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Ernest Barker: Social Contract Introduction, Section III, on Rousseau Study Guide, 2012

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ERNEST BARKER: SOCIAL CONTRACT INTRODUCTION, SECTION III, ON ROUSSEAU STUDY GUIDE 2012 Steven Alan Samson

Study Questions

1. What disqualified **Jean-Jacques Rousseau** as a philosopher? To say that Rousseau was an *à priori* theorist (as to an *à posteriori* thinker) means that he started with his mind and imagination rather than physical or empirical (experiential) evidence. The **Abbé de Saint-Pierre** proposed a European Union, along with a graduated income tax, free public education for girls and boys, an international court, and a constitutional monarchy. What was the **School of Natural Law** (associated with Burlamaqui and Vattel). What was Rousseau's attitude toward it? (xxvii-xxx)
2. What is Rousseau's concept of the sovereign as a "moral person"? His concept of the general will? The Latin phrases appear to refer to "everyone as all together" (as in Rousseau's **general will**) and "everyone as each one plural" (as in Rousseau's **will of all**). See question 4c) below. Given Rousseau's ambivalence, Barker sees Rousseau going beyond the usual natural law thought.

NOTE: Barker wrote this shortly after the end of WWII when the terrible toll of German Idealism (and the Historical School of Law) was so much more evident. What Barker means to say is that a tribal Folk-spirit or race-consciousness—along with a sense of the historical validity, even inevitability, of its tribal legal tradition—had actually been substituted for the universal norms associated with Enlightenment rationalism. Barker is correct as far as he goes, but the deeper problem (as Marcello Pera appears to understand) is that both (French and English) Enlightenment rationalism and (German) Romantic-Transcendentalist historicism (such as Hegel's Transcendental Idealism) are departures from an original Christian culture that had been riven by political and theological disputes. All the same, Barker's analysis of the totalitarian character of Rousseau's thinking is largely convincing. (xxx-xxxii)
3. How does Barker compare and contrast the *Discourse on Inequality* with the later *Social Contract*, particularly with regard to individualism and collectivism? At the bottom of page xxxii is a reference to the first modern human rights document: The Declaration of the Rights of Man and Citizen, which Thomas Jefferson had a hand in shaping. What made Rousseau less an influence on rationalist France than the romantic-historicist Germany of Fichte and Hegel? What Barker calls the *praeparatio evangelii Hegeliani* means the preparation for the Hegelian gospel. (xxxii-xxxiii)
4. What are the three propositions Barker advances about the Social Contract? a) How is Rousseau's ambivalence and ambiguity evident with his view that the true State is a progressive Force but that a state may be irrational, perverted, or despotic? b) Like Locke, Rousseau objects to patriarchy but where does Barker believe Rousseau went wrong with the social contract idea? Barker, like Francis Lieber earlier, held that "the society of the nation is a given fact of historical evolution." A state may be created by a contract, but not a national society. c) Rousseau's idea of the **general will** that cause the greatest confusion. Rousseau's idea of the **legislator** is developed as a "leader-principle). But what makes his ideas a double-edged sword? The rationalistic Napoleonic Code imposed from the top illustrates where this idea leads. (xxxiii-xxxiv)
5. Rousseau's social contract must be understood as the design for a small primary democracy, like Athens, Sparta, Geneva, or perhaps a New England town meeting. He rejects representative government but Barker indicates that Rousseau's ideal is self-contradictory: a *souverain fainéant* (a do-nothing sovereign). What does he mean? The reference is to the late Merovingian kings,

les rois fainéants (do-nothing kings) whom Pepin the Short, the household manager (mayor of the palace, like the later shoguns of Japan), persuaded the pope to remove and install him as king, instead). Pepin, by the way, was the son of the great hero Charles Martel (the Hammer) and father of Charlemagne, who was elevated by a later Pope to western emperor on Christmas morning in the year 800. Thus began western Christendom. (xxxiii-xxxiv)

6. Barker proceeds to discuss Rousseau's inventiveness with regard to his plans for Geneva, but he contends that the problem with Rousseau's conception of the general will is in the translation. How is Rousseau like Hobbes in his thinking? Unlike Hobbes? What is Rousseau's famous paradox? What makes it a **paralogism** (false argument)? How does Rousseau's Leviathan differ from Hobbes's? What is the nature of government in such a sovereign community? An analogy could be found in certain phases of the French Revolution, the chaos of the Paris Commune of 1871, and the early weeks of the Bolshevik takeover in 1917-1918 where lynch law and terror prevailed. How does Rousseau differ from Locke with respect to the legislative powers? Unlike Montesquieu, Rousseau dismissed the British system as absurd and feudal and wished for only a temporary executive commission. (xxxiv-xxxvi)
7. Identify two old lessons of politics. The second of these was learned through the development of the English cabinet system, which was still in its infancy in Rousseau's day. What three great logical difficulties faced Rousseau as he sought to discover a truly general will? Rousseau rejects parties because they sacrifice the general good? But then, how can the general will be truly distinguished from the will of all? The second difficulty arises due to the intellectual effort of sustained reflection and discussion that is required. Rousseau's *Führerprinzip* (what the Nazis called the "leader-principle") is truly a "god of the machine" brought in to resolve a convoluted plot but it lacks any safeguards. It is as if the playwright (let us call him "Rousseau") walks onto the stage and personally ties together all the loose ends of the plot before the curtain falls. Barker rightly considers Rousseau to be a totalitarian, which is especially evident when he says in the chapter on civil religion: Any man who, after acknowledging these articles of faith, proceeds to act as though he did not believe them, *it is good to (or deserves to be) put to death (qu'il soit puni de mort)*. Rousseau's concept of civil religion is anti-Christian; his concept of political liberty overlooks civil and religious liberty. The third difficulty relates to the governance of large entities. Two options are a movable metropolis (such as the moving imperial court of the Holy Roman Empire or the rotating executive of some trade unions) or federalism. (xxxvi-xxxix)
8. Barker concludes with a medieval saying about the variability of Biblical interpretation:

"Hic liber est in quo sua quærit dogmata quisque,
Invenit et pariter dogmata quisque sua,"

Which may be rendered in an English paraphrase:

"Men open this book, their favourite creed in mind;
"Each seeks his own, and each his own doth find."

<http://www.traditionalcatholic.net/Scripture/Encyclopedia/Exegesis.html>

To paraphrase Lord Macaulay's quip that the American constitution was all sail and no anchor, Barker finds Rousseau's dogmas to be all extremes and no center; all brilliance and nothing but nonsense. The Cam River, which empties in the sea, became a channel for ideas brought from across the sea and is best known for its university at Cambridge.

Review

à priori
Emmerich de Vattel

Abbé de Saint-Pierre
vacillation over natural law

School of Natural Law
sovereign

moral person	general will	individualism
collectivism	State as a progressive force	society of the nation
general will vs. will of all	Napoleon	parliamentary democracy
a do-nothing sovereign (legislature) requires a mayor of the palace (a legislator like Pepin)		
Rousseau's paradox and paralogism		problems with Rousseau's Leviathan
two old lessons of politics	Rousseau's logical difficulties	Rousseau's dogmas