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MAKING SENSE OF PROPERTY WITH JEAN-JACQUES ROUSSEAU

Abstract

This article argues that property is contingent, for Rousseau, being enacted through appropriation which creates a boundary that encloses something as owned while exposing it to others free to respect or reject ownership. It is proper neither to the individual nor to community but constituted through their articulation. This emphasis on relationality differentiates Rousseau's theory from Locke's. The self-enclosure of possessive individualism would deny the exposure to others which ownership claims presuppose. Even if individuals appropriate things through labour, their appropriation makes sense as property only through others. This sharing of sense means that property resists complete privatisation or collectivisation, entailing common agreement to get established as a right others respect. As inequality and expropriation would undermine the reciprocity underpinning that agreement, property's respectability involves maintaining equal access to resources to promote equal political participation. Rousseau affirms a relational mode of property that articulates individuation and community integration so that citizens perceive their property as contingent on the sharing of rights, obligations, and resources. That mode transforms property's contingency – its unstable grounding – into the basis of owners' collective responsibility to ensure its legitimacy for others without whom proprietary rights make no sense.

Résumé

Cet article propose que la propriété chez Rousseau est contingente, mise en œuvre à travers un acte d'appropriation qui délimite une chose comme « possédée » tout en l'exposant aux autres qui sont libres de respecter la revendication de propriété ou de la rejeter. Elle n'est propre ni à l'individu ni à la communauté, c'est leur articulation qui la constitue. Cet accent sur la relationnalité différencie la théorie de Rousseau de celle de Locke. Le renfermement sur soi de l'individualisme possessif nierait l'exposition aux autres que présuppose l'acte appropriatif. Même quand les individus s'approprient les choses par le travail, leur appropriation a le sens de propriété uniquement à travers les autres. Ce partage du sens signifie que la propriété résiste à une privatisation ou à une collectivisation totales, exigeant un accord commun pour qu'elle s'établisse comme droit que les autres respectent. Vu que l'inégalité et l'expropriation déjoueraient la réciprocité qui sous-tend cet accord, sa respectabilité repose sur le maintien de l'accès égal aux ressources permettant une

participation politique égale. Rousseau affirme un mode relationnel de propriété qui promeut l'articulation de l'individuation et de l'intégration communautaire pour que les citoyens considèrent leurs biens comme étant dépendants du partage des droits, des obligations et des ressources. Ce mode fait de la contingence de la propriété – à savoir son fondement instable – la base de la responsabilité collective des propriétaires afin d'en assurer la légitimité aux autres sans qui les droits de propriété perdent leur sens.

Jean-Jacques Rousseau's attitude to property is thought 'to shift a great deal over his various writings.'¹ His vehement critique of property in the *Discours sur l'inégalité* (*Discours henceforth*) appears to contradict his defence of it as the most fundamental right in the *Discours sur l'économie politique*.² Likewise, his denunciation of the inequality caused by property seems to be undermined by the conversion of usurpation into 'un véritable droit' (*Contrat*, i, ix, 367).³ These perceived divergences have led some to read *Discours* separately to harness its critical force⁴ while others read the writings together to reveal their coherence in supposedly advancing private property as the only legitimate form.⁵ By contrast, this article argues that their coherence lies not in an endorsement of private or collective property but in their recognition of its contingency. Property, for Rousseau, I maintain, gets retroactively articulated through the act of appropriation. That act draws boundaries which enclose something as owned while exposing it to others so that they can recognise, respect, or dispute ownership. That property is both a source of justice and injustice, a cause of inequality and a fundamental right, indicates its unstable foundation. Even the most naturally seeming grounding for it – the right of the first occupier – could appear, Rousseau shows, unnatural to others. Contingency means that property is proper neither to the individual nor the collective but that its sense is worked out in common. Ownership rights require others' consent and therefore remain susceptible to dissent. Far from rendering property arbitrary, contingency underlines the need for a common agreement that makes it respectable to others.

¹ Christopher Bertram, *Rousseau and the Social contract*, (London: Routledge, 2004), p.89. On the alleged contradictions, see Ryan Hanley, 'Political Economy and Individual Liberty', in *The Challenge of Rousseau*, eds. by Eve Grace and Christopher Kelly (Cambridge: Cambridge: CUP, 2013), pp.34-57 (37-8).

² Jean-Jacques Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, *Discours l'économie politique*, and *Du contrat social* (*Contrat henceforth*), *Œuvres complètes* III, eds. by Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, 1964), References will appear in the text.

³ Mark Devenney, *Towards an Improper Politics* (Edinburgh: EUP, 2020), p.26

⁴ Andrew Billing, 'Rousseau's Critique of Market Society: Property and Possessive Individualism in the *Discours sur l'inégalité*', *Journal of European Studies*, 48(1), 2018, 3-19.

⁵ David Siroky and Hans-Jörg Sigwart, 'Principle and Prudence: Rousseau on Private Property and Inequality', *Polity*, 46(3), 2014, 381-406.

Respectability, however, does not necessarily ensure justice: people, as *Discours* examines, can be persuaded to accept proprietary regimes against their shared interest. This ambiguity means that property's legitimacy cannot be taken for granted but must remain a common and central concern for issues of fairness, equality, and freedom.

My focus on contingency aims not simply to make sense of Rousseau's alleged contradictions but to explore how it shapes *Contrat*'s conception of property. Citizens' agreement to the egalitarian contract arises from awareness of the instability potentially caused by property. The contract transcends the private-collective binary to articulate citizens' individual ownership rights with their shared responsibility to prevent the inequality that property can generate to its own detriment. By undermining the free and equal community citizens enact together, that inequality would also undermine the sharing and reciprocity that proprietary rights presuppose for their respectability.

The article begins by exploring how appropriation, for Rousseau, signifies a lack of self-sufficiency, implying movement towards others rather than return to a pre-established self. This emphasis on relationality differentiates Rousseau's thinking on property from John Locke's. For Rousseau, if individuals naturally had property in themselves, they would have no reason to claim anything as their own. The self-enclosure of possessive individualism, instead of grounding property, would render it unthinkable: any ownership claim implies exposure to others as its condition. Rousseau's hypothetical history demonstrates how man's attempt to appropriate through expropriation constantly undermines itself. Any appropriation, far from a privative relation involving subject and object, has to be made legible to count as property. Its legibility depends on the sharing of sense, that is, on what is fundamentally inappropriable. Man's attempt to separate himself from others through ownership forcibly implicates him in a community free to endorse or reject his takings. *Discours*' theatrical scenes, which stage the formation of property, reveal its visual, conceptual, and imaginary dimensions and the need for an interpretative community able to make sense of them. They depict the constitutive relationality that enables ownership while resisting its complete privatisation. The sense of property is not given but shared. Consequently, the inequality, exclusion, and deprivation it causes has to be rationalised to others. That rationalisation, I argue, by presupposing equal understanding, destabilises the hierarchy it aims to justify. This tension frames *Contrat*'s attempt to theorise a relational mode of property that accepts the non-belonging essential for the sharing of rights, obligations and resources that ownership requires.

Impropriety as the Condition of Appropriation

Most discussions of property in Rousseau begin with the opening of the second part of *Discours* where the ‘vrai fondateur de la société civile’ enacts property by declaring ‘*ceci est à moi*’ (*Discours*, 164). But there is an earlier example of appropriation which explores, I argue, its condition and limit, tying it to sharing and otherness rather than possession and self-enclosure. Starting here elucidates what enables the existence of property to critically frame its event and institution in *Discours*’ hypothetical history and to gesture towards *Contrat*’s articulation of common and individual ownership rights:

La terre abandonnée à sa fertilité naturelle, et couverte de forêts immenses que la cognée ne mutila jamais, offre à chaque pas des magasins et des retraites aux animaux de toute espèce. Les hommes dispersés parmi eux observent, imitent leur industrie, et s’élèvent ainsi jusqu’à l’instinct des bêtes, avec cet avantage que chaque espèce n’a que le sien propre, et que l’homme n’en ayant peut-être aucun qui lui appartienne, se les approprie tous, se nourrit également de la plupart des aliments divers que les autres animaux se partagent, et trouve par conséquent sa subsistance plus aisément que ne peut faire aucun d’eux (*Discours*, 135).

This quotation identifies non-belonging rather than belonging, the improper rather than the proper, as the condition of appropriation. Appropriation marks the lack of property rather than its natural existence. If man had a properly human instinct, he would have no need to appropriate those of other animals, to observe and imitate them to paradoxically cultivate instinct to survive. Appropriation, designating a lack of self-sufficiency, entails movement towards others rather than return to a pre-established self. That it is conditional on impropriety (the absence of property) radically distinguishes Rousseau’s thinking on the proper and property from Locke’s.⁶ This distinction is overlooked by the studies that compare them.⁷ For Locke, individuals naturally have property in themselves which obliges them to appropriate through labour the fruits of God’s earth to realise their humanity. Their self-ownership differentiates them from animals over whom they have natural proprietary rights.⁸ For Rousseau, by contrast, it is non-human animals that have property in themselves which predetermines their means of existence. That property, by making them autarkic, renders appropriation redundant: they have no need to take from others. Natural man’s

⁶ Bernard Stiegler emphasises impropriety in Rousseau’s anthropology. Man, unlike other animals, has to acquire skills, tools, and technics to supplement the absence of any human property. See *La Technique et le temps: la faute d’Epiméthée I* (Paris: Gallilée, 1994), ch. 2.

