

Teacher of Right:

Rousseau at the Limits of the State

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Abstract:

This chapter problematises a double bind in the political and educational thought of Jean-Jacques Rousseau. On the one hand, and contrary to the thought of some of his philosophical interpreters, it shows that Rousseau is absolutely assured of the variable qualities of already existing political or social bodies, and that he is sensitive to the relative applicability of political right to them. On the other hand, though, this chapter claims that Rousseau is also absolutely assured that he, and his principles of political and educational right, as laid out especially in the *Social Contract* and *Émile*, have something to add to all of these contexts. A body politic can, for Rousseau, vary, but principles of right only vary inasmuch as they must adapt these variable bodies politic. The most problematic feature of this latter position is the implied necessity of imposing the logic of the state from the *Social Contract* onto existing forms of social organisation, including those that are or might seek to be stateless. Rousseau is, in his own understanding, the teacher of political and educational right.

Keywords:

Jean-Jacques Rousseau; Jacques Derrida; Roberto Esposito; legitimacy; liberal individualism; anarchism

Introduction

In this chapter I point towards a double bind in the political and educational thought of Jean-Jacques Rousseau. On the one hand, and contrary to the thought of some of his philosophical interpreters, he

is absolutely assured of the variable qualities of already existing political or social bodies, and is sensitive to the relative applicability of political right to them. On the other hand, though, he is absolutely assured that he, and his principles of political and educational right, as laid out especially in the *Social Contract* and *Émile*, have something to add to all of these contexts. A body politic can, for Rousseau, vary, but principles of right only vary inasmuch as they must adapt these variable bodies politic. The most problematic feature of this latter position is the implied necessity of imposing the logic of the state from the *Social Contract* onto existing forms of social organisation, including those that are or might seek to be stateless. Rousseau is, in his own understanding, the teacher of political and educational right. As Pierre-Joseph Proudhon puts it,

It is Rousseau who teaches us that the people, a collective being, has not unitary existence; that it is an abstract personality, a moral individuality, incapable by itself of thinking, acting, or moving; which means that general reason is not superior to individual reason, and, in consequence, that he who has the most individual reason best represents general reason. A false proposition, which leads directly to despotism.¹

Rousseau himself, as ‘teacher’, figures this individual-with-the-most-reason. For him, the political body (and the educational ‘body’) is necessarily variable and responsive. The ‘principles of political right’ laid out in the *Social Contract* are intended to be ahistorical and conveyed with an awareness of their limitations and variable applicability. His primary concern is the legitimacy of political legislation and action in terms of a non-co-terminus political ‘recovery’ of natural liberty and he does not presume his principles to be absolutely realizable precisely because of the imperfectability of social man and therefore his bodies politic. The responsiveness to variability inherent to Rousseau’s thinking on the political body is analogous to his thinking on educational systems but this responsiveness to variability is always based on unvarying principles and is only politically or educationally expedient when understood in terms of these principles. Furthermore, these principles are seemingly reducible to the precedents of political liberty and equality, meaning that what is absolutely invariable is the legitimacy of political liberty and equality, and, underpinning and validating them: the state itself. In the service of political right, “The citizen should render to the state all the services he can as soon as the sovereign demands them. However, for its part, the sovereign cannot impose on the subjects any fetters that are of no use to the community.”²

¹ Pierre-Joseph Proudhon, ‘General Idea of the Revolution in the Nineteenth Century’ in *Property is Theft!: A Pierre-Joseph Proudhon Anthology*, (Edinburgh, Oakland & Baltimore: AK Press, 2011), 567.

² Jean-Jacques Rousseau, *Basic Political Writings*, trans. Donald A. Cress (Indianapolis: Hackett, 1987), 157.

