the government's policy . . . irrespective of their economic . . . class” (*JF*, 46). Thus, as Rawls admits, guaranteeing the fair value of political liberties comes down in the end to guaranteeing a specific kind of equality of opportunity, namely, the opportunity to attain positions of political authority and to influence legislation (*JF*, 149). Both principles, then, though primarily intended to achieve a kind of fairness (of opportunity), also work to reduce the likelihood of a kind of domination (political domination).

34. At issue here is relative, not merely absolute, wealth since exercising one's political liberties involves competing with others for political influence (*JF*, 46).

Hence, when thought through from the perspective of Rousseau's reflections on inequality and domination, Rawls's positions on fair equality of opportunity and the fair value of equal political liberties agree in giving us *two* reasons for limiting economic inequality: fairness (of opportunity) and the avoidance of domination. If there is a philosophical critique to be made of Rawls from Rousseau's perspective, it is suggested by the fact that both principles are directed against specifically political forms of domination. Political domination is a genuine concern of Rousseau's; it is criticized in his treatment of the specious social contract, and it is what he is worried about when he disallows factions within the assembly, where the opinions of one group as to what should be law consistently win out over others', resulting in the latter regularly obeying the former. Yet political domination is not the only kind of domination that alarms him: domination arises in the Second Discourse before political society is established (*DI*, 167/*OC* 3, 171), and pointing out the threat of nonpolitical domination—where it is not law that compels us to obey others but simply the combination of dependence and economic inequality—is one of that text's main goals. As Smith points out, as long as the relationship between workers and employers is characterized by fundamental inequality, there will be a systematic tendency, grounded in the economic structure of society, for domination to arise. But the domination Smith draws our attention to is not political; his complaint is not that workers are subject to laws made only by employers and their representatives (though this, too, is likely to be the case); rather, it is that one group of individuals finds itself in a position in which, constrained by the mix of dependence and inequality, it must regularly follow the dictates of another group, with respect to wages and laboring conditions, if it is to be able to satisfy its material needs. The site of this domination is not the legislative assembly but everyday economic life, where everything from the number of bathroom breaks to policies for hiring and firing workers is dictated by those who occupy the advantaged position of the unequal relationship.<sup>35</sup>

35. One might extend Rousseau's point to a sphere where he didn't envisage it being applied, the family. While it would be wrong to locate the entire source of gendered domination in the family in economic inequalities between husband and wife, it seems clear that inequalities, in control of the family's wealth as well as in earning power, are part of the source of that domination and that equalizing the economic positions of women and men could reduce it.



Finally, it is unclear whether even this point—that a theory of justice should worry as much about domination in the economic sphere as it does about political domination—is one that Rawls completely overlooks or that his theory could not accommodate.<sup>36</sup> His sparing description of property-owning democracy makes it difficult to know for sure, but he does say that property-owning democracy “disperse[s] ownership of wealth . . . to prevent a small part of society from controlling the economy” and that it aims to “put all citizens in a position to manage their own affairs on a footing of a suitable degree of social and economic equality” (*JF*, 139). Also relevant is his claim that “excess market power must be prevented and fair bargaining power should obtain between employers and employees” (*PL*, 267). Yet the scattered nature of these remarks raises the same question mentioned above concerning the relation between the values of fairness and freedom (as the absence of economic domination) and how precisely freedom in this sense fits in with the main values Rawls appeals to when defining primary goods, determining basic liberties, and arguing for the fair equality of opportunity, namely, the exercise of the moral powers essential to us as free and equal citizens (*JF*, 45). The beginning of a Rawlsian answer to this question is surely that avoiding domination in the economic sphere is essential if individuals are to be able fully to pursue their own conceptions of the good. At the very least, however, the distinction between these two types of domination—and the importance of nonpolitical forms—is undertheorized by Rawls, even if incorporating Rousseau’s insights on this topic might not in the end put much strain on the complex edifice that his theory of justice, taken in its entirety, turns out to be.

#### IV. CONCLUDING RESERVATIONS

I end my reconstruction of Rousseau’s critique of inequality with two reservations. The first is that inequality is probably too coarse a concept to pick out the specific economic features of society that produce the ills

36. Samuel Scheffler emphasizes that equality is both a political and a social ideal for Rawls, suggesting that nonpolitical forms of domination worry him as much as political forms: Scheffler, *Equality and Tradition* (Oxford: Oxford University Press, 2010), pp. 191, 199, 225.