⁷ Lee Ward, ‘John Locke’s influence on Rousseau’, in *The Rousseauian Mind*, eds. by Eve Grace and Christopher Kelly (London: Routledge, 2019), pp.65-75. Johnathan Marks, ‘Rousseau’s Challenge to Locke (and to us)’, in *The Challenge to Rousseau*, eds by Eve Grace and Christopher Kelly, (Cambridge: CUP, 2013) pp.253–270. John Scott ‘Rousseau’s Unease with Locke’s Uneasiness’, *Ibid*, pp.295–311.

⁸ John Locke, *Two Treatises on Government* (New Haven: Yale University Press, 2003), ii, v, pp.111-121.

appropriation creates dependence on nature (he shares other animals' food) rather than dominance over it, involving relation rather than exclusion. However, it also removes him from it: he is a fiction since he requires artistry to survive. Without proper instinct, he is free to appropriate varied means of sustenance, giving him an advantage over other animals and the potential rather than the right to dominate them. Whereas for Locke, a notion of proper selfhood precedes and grounds property, for Rousseau, as we shall see, that notion emerges from property relations. The proper and the common, individual and community, are mutually constitutive rather than opposites in Rousseau. The development of private property in the *Discours* will necessitate but also negate this condition.

Impropriety ties man to others while also differentiating him from them. That differentiation is not just from animals but also other humans. As human beings have no proper property, they are naturally unequal or heterogeneous. Those inequalities do not produce any natural hierarchy: they become meaningful only in a social context that accords significance to them. Whatever humans take as their own involves borrowing and adaptation rather than originality. Their existence is therefore constitutively relational. This insistence on relationality would seem to contradict Rousseau's image of natural man as isolated and independent. However, his drive to self-preservation is tempered by natural pity, understood as the reluctance to harm others unless self-defence compels it (*Discours*, 126). He physically senses others but lacks, at this point, the abstraction of language to cognise self and other. If he were completely enclosed, he could not exist, whose etymology means to stand out (exist).

Whereas, for Etienne Balibar, as we shall explore, Rousseau inverts the possessive individualism which Crawford Macpherson traces to Locke, on my reading, he deconstructs it.⁹ That individual, as 'essentially the proprietor of his own person or capacities, owing nothing to society for them', would render unthinkable, from Rousseau's perspective, the appropriation and property it is supposed to ground.¹⁰ If appropriation arises from impropriety, property cannot unequivocally and exclusively belong to us. If it did, there would be no reason to claim ownership over it. Appropriation exposes rather than closes us to others who, as the *Discours* will show, authorise or contest our takings. That account of history underlines how man can never escape the mutual exposure that ownness and

⁹ Etienne Balibar, 'Le renversement de l'individu possessif', *La proposition de l'égaliberté* (Paris: PUF, 2015), pp.121-72.

¹⁰ Crawford Macpherson, *The Political Theory of Possessive Individualism*, (Oxford: OUP, 2011), p.196.

ownership imply. I therefore agree with Billing that Rousseau, like Macpherson who largely overlooks him, examines the historical formation of possessive individualism but, I would add, that he does so to show how its presumed self-enclosure opposes the relationality of property.¹¹

Property is constitutively relational: Emile's Lesson

Emile's discussion of property further problematises Locke's conception of its foundation.¹² For Locke, mixing labour with an unowned thing should accord labourers property rights. *Emile*, like the *Discours*, rejects the idea that appropriation is a privative relation involving subject and object.¹³ It is no coincidence that a lesson about property initiates Emile to self-other relations, underlining how it implicates individuals in a shared world, representing a common rather than private concern. His initiation begins with the planting of beans in a garden. The work he has put into the plantation attaches him subjectively to an external thing. This objectification of his will creates a sense of ownership. When he finds that someone has ploughed over his beans, he becomes indignant at the injustice. Robert, the gardener, responsible for this act, feels equally aggrieved as Emile has planted over the melons that he was cultivating to share with him. Emile has unknowingly encroached on his terrain. Their conflict is overcome through common agreement. As the surrounding plots are occupied, the tutor asks Robert to give Emile some of his land on the condition that Emile share half his yield with him. Robert, satisfied that Emile understands the mutual benefit in respecting others' property, agrees to give it 'sans condition'.¹⁴ Shared access to resources counts more than exclusive ownership in their agreement.

Emile's lesson demonstrates how property cannot be claimed unilaterally even if the individual's work appears to lend moral legitimacy to the claim. Entitlement comes from social relations rather than appropriation through labour. Entailing cooperation and mutual respect, property rights cannot be grounded, as Locke assumes, in the possessive individual. Rather they presuppose non-possessive individuals, like Robert and Emile, who can understand themselves and their property as belonging to a common world. Emile's lesson in appropriation and property interrupt his sense of self-sufficiency. What he claims as his own is worked out

¹¹ Billing, 'Rousseau's Critique of Market Society', 8.

¹² For further discussion, see Blaise Bachofen, 'Une « robinsonnade » paradoxale : les leçons d'économie de l'Emile', *Archives de philosophie*, 72(1), 2009, 75-99.

¹³ Jean-Jacques Rousseau, *Émile ou De l'éducation*, *Œuvres complètes* IV, eds. by Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, 1969), pp.329-33.

¹⁴ *Ibid.*, p.332.

in common and not exclusive to him. His appropriation teaches him about the fundamentally inappropriable character of things: they pertain to a social milieu that exceeds individual mastery. As appropriating them impacts that milieu, it confirms accountability to others rather than self-ownership. Emile, like the citizens of *Contrat*, acquires the independence of ownership through interdependence and interaction rather than control and exclusion.

Property as Persuasion

Natural man's appropriation and Emile's lesson help explain why the historical advent of property produces antagonism and inequality. It denies the impropriety that conditions appropriation, presenting it as privative rather than relational:

Le premier qui, ayant enclos un terrain, s'avisa de dire: *ceci est à moi*, et trouva des gens assez simples pour le croire, fut le vrai fondateur de la société civile. Que de crimes, de guerres, de meurtres, que de misères et d'horreurs n'eût point épargnés au genre humain celui qui, arrachant les pieux ou comblant le fossé, eût crié à ses semblables: «Gardez-vous d'écouter cet imposteur; vous êtes perdus, si vous oubliez que les fruits sont à tous, et que la terre n'est à personne» (*Discours*, 164).

This theatrical scene stages the founding of property as an individual act only to disclose the interdependence that both enables and restricts it. *This is mine*, implying that *it is not yours*, denies others any claim to the land to establish exclusive ownership. Property is fundamentally contingent: appropriation retroactively articulates something as owned. That articulation necessitates a common signifying system (language, stakes, and ditches) to represent property to others. The enclosure can therefore never be absolute for two interconnected reasons. First, it involves separation *from* someone, reinscribing the relation that it seeks to exclude. Second, as it needs to make sense, it has to appear to others as it tries to shut them out. Sense, made only between beings, cannot be appropriated.¹⁵ No one can decide the sense that others make of their claims, if they could, they wouldn't need to communicate them through visual and verbal signs that others interpret. For the appropriation of property to be recognised, respected, and instituted, it necessitates the sharing of sense. It thus relies on the inappropriable to take effect. The physical act of enclosure through labour would not suffice to establish property. Others would need to see it as property and accept its legitimacy. *Discours'* ontology of the (im)proper, I argue, reveals the constitutive relationality that disrupts any claim to exclusive ownership.

¹⁵ I am using Jean-Luc Nancy's understanding of *sens* (sensing, meaningfulness, and direction) as being-toward from *Le sens du monde* (Paris: Galilée, 1993).

The theatrical scenes which depict the formation of property stage that disruption. *Discours*' poetic dimension enacts rather than adorns the logical argument. Those scenes affirm property's performativity: it does not pre-exist its performance through deeds, words and symbols whose descriptive authority, I argue, rests on persuasion. They represent the shared exposure of sense – the actor and spectator -- that enables and restricts appropriation. That exposure constantly exceeds man's attempt to enclose the world, leaving any boundary open to what it supposedly excludes as its condition of existence. That boundary has to mark property so that others recognise it. Persuasion is conspicuous by its absence in the opening scene: the founder finds people gullible enough to believe his claim. However, its necessity reappears through the imagined counter claim of the one who could have pulled up the stakes and filled in the ditch and appealed to others to resist the impostor. That appeal underlines how property retroactively makes the commons an issue by seeking to control and thereby jeopardise access to resources. It aims to persuade readers to see the enclosure as a shared concern, as implicating the proprietor in community rather than exempting him from it: what he appropriates belongs to all and thereby renders them complicit in his claim.