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The illegitimacy of a lack in liberty and equality is variable in relation to empirical conditions. Therefore its lack cannot be necessarily be considered as conducive of political illegitimacy because a political system will always lack some liberty and equality. That is not to say that Rousseau thinks liberty and equality should not be prioritised by a legislator and a people but that the forms and amount of liberty will vary according to the political body in question; which is why, for Rousseau, less political liberty can in many cases be more politically legitimate. In *Émile* Rousseau writes that

The science of political right is yet to be born, and it is to be presumed that it will never be born [...] The only modern in a position to create this great and useless science was the illustrious Montesquieu. But he was careful not to discuss the principles of political right. He was content to discuss the positive right of established governments, and nothing in the world is more different than these two studies.

Nevertheless, whoever wants to make healthy judgments about existing governments is obliged to unite the two. It is necessary to know what ought to be in order to judge soundly what is. The greatest difficulty in clarifying these important matters is to interest an individual in discussing them by answering these two questions: What importance does it have for me? And, What can I do about it?³

The difference between explicit considerations of positive political right and principles of political right is what differentiates Rousseau from Montesquieu. Rousseau's interest in principles is what gives his political thinking its ahistorical character and also what allows Bates, Esposito and Derrida to interpret his writing in terms of positive political prescription. However, as this passage from *Émile* makes clear, he is engaged in a discussion of principles *not* positive political establishment. His principles of right are only ever of *positive* significance when related to a particular situation and in terms of the individual or community considering that situation. Rousseau is aware that his principles may be read as a form of abstract but positive political prescription in the teaching of *Émile*, pre-empting the pupil's concern for this he writes:

³ Jean-Jacques Rousseau, *Émile*, Christopher Kelly and Allan Bloom (trans.), (Hanover: Dartmouth College Press, 2010), 649.

I would not be surprised if my young man, who has good sense, were to interrupt me in the middle of all our reasoning and say, “Someone might say that we are building our edifice with wood and not with men, so exactly do we align each piece with the ruler!” “It is true, my friend, but keep in mind that right is not bent by men’s passions, and that our first concern was to establish the true principles of political right. Now that our foundations are laid, come and examine what men have built on them; and you will see some fine things!”⁴

It is in the variability of the application or location of his (or similar) principles of political right that Rousseau finds these ‘fine things’, without which his political thinking would simply be wooden. While the principles themselves can ‘not be bent by men’s passions’ their expediency is subject to them. There can be no community of pure principle but rather variable communities built on and with these principles. The application of principles to various political bodies also extends to Rousseau’s thinking on education, where at the end of the Preface to *Émile* he writes of his educational project:

In the first respect it suffices that the project be acceptable and practicable in itself, that what is good in it be in the nature of the thing, here, for example, that the proposed education be suitable for man and well adapted to the human heart.

The second consideration depends on relations given in certain situations – relations accidental to the thing, which consequently are not necessary and admit of infinite variety. Thus one education may be practicable in Switzerland and not in France; one may be for the Bourgeois, and another for the Noble. The greater or lesser facility of execution depends on countless circumstances that are impossible to determine otherwise than in a particular application of the method to this or that country, to this or that station.⁵

The prioritisation of a sensitivity to ‘certain situations’ and an openness to ‘infinite variety’, combined with an awareness of the variable practicability of education highlight Rousseau’s attention to the ‘particular application’ of his thinking. He has not created models of positive political or educational practice but rather the principles with which different countries and those in different stations of life may consider the legitimacy of their practice. The variable applicability of Rousseau’s thinking is precisely what facilitates its continuing bearing on a broad range of political and educational discussion.

⁴ Jean-Jacques Rousseau, *Émile*, 659.

⁵ Jean-Jacques Rousseau, *Émile*, 159.

