

Rousseau's Dissent from "Civil Society" as Community of Emotion

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Abstract

How do we constitute our "society"? Is it by a "contract"? Does our society need a "social contract" as its basis? Some arguments on "civil society" in 18th Century Europe responded negatively to these questions and instead tried to construct a social theory based on an assumption that human social bonds are formed within spontaneous (natural) occurrences, in which the principle or ties to connect individuals are found in "emotion/sentiment."

However, Jean-Jacque Rousseau (1712-1778) critically confronted such arguments in those days and their concept of "civil society as it exists" as a community of emotion. For Rousseau, human emotions are brought about by society, therefore "natural emotions" as natural (spontaneous) social bonds never exist. Rather, emotions caused by societies have led humankind to corruption; the peak of human historical corruption has been reached with civil society as an emotional community.

Rousseau also worked on how a human being can exist as a "natural person," without degradation in a corrupted "civil society as it is," in his book on education *Emile, or On Education* (1762). Rousseau attempts there to describe how Emile is taught the art to survive in a civil society as a corrupted community. This art consists of controlling emotions by other emotions, as though fighting evil with evil. This art of survival is discussed in section 3. Section 1 reviews the transformation of civil society in the 18th century. Section 2 examines Adam Ferguson's argument on civil society as a community of emotion/sentiment. Michel Foucault's works are utilized throughout this article.

Key words: J.-J. Rousseau, M. Foucault, A. Ferguson, civil society, emotion, sentiment

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Introduction

How do we constitute our “society”? Is it by a “contract”? Does our society need a “social contract” as its basis? Some arguments on “civil society” in 18th Century Europe responded negatively to these questions and instead tried to construct a social theory based on an assumption that human social bonds are formed within spontaneous (natural) occurrences, in which the principle or ties to connect individuals are found in “emotion/sentiment.”

However, Jean-Jacque Rousseau (1712-1778) critically confronted such arguments in those days and their concept of “civil society as it exists” as a community of emotion. For Rousseau, human emotions are brought about by society, therefore “natural emotions” as natural (spontaneous) social bonds never exist. Rather, emotions caused by societies have led humankind to corruption; the peak of human historical corruption has been reached with the civil society as an emotional community. In one of his main books *On Social Contract* (1762), Rousseau searched for and planned a civil society as a legitimate political community which is governed under people’s sovereignty grounded by a social contract. At the same time, he also worked on how a human being can exist as “natural person,” without degradation in a corrupted “civil society as it is,” in his book on education *Emile, or On Education* (1762: hereinafter *Emile*). Rousseau attempts there to describe how Emile is taught the art to survive in a civil society as a corrupted community. This art consists in controlling emotions by other emotions, as though fighting evil with evil.

I will treat this art of survival in Section 3 of this article. Section 1 will review the transformation of civil society in the latter half of the 18th Century. Section 2 will examine the argument of Adam Ferguson on civil society as a community of emotion/sentiment. Throughout this article, I will make use of Michel Foucault’s works as references.

1. Transformation of Civil Society in the Latter Half of the 18th Century

In the latter half of the 1970’s, Foucault shifted the priority of his argument on “ruling power” from “disciplinary power” to “bio-power” and began to study the nature of social ruling (governmentality). He describes then the development of bio-power and bio-politics in the 17th and 18th Centuries as transformation from “raison d’État (state reason)/government of police” to “liberalism/government of political economy.” After the Treaty of Westphalia (1648), a competitive space of states opened up in Europe. There

emerged the theory of "raison d'État" (state reason), which, according to Foucault (cf. Foucault, 2004a: 293-318=2007: 285-310),¹ was intended to respond to problems such as enhancement of national strength, maintenance of a state and order among states. The governance by state reason aimed to "regulate its subjects unlimitedly" within the government of police. Against this tendency, the principle of "droit" (laws and/or rights) was asserted in order to restrict the regulations of the state. This latter argument developed into theories of natural law and social contract in the 17th Century (Foucault, 2004b: 7-11=2008: 6-10).

In the mid-18th Century, "coordination" of governance began to be sought, not by an "external principle" of droit, but by an "internal principle" of political economics. As far as political economics aimed to enrich the state through coordination of population and resources, we can say it was within the framework of state reason. But the characteristic of political economics was in that it attempted to judge the success or failure of governance under the criteria of whether or not it is in accordance with "nature" and "effectiveness". This made it possible for government to self-restrict according to the nature of objects (subjects) of governance (Foucault, 2004b: 15-19=2008: 13-17). Furthermore, this self-restriction led the government to "govern as least as it can" or "least government" according to the nature of things, instead of maximum government as in the 17th Century (Foucault, 2004b: 29-31=2008: 27-29).