The opening scene both depicts the expropriation that arises from appropriation and problematises it. The proprietor can appropriate land only if he exappropriates it, to use Jacques Derrida's portmanteau, if he inscribes his claim of ownership in a common signifying system, if he makes it legible to others through signs (ditches, stakes, words).¹⁶ Making something your own is conditional on making it other. That property involves ex-appropriation rather than a simple dialectic of possession and dispossession communalises and by extension politicises it, revealing how the proper is contingent on the common to make sense. Rousseau thus refutes the idea that a unitary self could ground property, asserting the broader sociopolitical changes imperative for its development, which would deny anyone mastery over its foundation: 'La propriété, dépendant de beaucoup d'idées antérieures qui n'ont pu naître que successivement, ne se forma pas tout d'un coup dans l'esprit humain' (*Discours*, 164). *Discours* critiques foundationalism: any foundation is traced through by what it is supposed to found and should logically precede. Its analysis of the impossibility of deciding the antecedence of language or society affirms the relationality that

¹⁶ Exappropriation frequently appears in Derrida's work, describing the condition of meaning in *Échographies de la télévision* (Paris: Galilée, 1996), p. 124, and the 'contradiction radicale de tout "capital", de toute propriété' in *Spectres de Marx* (Paris : Galilée, 1993), p.148. In the 'Afterword' to *Limited Inc*, exappropriation defines the movement of deconstruction itself which retraces the constitutive otherness that interrupts self-presence or the complete appropriation of the proper (Evanston IL: North Western University, 1988), p.14.

excludes a univocal origin: language already presupposes a society able to understand its meanings and grammar, and society already presupposes language for its terms to be negotiated and settled (151).

The founder's words require action to have purchase on the world and others able to connect those actions with words to make sense of them. Property, dependent on sharing, could therefore arise only in community. If 'the privation of privacy lies in the absence of others',¹⁷ as Hanna Arendt remarks, property cannot be fundamentally private, as liberals assume.¹⁸

The first revolution that ends human dispersal as family groups settle engenders 'une sorte de propriété' (*Discours*, 167). As individuals seek integration in community through this informal property, it does not spark conflict as the advent of private property will. The birth of agriculture and metallurgy, the second revolution, formalises property. This division of labour, by terminating self-sufficiency, inaugurates the interdependence paradoxically underpinning the formation of exclusive ownership.¹⁹ The delay between labour and harvest creates the need to enclose land to protect the yield. The indeterminacy of the future (that anyone could occupy the plot) leads man to seek security in the perceived determinacy of private property. He excludes from his harvest those needed to help cultivate and reap it or produce the tools to do so. Private property arises in the sharing involved in division, apparent in the French term *le partage du travail*. Unlike the primitive economy of subsistence, the *partage* raises the issue of the proper and the common. Work, by no longer directly satiating collective needs, generates an excess to be apportioned and a lack to be satisfied. An excess of goods raises the question of ownership and their lack creates the desire for it: 'Dès l'instant qu'un homme eut besoin du secours d'un autre; dès qu'on s'aperçut qu'il étoit utile à un seul d'avoir des provisions pour deux, l'égalité disparut, la propriété s'introduisit, le travail devint nécessaire.' (171). Lacking any common property, humanity is naturally diverse. That diversity would give some greater propensity for work, allowing them to outproduce others. As there is no natural equilibrium between necessity and production, some goods will periodically know greater demand. That demand teaches man to profit from others' needs by charging them more. Exploitation perverts human compassion rather than reflects natural egotism: man would have to identify with others' privation to

¹⁷ Hanna Arendt, *The Human Condition* (Chicago: The University of Chicago University Press, 1998), p.58.

¹⁸ On this assumption, see Pierre Crétois, *La part commune: une critique de la propriété privée* (Paris: Amsterdam, 2020), pp.27-68.

¹⁹ 'Dès qu'il falut des hommes pour fondre et forger le fer, il falut d'autres hommes pour nourrir ceux-là' (*Discours*, 173)

exploit it. That privation could have equally fostered a concern for equity. Amour proper – the desire for self-preference – is impossible without comparison, connecting us to others even as we seek to outdo them. As the proper, I have argued, always emerges through the common, man's possessiveness reveals his capacity to appraise the world from other viewpoints, leaving open the possibility of egalitarian change.

Private property and the economic inequality it occasions are not an inevitable outcome of the division of labour. Rather they affirm through negation the sharing which that division entails. Any enclosure exposes the owner to others as he seeks to exclude them, creating a common boundary with them that they are free to respect or reject. This stubborn relationality means that the hierarchies structured on ownership remain unstable:

D'un autre côté, de libre et indépendant qu'était auparavant l'homme, le voilà par une multitude de nouveaux besoins assujetti, pour ainsi dire, à toute la nature, et surtout à ses semblables dont il devient l'esclave en un sens, même en devenant leur maître; riche, il a besoin de leurs services; pauvre, il a besoin de leur secours, et la médiocrité ne le met point en état de se passer d'eux (*Discours*, 174-5).

Like natural man's appropriation, the wealthy's entails sharing but they negate it through domination and profiteering. The historical emergence of the possessive individual undermines rather than supplies the premise of property. Man's expropriation of others to achieve (self)-ownership gets permanently interrupted by the relationality which conditions and limits it.

Rousseau, as other critics argue, could be read as criticising the (neo)liberal assumption that the institution of private property engenders a stable and self-regulated society.²⁰ It is supposed to prevent conflict over resources caused by the unregulated commons and encourage investment in their production by ensuring each the fruits of their labour.²¹ For Rousseau, the inequality of private ownership would give the poor no reason to respect the liberal proprietary regime. Complying with that regime may prove more costly than usurpation and theft. The violent cycle of possession and dispossession that property incites demonstrates this point. However, it is not inequality alone, I would argue, that destabilises property. Man becomes persuaded to accept inequality as a natural and even desirable consequence of ownership. By depriving others of something, owners obtain illusory mastery

²⁰ See Billing, 'Rousseau's Critique of Market Society' and Pierre Crétois, *La copossession du monde* (Paris: Amsterdam, 2023), pp.105-8.

²¹ See Garret Hardin's famous 'The Tragedy of the commons', *Science*, 162 (3859), 1243-8. For a critique of Hardin, see Carole Rose, *Property as Persuasion* (Oxford: Westview Press, 1994), pp.105-64 and Crétois, *La copossession du monde*, pp. 95-156.

despite being enthralled to perpetual rivalry (188-9). The fact any enclosure has to make sense to others simultaneously stabilises and destabilises ownership, enabling recognition and consent and also misrecognition and dissent. Inequality becomes an issue because the contingency of property necessitates its justification. The boundaries of ownership do not secure a person's claim to a thing but connect them to others who decide the legitimacy of that claim.

The Phenomenology of Property

The next performance of property stages the poor's dissent, examining the phenomenology of property --how it appears differently to individuals – to show how its sense, being shared rather than given, remains contestable. Proprietors assume that their work automatically confers ownership without questioning how that assumption appears to those expropriated and forced to sell their labour to subsist:

Ceux mêmes que la seule industrie avait enrichis ne pouvaient guère fonder leur propriété sur de meilleurs titres. Ils avaient beau dire: «C'est moi qui ai bâti ce mur; j'ai gagné ce terrain par mon travail». — «Qui vous a donné les alignements, leur pouvait-on répondre, et en vertu de quoi prétendez-vous être payé à nos dépens d'un travail que nous ne vous avons point imposé? Ignorez vous qu'une multitude de vos frères périt, ou souffre du besoin de ce que vous avez de trop, et qu'il vous fallait un consentement exprès et unanime du genre humain pour vous approprier sur la subsistance commune tout ce qui allait au delà de la vôtre?» (*Discours*, 176).

Property's meaning, as the poor underline, has to be worked out in common. Owners, they assert, cannot simply acquire to excess when others are deprived of basic resources and cannot demand respect for property when it harms others' welfare. These assertions inform, as we shall see, Rousseau's contractual theorisation of property. That the enclosure of something enacts property renders it contingent, leaving its sense openended. Even *de meilleurs titres* seem illegitimate when perceived from the poor's perspective. There is no totally stable normative basis for property.²² Proprietary claims remain improper, dependent on the sharing of sense, on the inappropriable, to be made. The scene of rebellion reveals the interconnected sensible, intelligible, and imaginary dimensions of property which implicate it in a network of social, political, and cultural relations. The visual demarcation of the proprietors' work exposes their property to others as it encloses it. Seeing property is less about objectivization and more about conversation. To perceive the wall as signifying

²² Even citizens' property rights in *Contrat* could appear illegitimate to outsiders. While those rights are defended by common law, there is no law between states to underwrite their territorial claims. For outsiders, the state would be a private person whose entitlement would be that of the first occupier which, while morally respectable, is less binding than legal ownership (*Contrat*, i, ix, pp.366-5).

ownership requires people able to imagine a connection between a thing and a concept; it requires a cultural text that makes property legible to them. The owners' presumed right as the first occupier cannot avoid the relationality that complicates that claim to primacy. The founding scene stages that ambiguity: the founder is the first to occupy the land which he has appropriated through labour, symbolised by ditches and stakes. His entitlement, despite appearing to meet Rousseau's conditions for first occupancy, remains contentious.²³ Others could see him as an impostor who has claimed what belongs to no one and refuse to authorise that right. Similarly, Emile, presumably too inexperienced to read Robert's cultivation as a sign of property, unknowingly plants his beans on occupied land. Even if 'l'idée de la propriété remonte naturellement au droit de premier occupant par le travail'²⁴, that occupancy has to be legible to others who remain free to accept, reject, or misread it.²⁵ Property is forever mediated by the common.