The pragmatic aspect of Rousseau's thinking is based on the assumption of an obligation to one's state in terms of the principles of right, achieved, as he makes clear in a footnote to the Second Discourse, 'through the exercise of virtues they oblige themselves to practice while learning to know them'. The line is part of a larger passage attacking those who turn away from society and their responsibility towards it which goes on to define what men like him will do instead:

They will respect the sacred bonds of the societies of which they are members; they will love their fellow-men and will serve them with all their power; they will scrupulously obey the laws and the men who are their authors and their ministers; they will honor above all the good and wise princes who will know how to prevent, cure or palliate that pack of abuses and evils always ready to overpower us; they will animate the zeal of these worthy chiefs by showing them without fear or flattery the greatness of their task and the rigor of their duty. But they will despise no less for it a constitution that can be maintained only with the help for so many respectable people, who are desired more often than they are obtained, and from which, despite all their care, always arise more real calamities than apparent advantages.⁶

Implying significant subservience to an educated political class, this passage emphasises Rousseau's commitment to the application of principles to the state one is a citizen of, despite its faults in terms of the principles of right. The priority for Rousseau was not the conceptualisation of a pure political community but rather a principled responsiveness to the situation one is given unto, which, often, it seems, would, as Proudhon suggests, be manifested in deference to one's more educated and powerful betters.

Limits of the State

In *States of War: Enlightenment Origins of the Political*, David William Bates argues that:

In the *Social Contract*, Rousseau imagined a new beginning to human community, one that bypassed altogether the social formations that emerged in the complex historical development of the human species. The political community outlined in this text was, in contrast to any other natural-law theory in this period, entirely independent of social organization.⁷

⁶ Jean-Jacques Rousseau, *Basic Political Writings*, trans. Donald A. Cress (Indianapolis: Hackett, 1987), 94-95.

⁷ David William Bates, *States of War* (New York: Columbia University Press, 2012), 210.

But what Rousseau is showing is not a community but rather the means for understanding variable communities' legitimacies, and is entirely based on whether or not 'the force acquired by the whole is equal or superior to the sum of natural forces of all the individuals'⁸ There is no sense of a 'new beginning to human community' for Rousseau but rather a responsiveness to the varieties of already existing communities in terms of political right. As he states in Book 1, Chapter VI of the *Social Contract*,

since men cannot engender new forces, but merely unite and direct existing ones, they have no other means of maintaining themselves but to form by aggregation a sum of forces that could gain the upper hand over the resistance, so that their forces are directed by means of a single moving power and made to act in concert.⁹

While Bates is correct to determine Rousseau's principles as ahistorical, Rousseau was never under the illusion that they could be entirely independent of already existing 'social organization.' It is precisely Rousseau's awareness of the variability of already existing social organizations which inspires the necessity of these ahistorical principles. Bates argues that,

In the *Social Contract*, we have seen a political society born, like Rousseau's infant man, with a minimal consciousness of unity and no innate knowledge or instinctual capacity for action. However, unlike the human machine, the political body also lacks an established network of nerves, centralized brain, and sensorium commune that would allow communication and coordination or learning and intervention, even to begin.¹⁰

Again, the suggestion that for Rousseau there could be a (pre-)political society without unity is reading the *Social Contract* as prescriptive of social relations rather than also being responsive to them. It is also not certain that the body politic is as un-organic as Bates argues. In fact, a pre-legitimated society requires variable legitimation based precisely on what might be called its already existing 'network of nerves' and 'sensorium commune' (if not its 'centralized brain'). This is made clear in Chapter VIII of Book III under the heading 'That Not All Forms of Government Are Suited to All Countries' where the huge variety of factors affecting on an appropriate form of government for particular societies are outlined, many of which involve natural limits (size and type of land, climate, etc) which also contradicts Bates' claim that:

⁸ Jean-Jacques Rousseau, *Basic Political Writings*, 163.

⁹ Jean-Jacques Rousseau, *Basic Political Writings*, 147.

¹⁰ David William Bates, *States of War*, 195.