However, this internal self-restriction of the governance system, even if it is achieved by minimum governmental reason, must be formulated in terms of droit. Because of this necessity, the problem of limitation on exercise of public power against the sphere free of governmental intervention has arisen after the advent of political economics, until today, in place of the arguments on legitimate justification of sovereignty before and in the 18th Century. Two paths have been proposed. One intends to define natural or fundamental rights of individuals first, and then determine the limits of governmental intervention against them. This approach would be named "Rousseau's approach" or "the path taken by the French Revolution." The other starts from governmental practice itself and tries to crystallize de facto limitations of governmentality either from history and/or tradition, or in relation with the purpose of growth of national wealth, and then formulate those limitations in legal terms (Foucault, 2004b: 38-42=2008: 37-41). These two approaches may lead to different ideas of freedom. The former asserts that individuals have certain fundamental freedoms by nature; a subject of

¹ In this article, references to M. Foucault are indicated with the page(s) of the original texts and then with that of the English translation edition. As a general rule, citations are from English translations, except for some revisions I made for this article to fit its context.

such freedoms is called “homo juridicus”. The latter grasps the sphere to which a ruler should not intervene (the independent sphere of the ruled people) as the freedom; a subject of non-interference (*laissez-faire*) is called “homo oeconomicus” (Foucault, 2004b: 43-44, 286=2008: 41-42, 282-283). The homo juridicus accepts a dogma of “restraint by social contract” (cf. Supiot, 2005). The homo oeconomicus determines whether or not to keep a promise according to one’s own interest, or to the standard of usefulness (Foucault, 2004b: 276-280=2008: 273-276).

Political economics admitted the fact that the economic space was complicated like a labyrinth, that homo oeconomicus was embedded in contingencies, and that one’s act could serve others in unintended ways. These facts were utilized to assert that an intention of totalitarian governance would not work and that it would be better as a whole to let individuals pursue the maximization of their interests. The economy/market was regarded as an uncontrollable sphere in this sense. Such a logic of economics led to a denial of logic of droit and politics, as well as to an idealization of homo oeconomicus who would follow the logic of economics. There still existed attempts to confine the sphere of uncontrollable economics/market, in order to maintain the form of governmental reason itself. But they did not succeed, as Foucault says. Then appeared a new attempt to reconstruct the concept of “civil society,” totally different from the concept in the former half of the 18th Century. The new concept consisted of a sphere of governance which practiced self-restriction without violating laws of economics nor laws of droit, and, or rather, in a way different from these laws. Such a civil society appeared as a sphere of “governance of liberalism/political economics” (Foucault, 2004b: 280-285, 296-301=2008: 276-281, 292-298).

This is how the “civil society” or the concept thereof changed in the mid-18th Century. I would like to review the details of this concept in the next section, focusing on an essay by Adam Ferguson, which is, according to Foucault, the most basic text of the time on this topic.

2. Civil Society as “Community of Emotions”: the Case of Adam Ferguson

Adam Ferguson (1723-1816) is a figure in Scottish Enlightenment, who had an acquaintance with David Hume (1711-1776) and Adam Smith (1723-1790). His book *An Essay on the History of Civil Society* (1767) was read widely in Europe at that time, including German and French translated editions (Ferguson, 1995: xvi-xvii). Foucault

pointed out four characteristics of his argument on civil society.

First, Ferguson asserts that a civil society is a given, beyond which lies nothing to research. (Foucault, 2004b: 302=2008: 298). He rejects any attempt to assume a state of nature or to trace its transition to a social state, calling such attempts "wild suppositions" that ignore the records of history (Ferguson, 1995: 7-8). For human beings, society is as old as individuals; "Mankind are to be taken in groupes, as they have always subsisted. The history of the individual is but a detail of the sentiments and thoughts he has entertained in the view of his species: and every experiment relative to this subject should be made with entire societies, not with single men" (Ferguson, 1995: 10). In short, Ferguson approves no special theoretical operation to found a society, nor prehistories to social bonds.