The link between work and property, which, for Locke, naturally grounds the right of the first occupier, emerges as socially constructed in Rousseau: people, like Emile, would need to be initiated into the concept of rights. As noted, the mixing of labour with unowned things, instead of evidencing self-ownership, indicates, for Rousseau, impropriety. Their different conceptions of the relation between humanity and labour informs their view of economic inequality. Whereas, for Locke, it differentiates the industrious who have fulfilled their universal duty to profit from God's earth from the idlers who have not, for Rousseau, poverty indicates no moral failing. Even if it did, others would need to be convinced to read it so. As the rhetorical device of theatrical scenes implies, any justification would assume equal understanding, thereby unsettling the inequality it seeks to rationalise.²⁶ The poor's ability to speak back verifies that equality, as does their reappropriation of the land first taken by the wealthy. Just as the wealthy justify their entitlement through labour, they justify theirs through force or need (*Discours*, 176). The poor's rebellion creates dissensus, bringing the

²³ The land has to be unoccupied, appropriated through labour rather than a vain ceremony, and acquired for subsistence rather than economic advantage (*Contrat*, i, ix, 366).

²⁴ Rousseau, *Emile*, pp.332-3.

²⁵ The contentious link between seeing and property, Rose argues, affected how European settlers sensed the existence or inexistence of property among indigenous peoples and by extension their entitlement to the land. The contingent sense of property, far from dissolving questions of justice, render them more urgent, *Property as Persuasion*, pp. 294-297. Rousseau denounces the vanity of imperialism in his ironic remark about the Spanish conquest of the Americas ; 'le roi Catholique n'avait tout d'un-coup qu'à prendre de son cabinet possession de tout l'univers; sauf à retrancher ensuite de son empire ce qui étoit auparavant possédé par les autres princes' (*Contrat*, i, ix, 366).

²⁶ I am using Jacques Rancière's idea that inequality presupposes the equality of intelligence that undoes it: subjects need to understand their place in a hierarchy for it to function and therefore remain free to refuse that place to verify the equality it presupposes. See his *Mesentente* (Paris: Galilée, 1995), pp.43-67.

world where the just desert of property appears self-evident into the one where it remains contestable. Proprietary regimes cannot be imposed but need to render property respectable to endure. Private ownership, understood as the right to exclude others, works against its own condition: its legitimation necessarily entails the inclusion of those it excludes. As I have argued, *Discours*' rhetoric reinforces the logical argumentation: property depends on a community that can read its symbols and be convinced of its legitimacy. The fact that it centralises narrative for exploring property's development further differentiates its account from Locke's. If Locke, as Rose argues, resorts to narrative to conceal the gap between the possessive individual as the ground of property and the non-possessive individuals whose cooperation make proprietary regimes feasible, Rousseau, I contend, uses it to emphasise that gap to confirm how property makes sense only via a shared world ²⁷

Property is Contractual

The importance of storytelling appears in the next theatrical scene in which the wealthy legally enshrine inequality through a specious contract. The poor's non-acquiescence forces them to elicit their consent. While the rich devise the contract to legalise property, it is the poor's resistance that drives this change. Even at his most possessive, man recognises that property requires common agreement to retroactively legitimate it. The wealthy, standing to lose the most in the general conflict over resources, persuade the poor to unite to protect property by conjuring the image of a common world of equal rights and obligations:

«Unissons-nous, leur dit-il, pour garantir de l'oppression les faibles, contenir les ambitieux, et assurer à chacun la possession de ce qui lui appartient. Instituons des règlements de justice et de paix auxquels tous soient obligés de se conformer, qui ne fassent acception de personne, et qui réparent en quelque sorte les caprices de la fortune en soumettant également le puissant et le faible à des devoirs mutuels. En un mot, au lieu de tourner nos forces contre nous-mêmes, rassemblons-les en un pouvoir suprême qui nous gouverne selon de sages lois, qui protège et défend tous les membres de l'association, repousse les ennemis communs et nous maintienne dans une concorde éternelle.» (*Discours*, 177).

The scene could be interpreted as foreshadowing Karl Marx's understanding of rights as fabricating formal equality to hide real inequality.²⁸ The poor accept the contract under the illusion that it will safeguard their freedom. The motivation behind their consent is sound even if they misjudge the wealthy's intentions. The poor are therefore not in need of demystification, as Marx would believe, but of holding the wealthy accountable to the

²⁷ Rose, *Property as Persuasion*, pp.37-8.

²⁸ Karl Marx, *On the Jewish Question* (Dehli: Grapevine Publishers, 2023). For further discussion, see Robert Wokler, 'Rousseau and Marx' in *Rousseau, the Age of Enlightenment and their Legacy* ed. by Bryan Garsten (Princeton: PUP, 2012), pp.214-32.

contract. They have rightly understood that property represents less an exclusive entitlement to a thing and more a claim on others. No matter how much individuals believe in the desert of their property, they cannot escape the political necessity to obtain consent and thereby subject themselves to potential dissent. The false contract, Crétois argues, prefigures Rousseau's original contribution to property theory: it is not individual or collective but based on a pact that articulates these dimensions.²⁹ Unlike Marx, Rousseau does not advocate the abolition of private ownership in favour of collective ownership. Nor does he support private ownership in the name of individual freedom as liberals do. His ontology of property explains, I argue, why it is irreducible to the individual-collective binary. Both theories assume that there are rightful owners that precede and found proprietary regimes. They ignore the impropriety that conditions appropriation, making any claim of ownership necessary (if property were proper to owners, that claim would be redundant) and contentious (no one is compelled to accept it). Any boundaries that demarcate individual ownership also connect it to a community required to recognise and respect that demarcation. The proper and the common presuppose rather than oppose one another. *Contrat*, I argue, begins from this premise.

***Contrat* and the Deconstruction of Possessive Individualism**

Before examining Rousseau's articulation of individual and sovereign property rights, I will consider how his conception of the social contract differs from the specious one. The differences reveal how the social contract aims to transform the relation of the self with itself so that it seeks individuation through community rather than private ownership. Like the specious contract, it arises from total conflict where life and possessions are collectively endangered. However, the contractors, unlike those of the specious contract, do not identify conflict with common enemies whose containment would engender eternal peace but with the shared threat that they pose to each other. They see through the fantasy of possessive individualism: individuality and belongings are not secured through the exclusion of others but through cooperation with them.³⁰ They realise their common obligation to curb their possessiveness to protect each person's equal freedom and property. By externalising the risk of conflict, the specious contract leaves the fantasy intact. By contrast, citizens in *Contrat* recognise their shared limits as the condition of their pact. The importance of finitude means

²⁹ Crétois, *La part commune*, pp. 149-52.

³⁰ 'Je suppose les hommes parvenus à ce point où les obstacles qui nuisent à leur conservation dans l'état de nature, l'emportent par leur résistance, sur les forces que chaque individu peut employer pour se maintenir dans cet état' (*Contrat*, i, vi, 360).

that the contract does not fuse citizens into a common being.³¹ Fusion would simply inflate the possessive individual whose self-enclosure would make appropriation, property, and exchange impossible. Claiming ownership presupposes exposure to otherness to make sense. If the contractual community could absorb individuals, the need for a reciprocal agreement among them would disappear. The contract thus marks the space between where sense, identification, communication and (dis)agreement occur.³²

Citizens need to form the general will only because they are equal in their differences, that is, lack any shared property. As Rousseau insists, without particular interests, the issue of the common interest would never arise:

Chaque intérêt, dit le marquis d'Argenson, a des principes différents. L'accord de deux intérêts particuliers se forme par opposition à celui d'un tiers. Il eût pu ajouter que l'accord de tous les intérêts se forme par opposition à celui de chacun. S'il n'y avoit point d'intérêts différents, à peine sentiroit-on l'intérêt commun qui ne trouveroit jamais d'obstacle: tout iroit de lui-même, et la Politique cesseroit d'être un art (*Contrat*, ii, iii, 371).