The key insight of Rousseau is that there is a fundamental disanalogy between individuals and states. The political body has no natural limits, whereas the human body clearly does. The state's very being is essentially relative.¹¹

Unless an extremely limited definition is taken, there are clearly both natural limits in terms of variable geographical contexts, population number, and cultural heritage. Also, in some of his more obviously racist turns, Rousseau states, for example that 'the Russians will never be truly civilized' and asks, 'What people, therefore, is suited for legislation? One that, finding itself bound by some union of origin, interest or convention, has not yet felt the true yoke of laws.'¹² Therefore it is not a lack of 'social organization', 'consciousness of unity' or a 'sensorium commune' which Rousseau is building on or attempting to develop with his political thinking but rather legitimation or a 'yoke of laws' which could fit to a particular community which already is 'bound by some union of origin, interest or convention.' Bates reads the definition of political community as primary when for Rousseau it is the relationship between principles of political right and variable political bodies which is of primary concern.

For Bates, Rousseau imagines, 'a new kind of politics outside of any historical determination whatsoever. He conjectures a political community that is defined by its ahistorical nature.'¹³ On the other hand, I would suggest Rousseau's political thinking is defined by its sensitivity to various contingent social formations through its broad and responsive principles of political right that are nonetheless ultimately imposed. The ahistorical dimension of Rousseau's thought in both Bates' and my own reading aligns with Derrida's ahistorical definition of what Bates terms 'human rights'. For him, Derrida

invokes the idea of human rights "beyond" the nation-state form not as a gesture to found a new universalism or to extend sovereignty to new spaces but to encourage the interruption of the ipseity (namely, the enclosed singular self-identity) of the sovereign. The invocation of human rights points to a logic outside of the unitary decision of the state even if it is a realm that is never fulfilled.¹⁴

In Derrida's own words:

¹¹ David William Bates, *States of War*, 206.

¹² Jean-Jacques Rousseau, *Basic Political Writings*, 170.

¹³ David William Bates, *States of War*, 172.

¹⁴ David William Bates, *States of War*, 219.

pure sovereignty does not exist; it is always in the process of positing itself by refuting itself, by denying or disavowing itself; it is always in the process of autoimmunizing itself, of betraying itself by betraying the democracy that nonetheless can never do without it.¹⁵

Derrida's intention is not to paralyse political institutions but, like Rousseau, to understand their limitations in terms of principles. Political constitution is for Rousseau and Derrida not separable from social organisations, even philosophically speaking. A philosophy of political community cannot immunise itself against the particularities of social organizations preceding and accompanying its construction without being absolutely artificial. It is this artificiality which Bates locates in Rousseau's thinking of the body politic but while there are elements of artifice to Rousseau's constitution of the political body they are not as separable from the particularities of social organisation as Bates suggests. This is made explicit in Rousseau's three chapters (VIII, IX and X) in Book II of the *Social Contract* titled 'On the People' which begin with the injunction that:

Just as an architect, before putting up a large building, surveys and tests the ground to see if it can bear the weight, the wise teacher does not begin by laying down laws that are good in themselves. Rather he first examines whether the people for whom they are destined are fitted to bear them.¹⁶

The people must come before the laws and society before the imposition of political right. The variability of peoples influences the variability of their political legitimacy because the political does not begin abstractly but with the people and must therefore accommodate their variability. There is also always more to a society than can be legislated for, meaning that the very structure of legitimation must be able to account for further variability. There will always be a deficit in democratic responsiveness (sometimes to a political body's benefit) but if principles of political right are used to inform legislative practice, the potential for it increases.

A Proto-Totalitarian Risk

¹⁵ Jacques Derrida, *Rogues*, trans. Pascale-Anne Brault and Michael Nass (Stanford, Stanford University Press, 2005), 101.

¹⁶ Jean-Jacques Rousseau, *Basic Political Writings*, 165.