Second, he grasps civil society as a natural, spontaneous principle which guarantees the integration among individuals, who are social beings from the beginning. Civil society is not constituted under a pact of subjection to establish sovereignty. The integration of civil society is brought about by individual satisfactions in the social bond itself (Foucault, 2004b: 304=2008: 300-301). And the principle of integration lies in "emotions," as he says:

[...] neither a propensity to mix with the herd, nor the sense of advantages enjoyed in that condition, comprehend all the principles by which men are united together. Those bands are even of a feeble texture, when compared to the resolute ardour with which a man adheres to his friend, or to his tribe, after they have for some time run the career of fortune together. Mutual discoveries of generosity, joint trials of fortitude, redouble the ardours of friendship, and kindle a flame in the human breast, which the considerations of personal interest of safety cannot suppress. The most lively transports of joy are seen, and the loudest shrieks of despair are heard, when the objects of a tender affection are beheld in a state of triumph or of suffering. (Ferguson, 1995: 22)

Mere acquaintance and habitude nourish affection, and the experience of society brings every passion of the human mind upon its side. Its triumphs and prosperities, its calamities and distresses, bring a variety and a force of emotion, which can only have place in the company of our fellow-creatures. It is here that a man is made to forget his weakness, his cares of safety, and his subsistence; and to act from those passions which make him discover his force. (Ferguson, 1995: 23)

Even emotions such as malice, hatred, anger and so on, which bring about hostility, are necessary to the formation of civil society. Without them “[...] civil society itself could scarcely have found an object, or a form” (Ferguson, 1995: 28).

Third, in a civil society which is brought about through spontaneous bonds of emotion, political power also comes about spontaneously. The division of labor emerges spontaneously according to functions and missions among individuals in the society; Some become persons to order, the others to obey, thus emerges a political power (Ferguson, 1995: 63-64). Political power exists in civil society in advance of its legitimate creation, authorization and regulation. The legal structure thereof comes *ex post facto* (Foucault, 2004b: 307-308=2008: 303-304).

Incidentally, Ferguson examines “democracy” “aristocracy” “monarchy” and “tyranny,” in accordance with Montesquieu, who considered forms of government from the viewpoints of “sentiments” and “maxims of action” (Ferguson, 1995: 67). But Ferguson emphasizes that he examines forms of government according only to “ideal limits” and that in “reality” human characteristics, external circumstances, moral sentiments as people may say, and so on are mixed up in different ways so that forms of government are infinitely diverse (Ferguson, 1995: 71-72). “Democracy, by admitting certain inequalities of rank, approaches to aristocracy. In popular, as well as aristocratic governments, particular men, by their personal authority, and sometimes by the credit of their family, have maintained a species of monarchical power. [...] All these varieties are but steps in the history of mankind, and mark the fleeting and transient situation through which they have passed, while supported by virtue, or depressed by vice” (Ferguson, 1995: 72).

Civil societies vary infinitely and change constantly. This characteristic links to the fourth feature of civil society that it is the driving force of human history. This is so because civil societies are communities consisting of spontaneous subordination in which individuals connect to each other by natural bonds of favorable emotions such as love and friendship. There also exist “by nature” interests of *homo oeconomicus* and egoism (selfishness), as the principle of such connections and separations (Foucault, 2004b: 308-311 =2008: 305-307). Thus, according to Ferguson, emotions drive the history of civil societies as communities of emotions.

3. "Natural Person" in a Civil Society: Rousseau's Works on Emotional Education

It would be safely presumed that Ferguson counted Rousseau as one of those who were on "wild suppositions," since *An Essay on the History of Civil Society* referred critically to *Discourse on the Origin and Foundations of Inequality Among Men* (1755: hereinafter *Discourse on the Origin*) (Ferguson, 1995: 10-11). But for Rousseau, the theme of *Discourse on the Origin* was to "explain" "what chain of wonders" caused moral and political inequality in human beings. In order to achieve this, it was necessary for him to reject all the "facts" and suppose a "state of nature" which excludes thoroughly the ideas we acquired in society and deduce conditionally and hypothetically (Rousseau, 1964: 131-13=1997: 131-132).² In such hypothetical reasoning Rousseau described human history up to the formation of civil society as a history of corruption and degradation. Then, in *On Social Contract*, Rousseau searched for and planned a new political community governed under the sovereignty of people by a social contract (cf. Omoda, 2013).

In contrast to this, *Emile* explores how a human being can live in a corrupted and degraded "civil society as it is." At the final stage of educating Emile, his teacher took Emile out to a two-year journey around Europe, in order to have him consider "where to live" as if he is a "natural man" (Rousseau, 1969a: 831=2010a: 644-645).

Emile's assignment was to observe countries and societies all around Europe, to obtain extensive knowledge of various governments, political customs and axioms of state, and to find the finest government (Rousseau, 1969a: 836-837=2010a: 649-650). The "measurement" (échelle) for the judgment was "our principles on state law" (nos principes de droit politique), that is, the theories developed in *On Social Contract* (Rousseau, 1969a: 837=2010a: 650). A summary of *On Social Contract* is inserted in the book V of *Emile* as the "measurements" to observe and evaluate various countries and societies, and not to have Emile construct an ideal political community after his coming of age.