Particular interests supply the *raison d'être* of the common interest rather than simply oppose it. If citizens' individual wills naturally accorded with the general will, they would not need to engage in the ongoing willing of it.³³ Their shared divisions unite them in the struggle to construct the community of equals whose existence is never given but involves their participation to be (re)enacted. Unlike its specious counterpart, the social contract never promises eternal concord. That promise could encourage complacency and thereby stymie the willing necessary to resist the usurpation of the common interest by private ones and maintain the free and equal contractual terms.³⁴ Commitment to the contract requires citizens' awareness of how possessiveness caused the inequality and deprivation that turned appropriation into expropriation and interdependence into rivalry. It entails citizens' 'continuous contracting' to renew it since their sovereignty is inalienable, that is, it cannot be delegated, and the general will, existing in will itself, cannot be fully represented by any law

³¹ On constitutive finitude in Rousseau, see Kevin Inston 'Finite community : Reading Jean-Jacques Rousseau with Jean-Luc Nancy', *The European Legacy*, 21(2), 2016, 184-204.

³² 'L'acte d'association renferme un engagement réciproque du public avec les particuliers, et que chaque individu contractant, pour ainsi dire, avec lui-même, se trouve engagé sous un double rapport; savoir, comme membre du Souverain envers les particuliers, et comme membre de l'Etat envers le Souverain' (i, vii, 362).

³³ On the formative tension between the particular and the general, see Katrin Froese, *Rousseau and Nietzsche* (Oxford: Lexington Books, 2002), ch.4 and Kevin Inston, *Rousseau and Radical Democracy* (London: Continuum, 2011), ch.6.

³⁴ 'Si nous voulons former un établissement durable, ne songeons donc point à le rendre éternel. Pour réussir il ne faut pas tenter l'impossible, ni se flatter de donner à l'ouvrage des hommes une solidité que les choses humaines ne comportent pas' (*Contrat*, iii, xi, 424).

or policy.³⁵ Citizens need to participate in the ongoing shaping of public life, otherwise ‘L’Etat est perdu’ (*Contrat*, iii, xv, 429). The precontractual conflict does not therefore end with submission to the Hobbesian leviathan who imposes laws on subjects to separate them for their safety. Belief in atomistic individualism, for Rousseau, fuels conflict rather than resolves it. His citizens need to change their way of being, to understand the particular and the general, the proper and the common, as interdependent so that they realise that ‘on ne peut pas travailler pour autrui sans travailler pour soi’ (*Contrat*, ii, vi, 373).

Total alienation, the contract’s sole clause, aims to transform the relation of the self with itself so that it seeks individuation through integration in the community of equals. This clause further differentiates the specious from the social contract. Citizens’ alienation of their rights and belongings to the community they enact ensures that the rights conferred by the contract are the same for all. Without this clause – if some retained rights over others – ‘l’état de nature subsisterait et l’association deviendrait nécessairement tyrannique ou vaine’ (*Contrat*, i, vi, 361). As the war illustrates, pursuing complete independence causes extreme personal dependence, forcing people to secure their life and belongings by withstanding or usurping others. Through total alienation, citizens exchange their natural freedom to do what they want, which subjected them to the law of the strongest, for the freedom to legislate for the community of which they form a part, and their possessions for property rights. Far from stripping citizens of their individual freedom and possessions, alienation safeguards them through reciprocal rights and obligations that they devise and follow together. As any dispute over occupancy is mediated via common laws, the state replaces citizens in the role of defence, leaving them free to cultivate their land and fashion their person according to need. That replacement means that individual property rights are subordinate to those the sovereign has over everyone’s property. That subordination does not grant the sovereign, composed of citizens, arbitrary or tyrannical power over individuals’ belongings (*Contrat*, i, ix, 367). Operating only via the laws that come from all and apply to all, it could not target one citizen’s holding without targeting everyone’s (ii, iv, 372-5). Its interest, I will argue, lies in ensuring equal access to property to enable equal participation in the contractual community.

As citizens form the community which in turn forms them, they do not give themselves and their property to anyone in particular : ‘Enfin, chacun se donnant à tous, ne se donne à personne, et comme il n’y a pas un associé sur lequel on n’acquière le même droit qu’on lui

³⁵ Steven Affeldt, ‘The Force of Freedom’, *Political Theory*, 27(3), 1999, 299-333 (306).

cede sur foi; on gagne l'équivalent de tout ce qu'on perd, et plus de force pour conserver ce qu'on a (*Contrat*, i, vi, 361). The exchange of total alienation is more like transformation: subjects cease seeing themselves as self-sufficient beings with exclusive rights to things to understand their freedom and belongings as counting as part of a community that does not limit their control but enlarges it, allowing them to participate in deciding and obeying sovereign laws and in cultivating and defending common territory. The social contract appeals to citizens to curb their possessiveness and dispose themselves towards community to extend rather than restrict their agency. Citizens come to see their individual lives, freedom and property as mattering together.

My reading of total alienation problematises Balibar's interpretation of it as inverting Lockean possessive individualism, as converting possession into dispossession and enjoyment into privation. Inversion indicates an opposition in which Rousseau's thinking negates Locke's without reworking the premise of the debate: possessive individualism remains the positive point of reference.³⁶ On entering the contract, 'l'homme', Balibar argues, 'est privé pour toujours de la possibilité de se posséder lui-même ou de se retrouver 'en propre' dans sa propriété'.³⁷ But, as we have seen, man never had or could achieve complete self-possession to be deprived of its possibility. The lure of possessiveness ensnares him in a counterproductive cycle of possession and dispossession, enjoyment and deprivation. Rousseau, I argue, deconstructs rather than inverts possessive individualism, affirming the constitutive relationality that resists exclusive ownership and forces owners to engage in a common world even as they try to segregate themselves. His contractual understanding of property affirms sharing as its condition and limit rather than dispossession, surpassing Locke's individualism to advance the interdependence of the common and the proper. Individuals come into being through and with community not least because they need others to individuate themselves from and to appear to as individuals.

Property as Access to the Common

³⁶ The inversion of possessive individualism, Balibar states, 'n'en modifie pas radicalement la problématique', 'Le renversement de l'individu possessif', p.138. Crétois accepts Balibar's interpretation but reads Rousseau's inversion as decentring possessive individualism in *Le Renversement de l'individualisme possessif de Hobbes à l'État social* (Paris : Classiques Garnier, 2014), pp. 203-4. However, an inversion, I argue, would retain the Lockean individual as the central reference. More recently, he has stressed how 'Tout se passait comme si Rousseau essayait de mettre en scène le fait qu'en vertu du contrat social, il y avait toujours irréductiblement du commun dans le propre', *La part commune*, p.151. By reading Rousseau as deconstructing possessive individualism, I develop Crétois' point, by examining why the common and the proper are co-involved.

³⁷ Balibar, 'Le renversement de l'individu possessif', p.139.

Total alienation communalises rather than privatises individual property.³⁸ Private property, understood as an exclusive right on a thing, Crétois asserts, could atomise citizens, weakening their sense of shared sovereignty over their laws and territory.³⁹ It would define the contract's goal as protecting individuals from one another rather than fostering their common obligation to protect each other's freedom and equality from personal dependence or despotism. Likewise, collective property, I would add, could dilute the sense of responsibility that each citizens carries in recognising the shared divisions that necessitate reciprocal agreement in the first place and commitment to cooperate to avoid self-destructive rivalry. *Contrat* articulates individual and sovereign property rights in a way that refuses the atomisation of private property or the non-differentiation of collective property to unite citizens in the ongoing effort to will and obey common laws.

Discours' critique of property frames rather than contradicts Rousseau's discussion of it elsewhere. It underlines how property is always contingent on shared meanings, laws, and agreements that must be willed and scrutinised because property can generate the deprivation, inequality, and exclusion that undermine the solidarity that democratic sovereignty presupposes. Freedom and equality cannot flourish in a context of economic inequality. That context would deprive citizens of the independence necessary for common self-rule by making them vulnerable to manipulation by those on whom they depend for survival or so deprived that they would be forced to despoil or usurp others to subsist. As we have seen, protecting property by excluding others turns appropriation into expropriation and independence into personal dependence. It stops individuals from sensing their power to act together to shape and defend a common world. Property's contingency makes it a central political concern. By rendering it disputable, it imposes the responsibility to interrogate its legitimacy. It creates boundaries that separate individuals while also connecting them in the interpretation of their meaning. Are they lines of exclusion or inclusion, of entitlement or usurpation, of equality or inequality? These shared divisions raise the issue of community, marking the interdependence that individuals can deny through domination or embrace through cooperation.

Citizens cannot freely and equally associate if some are expropriated. This doesn't mean that freedom and equality are contingent on property: the poor, as we have seen, demonstrate their

³⁸ Siroky and Sigwart read total alienation as a process of 'reprivatization' in 'Principle and Prudence', 398. However, for Rousseau, 'Mieux l'Etat est constitué plus les affaires publiques l'emportent sur les privées dans l'esprit des Citoyens' (*Contrat*, iii, xv, 429).