Rousseau is worried about. Questions raised above about the indeterminacy of his criteria for freedom-endangering inequality should lead us to wonder whether inequality, defined purely quantitatively, is too indefinite to distinguish conditions that pose substantial threats to freedom from those that are unlikely to result in domination. Indeed, Smith's example suggests that Rousseau's point might be better formulated by focusing on specific types of economic inequality that track not merely quantitative differences but more consequential structural features of economic life. Rousseau's account should encourage us to ask: which *types* of inequalities tend to produce asymmetric relations of dependence with respect to needs of such urgency that the disadvantaged are likely to judge that they have no choice but to obey the wills of those they depend on in order to satisfy those needs? Smith's example, grounded in his keen sense for how capitalism relies on class differences—defined not quantitatively but by the different economic functions (based on different relations to the means of production) that the classes in question perform—exemplifies one powerful way of refining the concept of inequality to make it more useful for political theory.

My second reservation, too, pushes Rousseau in the direction of Marx. Even if loss of freedom in economic life remains a phenomenon political theory should address, we should ask whether domination, as Rousseau defines it, picks out the most important ill of modern economies. Rousseau's emphasis on *obedience* is understandable, given that he presupposes a picture of economic life importantly different from contemporary, and even nineteenth-century, economic reality. His picture of society bears traces of a feudal, or at least premodern, world where capitalist relations, mediated by an impersonal market, have not yet fully developed. For this reason Rousseau's critique runs the risk of missing some instances of illegitimate asymmetries in social power that are more prominent today than domination, construed strictly in terms of obedience.

The suggestion here is that many instances of asymmetries in social power in capitalist societies do not involve relations among wills in the sense that one party obeys the commands of another. This is precisely the thought that leads Weber—influenced by Marx's account of power relations among classes in capitalism—to distinguish domination (asymmetric relations of obedience) from social power more generally and to regard domination as merely one form that asymmetries in social

power can assume.<sup>37</sup> Using Weber's terminology, we can say that the most common ways capitalists assert power over workers do not involve the latter obeying the commands of the former. With respect to determining the basic terms according to which the "advantages of social cooperation" are to be distributed, the free market, together with the basic inequality in the economic positions of the classes, ensures that a property-owning class will be able to assert its will—to get much more of what it wants—in relation to a property-less class without needing to issue commands that the property-less obey. In capitalist economies there is, one might say, a clash of wills—a clash of *interests*—that is regularly decided in favor of one party, without those wills ever coming into direct contact and without any will issuing commands to another. (Interestingly, though, economic globalization has produced a situation where domination in Rousseau's sense is a major form of oppression among countries: organizations such as the International Monetary Fund, controlled by and advancing the interests of rich nations, dictate the internal policies of poorer, asymmetrically dependent nations.) If Rousseau's critique of economic inequality is to capture important ways that asymmetries of social power manifest themselves in the contemporary world, his narrow focus on relations of obedience needs to be *supplemented* so as to include ways in which, within the "free" market, the wills of the advantaged determine the actions of the disadvantaged without commands being issued or obeyed.

In this article I have argued for five points:

- (1) Rousseau draws our attention to one specific kind of illegitimate social power, domination (regularly obeying a foreign will), as well as to its source in economic inequality. Both of these issues, though not completely absent in liberal political theories, tend to be undertheorized by them.
- (2) Locating the source of domination in asymmetric relations of dependence enables us to see how there can be widespread domination in the absence of coercion and in the presence of actual consent (when the motivation for obedience is to secure the cooperation one requires in order to satisfy one's needs). Domination includes much more than being *coerced* to obey.

37. Weber, *Economy and Society*, 1:53.

- (3) Rousseau shows that domination often extends beyond the political realm, where some have more say than others in determining laws, infecting other social spheres as well, especially the economy (but also, if we extrapolate from his account, the family).
- (4) Rousseau argues convincingly that economic inequality, especially class inequality, generates domination among interdependent individuals and that a just social order strives to eradicate the material conditions of domination, preventing the systematic domination of any individual or group.
- (5) Rousseau's theory would be defective if it implied that domination were the only form of illegitimate social power that economic inequality made possible. Other forms are closely related to domination insofar as they involve the wills of one class regularly winning out over those of another in market competition, but without anyone issuing commands obeyed by others.