Emile could not find an ideal country on this journey, but rather realized that there was no such country, and finally settled down in the country he was born (Rousseau, 1969a: 857-859=2010a: 666-668) and chose not "big cities," but a "country," where his future spouse Sophie and her parents live. Then he aimed, together with Sophie and her

² In this article, references to J.-J. Rousseau are indicated with the page(s) of the original texts and then with that of the English translation edition. As a general rule, citations are from English translations, except for some revisions I made for this article to fit its context.

parents, to revive and restore the “golden age” of the region they lived, which had been devastated at the cost of urban areas (Rousseau, 1969a: 859-860=2010a: 668).

This “golden age” to be restored resembles the beginning society formed by people in the primitive state (“the genuine youth of the world”), which was depicted at the beginning of part II of *Discourse on the Origin* (Rousseau, 1964: 171=1997: 167). These communities do not overlap perfectly, since agriculture is a main industry in the place Emile and his companions settled, whereas the original state in *Discourse on the Origin* is supposed to exist before metallurgy and agriculture. But they may overlap, when considered under the viewpoint of “sentiment.”

In the part I of *Discourse on the Origin*, almost the only emotion human beings (natural persons) possess is “pity” (*pitié*). This is an emotion which Nature endowed to human beings, a sentiment suited to human nature (Rousseau, 1964: 156=1997: 154). “There is, besides, another Principle which Hobbes did not notice and which, having been given to man in order under certain circumstances to soften the ferociousness of his amour propre or of the desire for self-preservation prior to the birth of amour propre, tempers his ardor for well-being with an innate repugnance to see his kind suffer” (Rousseau, 1964: 154=1997: 152). Natural persons did not possess any other passions nor sentiments (Rousseau, 1964: 157-158=1997: 154-155). These other emotions are brought about artificially to society by customs. In part II of *Discourse on the Origin*, it is supposed that human beings began to band together by various coincidences, began to form families, and began to obtain abstract ideas, among which are the first sentiment of one’s own existence, then secondly diversification into affection, jealousy, admiration, and so on. These sentiments have made human beings’ ties closer and closer, making their bond tighter and tighter (Rousseau, 1964: 164-170=1997: 161-166). But the growth of these emotions and the strengthening of ties are to be understood, at the same time, as the first step to inequality and vice, that is, to corruption (Rousseau, 1964: 169-170=1997: 166).

Nonetheless, Rousseau viewed human beings who were on the first step to vices and corruption in the beginning society to be, in fact, in the finest condition.

[...] whereas nothing is as gentle as he in his primitive state when, placed by Nature at equal distance from the stupidity of the brutes and the fatal enlightenment of civil man, and restricted by instinct and by reason alike to protecting himself against the harm that threatens him, he is restrained by Natural pity from doing anyone harm, without being moved to it by anything, even after it has been done to him. For, according to the axiom of the wise Locke, “*Where there is no property, there can be*

no injury." (Rousseau, 1964: 170=1997: 166)

[...] although men now had less endurance, and natural pity had already undergone some attenuation, this period in the development of human faculties, occupying a just mean between the indolence of the primitive state and the petulant activity of our amour propre, must have been the happiest and the most lasting epoch. The more one reflects on it, the more one finds that this state was the least subject to revolutions, the best for man, and that he must have left it only by some fatal accident which, for the sake of the common utility, should never have occurred. (Rousseau, 1964: 171=1997: 167)

Human beings were restrained from harming each other, not only because full-scale property was not realized there, but also because the harsh activities of "amour propre" (self-love) were controlled by the emotion of pity.

In the case of Emile, he could not find an ideal political community illustrated in *On Social Contract*. Nevertheless, he was educated to live as if he was a man in the primitive state, who would try with Sophie to restore the golden age in the land he was born, which was not his "homeland", but a "civil society as it exists." With regard to this, Rousseau gives caution about passions in *Emile* as follows:

It is an error to distinguish permitted passions from forbidden ones in order to yield to the former and deny oneself the latter. All passions are good when one remains their master; all are bad when one lets oneself be subjected to them. What is forbidden to us by nature is to extend our attachments further than our strength; what is forbidden to us by reason is to want what we cannot obtain; what is forbidden to us by conscience is not temptations but rather letting ourselves be conquered by temptations. It is not within our control to have or not to have passions. But it is within our control to reign over them. All the sentiments we dominate are legitimate; all those which dominate us are criminal. (Rousseau, 1969a: 819=2010a: 634)

What is important is not emotions themselves, but whether we have control over them. If human beings fail to control emotions in a civil society as it exists, they immediately fall into dependence on others, no longer can retain their free existence, and thus become corrupt.