³⁹ Crétois, *Le renversement de l'individualisme possessif*, p. 180.

equal freedom to dispute the entitlement of the rich. However, without it, they become expressed negatively through resistance to oppression and deprivation rather than positively through participation in setting and resetting the terms of living together as equals. This tension, I contend, underlies Rousseau's assertion that 'la propriété est le plus sacré de tous les droits des citoyens, et plus important à certains égards que la liberté même'. Its contingency or constitutive impropriety, by leaving it 'facile à usurper' and 'pénible à défendre', necessitates its legal enshrinement at the risk of justifying inequality and domination, as the specious contract shows (*Discours sur l'économie politique*, 263). This paradox underpins the sovereign's ongoing responsibility to ensure a fair distribution of holdings to prevent the material inequality which undermines community and property.⁴⁰ Individual ownership is tied less to wealth accumulation and more to this obligation to ensure equal access to the resources citizens need to live freely and equally. If citizens united simply to protect their private property, their contract would differ little from the specious one. It would not foster the egalitarian ethos and material conditions for reciprocity: there can be no exchange if some are dispossessed. Rather they unite to ensure property for all to promote an equal concern to will the general laws and cultivate and defend the common territory.

Property implicates individuals in community rather than segregates them from it, motivating their commitment to upholding its terms. Each citizen is entrusted with a parcel of land in exchange for that commitment:

On conçoit comment les terres des particuliers réunies et contiguës deviennent le territoire public, et comment le droit de souveraineté s'étendant des sujets au terrain qu'ils occupent, devient à la fois réel et personnel; ce qui met les possesseurs dans une plus grande dépendance, et fait de leurs forces mêmes les garants de leur fidélité (*Contrat*, i, ix, 366).

The sovereign laws prevail not only over citizens but also over things. Individual plots, simultaneously united and contiguous, connected and separate, materialise the co-involvement of the common and the proper, individuation and integration that founds the contract. Rousseau is aware that the community of equals cannot exist solely in the abstract realm of laws but requires a material basis. Citizens exercise their will both through the making of general laws and their cultivation of land which externalises that will. For Arendt, things as objects of work help create a shared world that people care for together. They connect them to that world while opening space between them so that they appear before and

⁴⁰ Equality does not mean identical levels of wealth or power but that no one is so rich that they can buy another and so poor they are forced to sell themselves (*Contrat*, ii, xi, 391-2).

with one another. Equally, without community, 'things would be a heap of unrelated articles, a non-world'.⁴¹ The plots of land that citizens occupy make sense as part of the public territory because their legitimacy depends on mutual care, obligation, and rights that make sense only through community. Their freedom to use it for their own needs depends on their active willing of, and obedience to, the sovereign laws. Those laws ensure access to resources to prevent personal dependence and necessitate citizens' combined force to protect each other's land against usurpation.

Emile's lesson, as noted, teaches him about the inappropriability of things: they cannot be claimed without affecting the social relations which shape, and are shaped by, them. Appropriation generates obligation towards others rather than self-ownership. Similarly, citizens' individual holdings render them accountable to community. Property unites them as equals not only because of the respect it entails but also because of its impact on resources. That impact makes the commons a political concern, as the founding scene illustrates. That scene also shows how any appropriation, by taking from the commons, involves usurpation. For this reason, property never belongs to appropriators; their entitlement requires others' consent. Without it, they could be seen as impostors whose claims could be resisted by repossessing for common use what they have appropriated. Usurpation becomes 'un veritable droit' only on the basis that usurpers accept the commons as the condition and limit of ownership (*Contrat*, i, ix, 367). That acceptance motivates respect for property: 'on respecte moins dans ce droit ce qui est à autrui que ce qui n'est pas à soi' (365-6). If property rights were proper to owners, they would automatically accrue to them and would not require respect to be activated and upheld. Rights therefore imply impropriety: they need to be exercised and defended precisely because they are never given. Taking effect solely through common agreement and cooperation, they can equally be denied or withdrawn. Respecting 'ce qui n'est pas à soi' affirms the sharing that conditions rights to encourage citizens to curb possessiveness which, far from securing possessions, results in mass dispossession and renders ownership unrespectable. Owners, instead of understanding property as the right to exclude others, understand how it excludes them from claiming more of the commons: 'Tout homme a naturellement droit à tout ce qui lui est nécessaire; mais l'acte positif qui le rend propriétaire de quelque bien l'exclut de tout le reste. Sa part étant faite, il doit s'y borner, et n'a plus aucun droit à la communauté' (365). What citizens appropriate is respectable only if

⁴¹ Arendt, *The Human Condition*, p.9.

it does not expropriate others of what they need to live freely and equally. Whereas the founding declaration of *this is mine* presents property as proper to the owner and improper to everyone else, citizens understand their property through impropriety. That understanding reconnects it to natural man's appropriation: it indicates the lack of self-sufficiency that makes humans beings dependent on sharing. But, as the *Discours* underlines, that lack can also incite domination and exploitation. Respecting what is not theirs keeps citizens awake to the commons whose openness enables appropriation (as *les fruits sont à tous*, anyone can take them) and expropriation (as anyone can take them, there is no natural limit). Without common property, human beings become responsible for devising technologies, contracts, and laws for managing and distributing the means necessary for equitable coexistence. What others own matters precisely because it is not ours. That non-belonging provides the condition of property, grounding it in access to, rather than the possession of, resources.

Rousseau, I have argued, underlines the contingency of property. Appropriation, far from a privative relation between subject and object, creates a boundary that connects owners to community. Property is always worked out in common through symbols, agreements, and laws that others can accept, reject or misread. For this reason, the legitimacy of proprietary regimes depends on their respectability to the members who cooperate to sustain them. This insight exposes a recurrent contradiction in Rousseau's thinking. In *Emile*, he aligns citizenship and property with men. That alignment would expropriate women, judged able to raise citizens but unable to participate as citizens. Rousseau's theory, I have argued, underlines the sharing and mutuality that secure property rights and the expropriation and inequality that imperil them. Women's dispossession could divest them of any reason to obey the contract's proprietary regime. Whereas Rousseau stages the dissensus between the rich and the poor who disagree on the sense of entitlement, he cannot see how the same could logically occur between men and women. Any attempt to justify to women their dispossession would presuppose the equal understanding that destabilises hierarchies from within, making possible claims of equality by the unequal. The need for ownership rights arises from property's fundamental impropriety; those rights necessitate individuals who feel obliged to observe and uphold them. Expropriating women or any other group would undermine the sharing ownership implies and would make no sense for Rousseau's theory of property.

MAKING SENSE OF PROPERTY WITH JEAN-JACQUES ROUSSEAU

Abstract

This article argues that property is contingent, for Rousseau, being enacted through appropriation which creates a boundary that encloses something as owned while exposing it to others free to respect or reject ownership. It is proper neither to the individual nor to community but constituted through their articulation. This emphasis on relationality differentiates Rousseau's theory from Locke's. The self-enclosure of possessive individualism would deny the exposure to others which ownership claims presuppose. Even if individuals appropriate things through labour, their appropriation makes sense as property only through others. This sharing of sense means that property resists complete privatisation or collectivisation, entailing common agreement to get established as a right others respect. As inequality and expropriation would undermine the reciprocity underpinning that agreement, property's respectability involves maintaining equal access to resources to promote equal political participation. Rousseau affirms a relational mode of property that articulates individuation and community integration so that citizens perceive their property as contingent on the sharing of rights, obligations, and resources. That mode transforms property's contingency – its unstable grounding – into the basis of owners' collective responsibility to ensure its legitimacy for others without whom proprietary rights make no sense.

Résumé

Cet article propose que la propriété chez Rousseau est contingente, mise en œuvre à travers un acte d'appropriation qui délimite une chose comme « possédée » tout en l'exposant aux autres qui sont libres de respecter la revendication de propriété ou de la rejeter. Elle n'est propre ni à l'individu ni à la communauté, c'est leur articulation qui la constitue. Cet accent sur la relationnalité différencie la théorie de Rousseau de celle de Locke. Le renfermement sur soi de l'individualisme possessif nierait l'exposition aux autres que présuppose l'acte appropriatif. Même quand les individus s'approprient les choses par le travail, leur appropriation a le sens de propriété uniquement à travers les autres. Ce partage du sens signifie que la propriété résiste à une privatisation ou à une collectivisation totales, exigeant un accord commun pour qu'elle s'établisse comme droit que les autres respectent. Vu que l'inégalité et l'expropriation déjoueraient la réciprocité qui sous-tend cet accord, sa respectabilité repose sur le maintien de l'accès égal aux ressources permettant une

participation politique égale. Rousseau affirme un mode relationnel de propriété qui promeut l'articulation de l'individuation et de l'intégration communautaire pour que les citoyens considèrent leurs biens comme étant dépendants du partage des droits, des obligations et des ressources. Ce mode fait de la contingence de la propriété – à savoir son fondement instable – la base de la responsabilité collective des propriétaires afin d'en assurer la légitimité aux autres sans qui les droits de propriété perdent leur sens.