The ability for the body politic to respond and be sensitive to its constituent parts is not seen by Roberto Esposito in terms of an already constituted community but, similarly to Bates, as individuals drawn together under an ahistorical political philosophy of community:

Where the proto-totalitarian risk in Rousseau seems most evident isn't in the juxtaposition of the communitarian model to that of the individual but in their reciprocal interpenetration that awards to the community the profile of the isolated and self-sufficient individual. And so: the route that takes us from the individual one to the one collective must flow through the waters of organicism. It is as if both the individual and the community are unable to escape from themselves that they do not know how to welcome or receive the one without absorbing and incorporating it without making it precisely a part of themselves.¹⁷

But is this not in fact already the case? With individuals using languages that are not 'their own' and defining themselves in terms of land, culture, family, neighbours, traditions? Again, like Bates, Esposito imagines Rousseau's community in terms of pure philosophy, whereas throughout the *Social Contract* he goes to great lengths to make explicit the variable applicability of his principles of political right. It is perhaps Esposito's focus on the relationship between immunity and community that draws him to his conclusions, wherein:

If, as is generally believed, the fundamental task of the immune system is to reject what is other than self, we must necessarily exclude the possibility that it can be aimed directly at itself. From an immunological standpoint, the "self" is defined only negatively, based on what it is not [...] The object of the immune function, in short is never the self (except, of course, in the catastrophic case of autoimmune diseases) but rather everything that is not self. The "self" can only be immunologically expressed in the negative.¹⁸

In terms of the immune paradigm, the political body must define itself by what it is not but this is not the nature of Rousseau's political philosophy. It is not based on exclusion and prescription but rather on responsiveness to variability. His principles are not designed to be constitutive of a community but rather responsive to an already existing and particular grouping of people. Rousseau is not engaged in defining a prototype for political community, 'proto-totalitarian' or not, but rather in presenting principles with which variable communities can evaluate their legitimacy. Esposito reads Rousseau's thought in the context of community and immunity and argues that for Rousseau:

¹⁷ Roberto Esposito, *Communitas*, trans. Timothy Campbell (Stanford: Stanford University Press, 2010), 52-53.

¹⁸ Roberto Esposito, *Immunitas*, trans. Zakiya Hanafi (Cambridge: Polity Press, 2011), 175.

The ancient hierarchy between different parts of the body, and between the corresponding organs of the State, ceases to be meaningful, because what makes it so is the correspondence between subject and object of the sovereign function inherent to a body without a head, or to a head extending over the entire surface of the body.¹⁹

The overly physiological description Esposito gives to the body politic here is indicative of the homogeneity he affords to the political terrain in Rousseau, wherein, ‘there is no distance, discontinuity, or difference with regard to another that is no longer other, because the other too is an integral part of the one.’²⁰ While Esposito sees this as part of a ‘proto-totalitarian risk’, I would argue that it is rather part of the process of variable political responsiveness based on principles of political right rather than as a prescriptive of a reduction of individual autonomy to the ‘general will’ at the cost of the ‘will of all’. Esposito’s critique of Rousseau extends further to the problem of placing an individual closed in on themselves in common:

The constitutively aporetic character of Rousseauian communitarianism lies precisely in such a question, that is, how can this kind of unity enter into contact with the other? How is it possible to derive a philosophy of community from a metaphysics of solitude? Can the absoluteness of the individual closed in on his own existence be “placed in common,” and what kind of community would result? Unlike those who see in Rousseau a complementary relation between “*solitude et communauté*,” it seems to me that such an antinomy can’t be resolved.²¹

However, this problem of a ‘metaphysics of solitude’ is not at all raised in the *Social Contract*, again, because Rousseau is not attempting to justify integration into an absolutely new community for individuals closed in on their own existences. Equally, it could be argued that Rousseau’s political philosophy quite closely describes the development of the liberal state in the Nineteenth century. The problem with Rousseau’s thought is not some kind of false organicism, but rather, as Proudhon recognised, his deference to the might of the educated person and their higher reason. In Rousseau’s evaluation,

¹⁹ Roberto Esposito, *Immunitas*, 117.

²⁰ Roberto Esposito, *Communitas*, 53.

²¹ Roberto Esposito, *Communitas*, 51.