For Emile, "pity" was the controller of evil emotions and sentiments. His teacher

was very careful to help Emile control by pity his “amour-propre” (self-love), which was perverted from “amour de soi-même” (love to oneself), especially after his adolescence.

By the way, Emile did not succeed to restore the golden age and live in happiness with Sophie. In *Emile and Sophie, or the Solitaries* (a sequel of *Emile*), Emile and Sophie suffered the deaths of their child and her parents, and then moved to Paris, the city regarded as the least suitable place to live after the two-year journey around Europe described in *Emile*. Unfortunately, Sophie became pregnant after being deceived by another man in Paris. Emile decided to leave Sophie and throw himself into lonesome wanderings. Emile was educated to live in a corrupted society as a natural person or a human being in the original condition. It was his fate to become miserable, being rejected by a corrupted society.

Rousseau aims to have readers realize how our society is absurd and evil by intentionally breaking down his search on education (cf. Sakakura, 2018). It should be emphasized, however, that Emile’s education half-succeeded, since he recognized the value of the education he received, even in the midst of misfortune, as follows:

[...] you, my dear master, [...] Never have I known the value of your efforts better than after harsh necessity made me feel its blows so cruelly and deprived me of everything except myself. I am alone, I have lost everything, but I have myself left, and despair has not annihilated me. (Rousseau, 1969b: 882=2010b: 685)

Conclusion

I reviewed in this article why and how civil society transformed into the emotional community, according to Foucault’s works. I also examined how this transformation was evaluated and confronted, as well as what problems the civil society rose and what responses were made, along with two figures in contrasting positions, Ferguson and Rousseau.

According to Rousseau, we are unable to constitute an authentic society or legitimate political community without a social contract for it. Therefore, a civil society as an emotional community without social contract is found at the peak of human corruption history as depicted in *Discourse on the Origin*. Such is the civil society described in *Emile* which the protagonist must live with. His teacher attempted to help Emile survive in the society, by teaching him to control emotions with other emotions. Though Rousseau internationally halfway breaks down this search in a sequel work, the

attempt in *Emile* seems to reveal one phase of modern education in regard with civil society.

According to Ferguson, to the contrary, we need no contract at all to let a society emerge; where there are human beings or individuals, there is a society. It is spontaneous emotions that connect individuals naturally, and that brings about a government or governance naturally. The modern liberalism government required civil society to exist as such. This sort of idea became radicalized into the Neo-liberalism government afterwards.

It should be noted, however, that Ferguson himself also describes such a civil society critically. As Sonoe Omoda points out, "on the other hand, he [Ferguson] recognizes shadows of civilization such as full (rotten) maturity of commercial society, loss of bravery virtue, laxity of national moral, decadence related to the pursuit of wealth and extravagance, and so on. [...] Ferguson thus overpaints gloomy corruption and downfall above the glorious history of refinement from the primitive state to the civilization and its delicacy" (Omoda, 2018: 471-472).

Discussions on politics and emotions tend to develop as criticism of modern politics (and its theories). Against the background of the transformation of civil society in the 18th Century, though, it is revealed that it is in the Modern Era when sentiments came to the center of the political sphere and that emotions and politics became inseparable thereafter. Foucault says that politics is a function of various governing arts and that arguments triggered by governing arts bring about politics (Foucault, 2004b: 317=2008: 313). The modern government and its governing arts are correlative of civil society as an emotional community. Therefore, as far as the former is possible within the latter, modern politics is indivisible with emotions.

Furthermore, discussions on politics and emotions often criticize the support for "reasonableness/rationality" of modern politics (and its theories) and often tend to rethink politics (and its theories) from the viewpoint of "unreasonableness/irrationality" (cf. Yoshida, 2014; Yoshida, 2020). Perhaps we need to note Foucault's remark on this point:

Undertaking the history of regimes of veridiction [...] obviously means abandoning once again that well-known critique of European rationality and its excesses, which has been constantly taken up in various forms since the beginning of the nineteenth century. From romanticism to the Frankfurt School, what has always been called into question and challenged has been rationality with the weight of power supposedly peculiar to it. Now the critique of knowledge I would propose does not in fact consist in denouncing what is continually [...] oppressive under reason, for

after all, believe me, insanity (déraison) is just as oppressive. (Foucault, 2004b: 37=2008: 35-36)

Probably we need to abandon criticisms based on binary schema of “rational/irrational,” “reason/emotion,” and so on. This may be necessary work to be done in education study, too.

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