Jean-Jacques Rousseau's 'attitude to property' is thought 'to shift a great deal over his various writings.'¹ His vehement critique of property in the *Discours sur l'inégalité* (*Discours* henceforth) appears to contradict his defence of it as the most sacred right in the *Discours sur l'économie politique*.² Likewise, his denunciation of the inequality caused by property seems undermined by the conversion of usurpation into 'un véritable droit' (*Contrat*, i, ix, 367).³ These perceived divergences lead some to read *Discours* separately to harness its critical force⁴ while others read the writings together to reveal their coherence in supposedly advancing private property as the only legitimate form.⁵ By contrast, this article argues that their coherence lies not in an endorsement of private or collective property but in their recognition of its contingency.⁶ While others also emphasise contingency, I analyse its constitutive character : if property could be fully grounded, it would not constitute a common

¹ Christopher Bertram, *Rousseau and the Social Contract*, (London: Routledge, 2004), p.89. On the alleged contradictions, see Ryan Hanley, 'Political Economy and Individual Liberty', in *The Challenge of Rousseau*, eds. by Eve Grace and Christopher Kelly (Cambridge: Cambridge: CUP, 2013), pp.34-57 (37-8).

² Jean-Jacques Rousseau, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, *Discours l'économie politique*, and *Du contrat social* (*Contrat* henceforth), *Œuvres complètes* III, eds. by Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, 1964), References will appear in the text.

³ Mark Devenney, *Towards an Improper Politics* (Edinburgh: EUP, 2020), p.26

⁴ Andrew Billing, 'Rousseau's Critique of Market Society: Property and Possessive Individualism in the *Discours sur l'inégalité*', *Journal of European Studies*, 48(1), 2018, 3-19.

⁵ David Siroky and Hans-Jörg Sigwart, 'Principle and Prudence: Rousseau on Private Property and Inequality', *Polity*, 46(3), 2014, 381-406. Bertram also understands property as private in *Rousseau and the Social Contract*, p.91.

⁶ Rousseau writes before the modern institution of private property which Rafe Blaufarb traces to the French Revolution in *The Great Demarcation: The French Revolution and the Invention of Modern Property* (Oxford: OUP, 2016). In pre-revolutionary France, public power was privately owned but buildings and land rarely were. The revolutionaries privatised property to demarcate it from public power to promote democratic sovereignty and to end the feudalist proprietary hierarchy which opposed universal freedom, equality, and solidarity. Rousseau also seeks to separate power and property without advocating private ownership as the solution. It could, he shows, reinforce rather than transcend privilege, inequality, and oppression. His stress on property's contingency – its resistance to legal reduction - could be read as anticipating the ongoing contestation surrounding property rights in post-revolutionary France. Hannah Callaway's *The House in the Rue Saint-Fiacre: A Social History of Property in Revolutionary Paris* offers a recent discussion of this topic (Cambridge: HUP, 2023).

political concern.⁷ Disagreement, contestation, and discussion, my reading of Rousseau demonstrates, fuel property politics, making necessary contracts, rights, and obligations.

Property, for Rousseau, I maintain, gets retroactively articulated through the act of appropriation. That act encloses something as owned while exposing it to others so that they can recognise, respect, or dispute ownership. That property is both a source of justice and injustice, a cause of inequality and an equal right, indicates its unstable foundation. Even the most naturally seeming grounding – the right of the first occupier – could appear, Rousseau shows, unnatural. Contingency renders property fundamentally improper: ownership rights require others' consent and therefore remain susceptible to dissent. Contingency does not mean arbitrary, underlying the need for a common agreement so that property becomes respectable. However, as *Discours* shows, respectability does not ensure justice: people can be persuaded to respect proprietary regimes against their shared interest. Consequently, property's legitimacy cannot be taken for granted but must remain a central preoccupation for issues of fairness, equality, and freedom.

My focus on contingency aims to explain Rousseau's alleged contradictions while also exploring how it shapes *Contrat*'s conception of property. Citizens' agreement to the contract arises from awareness of the instability property generates. The contract transcends the private-collective binary to articulate citizens' individual ownership rights with their shared responsibility to prevent the inequality that property can cause to its own detriment. By undermining the free and equal community citizens enact together, that inequality would also undermine the sharing and reciprocity that proprietary rights presuppose for their respectability. On this point, my work draws on Pierre Crétois' discussion of property in Rousseau and beyond but will also depart from it.⁸ That discussion usefully emphasises the imbrication of common and proper⁹ but understands contractual politics as harmoniously articulating them to overcome the antagonism, contestation, and uncertainty that property's

⁷ For Blaise Bachofen, 'l'existence de "nations sauvages" qui, tout en étant pleinement civilisées, ignorent la propriété foncière' proves its contingency, *La condition de la liberté* (Paris : Payot, 2002), p.129.

⁸ See *Le renversement de l'individualisme possessif* (Paris : Garnier, 2014), pp.167-263, *La part commune* (Paris : Éditions Amsterdam, 2020) and *La copossession du monde* (Paris : Éditions Amsterdam, 2023). Before Crétois, Carole Rose, without discussing Rousseau, analyses property's relationality in *Property as persuasion* (Oxford: Westview Press, 1994).

⁹ 'Tout se passait comme si Rousseau essayait de mettre en scène le fait qu'en vertu du contrat social, il y avait toujours irréductiblement du commun dans le propre', Crétois, *La part commune*, p.151 Before Crétois, Tracy Strong argues that for Rousseau, 'our commonality – the stuff of humanity – requires difference' in *Rousseau and the Politics of the Ordinary* (London: Sage, 1994), p.54. Katrin Froese's *Rousseau and Nietzsche* (Oxford: Lexington Books, 2002) and Kevin Inston's *Rousseau and Radical Democracy* (London: Continuum 2011) examine the constitutive tension between individual and community in *Contrat*.

contingency engenders.¹⁰ By contrast, I argue, these elements condition and limit the contract, leaving its legitimacy always in question.¹¹ The pursuit of complete harmony, even as a regulative ideal, would deny the productive friction between common and proper which politicises property. The disputes over entitlement, staged by *Discours* and *Emile*, affirm property as a shared rather than private concern, as raising issues of equality, freedom, and justice rather than simply settling them. The conclusion explores how the equity of Rousseau's vision of contractual property, instead of resolving the matter of fairness, could spark disagreement which could renew the egalitarian pact.

The article extends the analysis of constitutive contingency in Rousseau scholarship to property: its instability makes it the object of interrogation, negotiation, and (dis)agreement.¹² It begins by exploring how the conditions of appropriation exclude absolute ownership. Appropriation, for Rousseau, signifies a lack of self-sufficiency, implying movement towards others rather than return to a pre-established self. This stress on relationality differentiates Rousseau's thinking on property from John Locke's. For Rousseau, if individuals naturally had property in themselves, they would have no reason to claim anything as their own. The self-enclosure of possessive individualism, instead of grounding property, would render it unthinkable: any ownership claim implies exposure to others as its condition. Rousseau's hypothetical history demonstrates how man's attempt to appropriate through expropriation constantly undermines itself. Appropriation, far from a privative relation between subject and object, must be legible to count as property. Its legibility depends on the sharing of sense, that is, on what is fundamentally inappropriable. The proper therefore remains forever mediated by the common, understood as that which cannot be owned. That mediation both stabilises property, allowing for its contractualization and destabilises it, opening it to interpretation, contestation, and retaking.

Scholarship on property in Rousseau has largely ignored its literary representation which, I argue, reveals its irreducibility to legal, philosophical, and moral grounding as the basis of its

¹⁰ For Cretois, his politics of copossession represents 'le seul système qui permette de réaliser le second principe de la justice rawlsienne' (that principle admits only those inequalities benefitting the least advantaged), *La copossession du monde*, 191. If there is only one system, its establishment would involve recognition more than discussion and negotiation. Dissent would indicate misjudgement.

¹¹ Rousseau underlines the contract's contingency: 'Il n'y a ni ne peut y avoir nulle espèce de loi fondamentale obligatoire pour le Corps du peuple, pas même le contrat social' (*Contrat*, i, vii, 346).

¹² For Bonnie Honig, the uncertainty over whether the legislator is a political genius or charlatan or whether the multitude becomes the people exposes the indeterminacy defining democratic politics, *Emergency Politics: Paradox, Law, Democracy* (Princeton: PUP, 2009), ch.1. For Kevin Inston, the absence of any natural social foundation necessitates and fuels the ongoing willing of the general will, *Rousseau and Radical Democracy*.

politicisation.¹³ *Discours*' theatrical scenes, which stage the formation of property, depict its visual, conceptual, and imaginary dimensions and the need for a community able and willing to make sense of them. Property's sense, as its theatricalization underlines, is not given but shared. Man's attempt to separate himself from others through ownership forcibly implicates him in a community free to endorse or reject his takings. The inequality, exclusion, and deprivation property occasions require rationalisation. That rationalisation, by presupposing equal understanding, unsettles, I argue, the hierarchy it aims to justify. This tension frames *Contrat*'s theorisation of property as contingent on the non-belonging essential for the sharing of rights, obligations and resources that ownership requires, on what leaves entitlement contestable.