What makes the constitution of the state truly solid and lasting is that proprieties are observed with such fidelity that the natural relations and the laws are always in agreement on the same points, and that the latter serve only to assure, accompany and rectify them.²²

The law does not *become* the people for Rousseau as there is always an incongruity between law and natural relations. The law is developed from principles of political right but the law is responsive to the body politic, not constitutive of it. Clearly it will come to affect the body politic and its constitution but this is supposedly to legitimate social relations, not to prescribe them. However, it is incumbent on those with the most developed reason and understanding of the principles of political right, who are themselves legitimated in determining, and thus ultimately prescribing the laws that others should follow.

From Teacher to Werewolf

Rousseau's proto-totalitarianism, if it was to be recognised, is at once no more, but also, importantly, no *less*, totalitarian than the imposed logic of contemporary liberal democratic states. The same is true of his logic of liberal individualism. Derrida writes of the unconscious and autoimmunity in a way which is associable with Rousseau's non-fully constitutive logic of the political body:

the Enlightenment to come would have to enjoin us to reckon with the logic of the unconscious, and so with the idea, and notice I'm not saying here the doctrine, arising out of a psychoanalytic revolution. Which, I might add, would have had no chance of emerging in history without, among other things, this poisoned medicine, this pharmakon of an inflexible and cruel autoimmunity that is sometimes called the "death drive" and that does not limit the living being to its conscious and representative form.²³

To say that the 'living being' is not limited to its 'conscious and representative form' is not to say that it does not have a conscious and representative form, the body is simply always more and other than its determinable variability. Although it is not limited to what it can be conscious of or represent a state's consciousness and representation – exhibited in many ways by legislation – is not simply arbitrary or insignificant to Derrida. It is rather that a focus on consciousness and representation, or political legitimation, is not the entirety of what constitutes a body politic. The autoimmunity that

²² Jean-Jacques Rousseau, *Basic Political Writings*, 171.

²³ Jacques Derrida, *Rogues*, 157.

undermines the presence of the body politic to itself in terms of representation, while being part of the process of democracy, is also complicit in destroying that body politic. Rousseau implies the same problem when he writes in the *Social Contract* that, 'The body politic, like the human body, begins to die from the very moment of its birth, and carries within itself the causes of its destruction.'²⁴ However, democratic responsiveness and sensitivity to variability, as outlined in Rousseau's principles of political right, can offset this destruction: or realise the conditions of autoimmunity as concomitant with the conditions of democracy and variability.

Despite this, like Esposito, Derrida sees the law for Rousseau as constructed on opposition to an outside rather than engaged in the legitimation of social practice. In Volume 1 of *The Beast and the Sovereign* he writes:

Rousseau again uses the figures of the wolf and the werewolf to evoke other wars or other trials of which he is the witness, the victim or the accused. It is always a matter of the law and placing the other outside the law. The law (nomos) is always determined from the place of some wolf.²⁵

Derrida glosses Rousseau's werewolves into wolves and intimates that the law is determined by opposition rather than internally expulsive and precisely organised to exclude the exception but not the exception who breaks the law, rather the one who is always already outside it. To be a wolf, or to be disabled in terms of the law implies a deficit which is not the case when one is considered variable, or perhaps as a werewolf. A werewolf is of course also partly human and therefore on the inside of the law by virtue of not being a wolf to man all of the time. However, it is the breaking of the law within the sphere of the political rather than outside of it that causes the problem but, as Derrida writes, Rousseau presents himself in the *Confessions* as a werewolf:

Rousseau describes himself as a werewolf, he represents himself, presents himself as a werewolf, that is, a wolf-man, and he does so –one might find this surprising – because of an immoderate, compulsive, raging taste for reading, for bookish culture, for buying books.²⁶

Derrida also notes that the English translations translate werewolf (loup-garou) to 'outlaw', which is what facilitates Derrida's conjectures on the werewolf and the wolf being outside the law, and the law

²⁴ Jean-Jacques Rousseau, *Basic Political Writings*, 194.

²⁵ Jacques Derrida, *The Beast and the Sovereign: Volume 1*, trans. Geoffrey Bennington (Chicago, Chicago University Press, 2009), 96.

²⁶ Jacques Derrida, *The Beast and the Sovereign: Volume 1*, 63.

being constructed in opposition to it.²⁷ The difference between the wolf, which is easily excludable from human law, and the werewolf, which is at once human and not human, necessitates a more nuanced definition of legitimacy in relation to variability. However, the only wolves mentioned in the *Social Contract* are when Rousseau is going to great lengths to elucidate the variety of political bodies and quotes Chardin in defining Europeans themselves as ‘carnivorous beasts, wolves, in comparison with the Asians.’²⁸ This definition is not given in terms of law but in terms of culture, geography and climate. With this in mind, Rousseau’s reasons for considering himself a werewolf may not be as surprising as Derrida implies.

A taste for bookish culture as opposed to a more direct living community is indicative of a separation from the latter, or at least an undermining of it and a difference to it. Rousseau is not concerned about the law at all in this context but about the community and his own relative autonomy in relation to it. It is precisely his awareness of himself as a ‘werewolf’ which indicates the antinomy between individual and community that Esposito has such trouble thinking in terms of Rousseau’s philosophy of community. But is not in terms of a philosophy of community or individuality that Rousseau writes the *Social Contract* or terms himself a werewolf, it is in terms of principles of political right:

If one enquires into precisely wherein the greatest good of all consists, which should be the purpose of every system of legislation, one will find that it boils down to two principal objects, *liberty* and *equality*. Liberty, because all particular dependence is that much force taken from the body of the state; equality, because liberty cannot subsist without it.²⁹

To be consumed by reading and bookish culture is not directed towards the ‘greatest good’ either in terms of civil liberty or equality. However, it *is* still legitimate in terms of the conventions of Rousseau’s own society and therefore do not put him outside the law but rather outside of his political principles. This kind of individual variability is part of the dynamic variability that Rousseau’s political thinking can accommodate while still determining it as being in opposition to ‘the greatest good’. However, this conception of the ‘greatest good’ is only considered as such in terms of political principle, which is responsive and directive rather than prescriptive. This is why it is not ‘proto-totalitarian’ in any way other than that of the contemporary liberal democratic state and also why the law can incorporate werewolves such as Rousseau because the law they break can only ever come out of the society of

²⁷ Jacques Derrida, *The Beast and the Sovereign: Volume 1*, 64.

²⁸ Jean-Jacques Rousseau, *Basic Political Writings*, 189.

²⁹ Jean-Jacques Rousseau, *Basic Political Writings*, 170.

which they are a part, and from which they variably deviate from a focus on the 'greatest good'. Werewolves are not just wolves. A variable body politic is at once inclusive and responsive without simply deferring to the law to be so. The principles of the body politic are frequently in conflict with the interests or actions of its individual members, but, paradoxically, that variability (embodied in liberty and equality) is itself the *principal* principle of Rousseau's variable body politic. If Rousseau's thought is illegitimate it is not because, as Esposito thinks, that his understanding of community is ultimately a form of proto-totalitarian organicism that evaporates individuals, nor is it, as Bates argues, because it is constructed and imposed at a distance already existing social relations. Rousseau's political and educational philosophy at once sets the individual apart from the social whole and attempts to develop a legitimate politics, guided by principles of political right, from already existing social relations. The problem with this legitimacy is neither its organicism nor its artificiality but rather the unfounded assumption that social organisations can be improved by a rationally determined notion of political right, that necessarily, for Rousseau, is structured within the logic of the state.

The werewolf, then, is the figure of the liberal individualist, who is able to negotiate the logic of the state to which they are obligated, becoming more human than wolf if they contribute to its political legitimacy by serving, for example, its 'wise princes', and more wolf than human if they fall foul of it or are directed away from its priorities. To reject this externally imposed moral categorisation means also to reject the logic of the state, whose legitimacy is applied to variable forms of social organisation rather than somehow originally constitutive of them.