Impropriety as the Condition of Appropriation

Most discussions of property in Rousseau begin with the opening of *Discours*' second part where the 'vrai fondateur de la société civile' declares '*ceci est à moi*' (*Discours*, 164). But there is an earlier example of appropriation which explores its condition and limit, connecting it to sharing and otherness rather than possession and self-enclosure. Starting here, I contend, elucidates what enables the existence of property to critically frame its event and institution in *Discours*' hypothetical history and to gesture towards *Contrat*'s articulation of common and individual ownership rights:

La terre abandonnée à sa fertilité naturelle, et couverte de forêts immenses que la cognée ne mutila jamais, offre à chaque pas des magasins et des retraites aux animaux de toute espèce. Les hommes dispersés parmi eux observent, imitent leur industrie, et s'élèvent ainsi jusqu'à l'instinct des bêtes, avec cet avantage que chaque espèce n'a que le sien propre, et que l'homme n'en ayant peut-être aucun qui lui appartienne, se les approprie tous, se nourrit également de la plupart des aliments divers que les autres animaux se partagent, et trouve par conséquent sa subsistance plus aisément que ne peut faire aucun d'eux (*Discours*, 135).

This quotation identifies non-belonging rather than belonging, impropriety rather than propriety, as the condition of appropriation. Appropriation marks the lack of property rather than its natural existence. If man had a properly human instinct, he would not need to appropriate those of other animals, to observe and imitate them to paradoxically cultivate instinct to survive. Appropriation, designating a lack of self-sufficiency, entails movement towards others rather than return to a pre-established self. That it is conditional on impropriety (the absence of property) radically distinguishes Rousseau's thinking from

¹³ Paul de Man stresses the metaphorical basis of social institutions such as property in *Allegories of Reading* (New Haven and London: YUP, 1979), pp.135-59.

Locke's.¹⁴ This distinction is overlooked by the studies that compare them.¹⁵ For Locke, individuals naturally have property in themselves which obliges them to appropriate through labour the fruits of God's earth to realise their humanity. Their self-ownership differentiates them from animals over whom they have natural proprietary rights.¹⁶ Contrarily, for Rousseau, non-human animals have property in themselves which predetermines their means of existence. That property, by making them autarkic, renders appropriation redundant: they have no need to take from others. Natural man's appropriation creates dependence on nature (he shares other animals' food) rather than dominance over it, involving relation rather than exclusion. However, it also removes him from it: he is a fiction, requiring artistry to survive. Without proper instinct, he is free to appropriate varied means of sustenance, giving him an advantage over other animals and the potential rather than the right to dominate them. Whereas for Locke, a notion of proper selfhood precedes and grounds property, for Rousseau, as we shall see, that notion emerges from property relations. Proper and common are interdependent rather than opposites in Rousseau.

Impropriety ties man to others while differentiating him from them. Humans, without proper property, are naturally unequal. Far from producing any natural hierarchy, those inequalities become meaningful only when society accords significance to them. Whatever humans take as their own involves borrowing and adaptation rather than originality. Their existence is constitutively relational. This insistence on relationality would seem to contradict Rousseau's image of natural man as isolated and independent. However, his drive to self-preservation is tempered by natural pity, understood as the reluctance to harm others unless self-defence compels it (*Discours*, 126). He physically senses others but lacks in nature the abstraction of language to cognise self and other. If he were completely enclosed, he could not exist, whose etymology means to stand out (ex-ist).

I read Rousseau as deconstructing the possessive individualism which Crawford Macpherson traces to Locke.¹⁷ That individual, as 'essentially the proprietor of his own person or

¹⁴ Bernard Stiegler emphasises impropriety in Rousseau's anthropology. Man, unlike other animals, acquires skills, tools, and technics to supplement the absence of any common property. See *La Technique et le temps: la faute d'Épiméthée I* (Paris: Gallilée, 1994), ch. 2.

¹⁵ Lee Ward, 'John Locke's influence on Rousseau', in *The Rousseauian Mind*, eds. by Eve Grace and Christopher Kelly (London: Routledge, 2019), pp.65-75. Johnathan Marks, 'Rousseau's Challenge to Locke (and to us)', in *The Challenge to Rousseau*, eds. by Eve Grace and Christopher Kelly, (Cambridge: CUP, 2013) pp.253-270. John Scott 'Rousseau's Unease with Locke's Uneasiness', *Ibid*, pp.295-311.

¹⁶ John Locke, *Two Treatises on Government* (New Haven: Yale University Press, 2003), ii, v, pp.111-121.

¹⁷ As we shall discuss, I differ from Etienne Balibar and Cretois who read him as inverting it. Etienne Balibar, 'Le renversement de l'individu possessif', *La proposition de l'égaliberté* (Paris: PUF, 2015), pp.121-72. Cretois, *Le renversement de l'individualisme possessif*, p.263.

capacities, owing nothing to society for them', would render unthinkable, from Rousseau's perspective, the appropriation and property it is supposed to ground.¹⁸ If appropriation arises from impropriety, property cannot unequivocally and exclusively belong to us. If it did, we would not need to claim ownership over it. Appropriation exposes rather than closes us to others who, as the *Discours* shows, authorise or contest our takings. I therefore agree with Billing that Rousseau, like Macpherson who largely overlooks him, examines the historical formation of possessive individualism but, I would add, that he does so to show how its presumed self-enclosure opposes the relationality of property.¹⁹ Man can never escape the exposure that ownness and ownership imply.

Property is relational: Emile's Lesson

Emile's discussion of property further problematises Locke's conception of its foundation.²⁰ For Locke, mixing labour with an unowned thing should accord labourers property rights. *Emile*, like *Discours*, rejects the idea that appropriation is an exclusive relation between subject and object.²¹ It is no coincidence that a lesson about property in the form of a confected dispute over entitlement initiates Emile to self-other relations, demonstrating how property represents a common rather than private concern. His initiation begins with the planting of beans in a garden. The work involved in planting attaches him subjectively to an external thing, objectifying his will to create a sense of ownership. When he finds his beans ploughed over, he becomes indignant at the injustice. Robert, the gardener, responsible for this act, feels equally aggrieved as Emile has planted over the melons that he was cultivating to share with him. Emile has unknowingly encroached on his terrain. The tutor manufactures this conflict to reveal the imbrication of common and proper which leaves ownership subject to (dis)agreement. Without division, their imbrication would remain insensible. The surrounding plots being occupied, the tutor asks Robert to give some of his land to Emile if Emile shares half his yield with him. Robert, satisfied that Emile understands the mutual benefit in respecting others' property, agrees to give it 'sans condition'.²² Shared access to resources counts more than exclusive ownership in their agreement.

¹⁸ Crawford Macpherson, *The Political Theory of Possessive Individualism*, (Oxford: OUP, 2011), p.196.

¹⁹ Billing, 'Rousseau's Critique of Market Society', 8.

²⁰ For further discussion, see Blaise Bachofen, 'Une « robinsonnade » paradoxale : les leçons d'économie de l'Emile', *Archives de philosophie*, 72(1), 2009, 75-99.

²¹ Jean-Jacques Rousseau, *Émile ou De l'éducation*, *Œuvres complètes* IV, eds. by Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, 1969), pp.329-33.

²² *Ibid.*, p.332.

Emile's lesson demonstrates how property cannot be claimed unilaterally despite the moral legitimacy individuals' work lends to it. Entitlement comes to matter through a dispute that affirms Robert's and Emile's equal interest in the plot, initiating the discussion necessary for agreement. Entailing cooperation and mutual respect, property rights cannot be grounded, as Locke assumes, in possessive individualism. Rather, they presuppose non-possessive individuals, like Robert and Emile, who can understand themselves and their property as belonging to a common world that their conflict over land discloses. Emile's lesson interrupts his sense of self-sufficiency: what he claims as his own is decided collectively, teaching him about the fundamentally inappropriable character of things. As they pertain to a social milieu that exceeds individual mastery, their appropriation impacts that milieu, producing accountability rather than self-ownership. Emile, like the citizens of *Contrat*, acquires the independence of ownership through interdependence and interaction rather than control and exclusion.

Property as Persuasion

Natural man's appropriation and Emile's lesson frames property's advent in *Discours*, exposing how it denies the impropriety that conditions appropriation to conceal property's openness to contestation:

Le premier qui, ayant enclos un terrain, s'avisa de dire: *ceci est à moi*, et trouva des gens assez simples pour le croire, fut le vrai fondateur de la société civile. Que de crimes, de guerres, de meurtres, que de misères et d'horreurs n'eût point épargnés au genre humain celui qui, arrachant les pieux ou comblant le fossé, eût crié à ses semblables: «Gardez-vous d'écouter cet imposteur; vous êtes perdus, si vous oubliez que les fruits sont à tous, et que la terre n'est à personne» (*Discours*, 164).

This theatrical scene stages the founding of property as an individual act only to disclose the interdependence that enables and restricts it. *This is mine*, implying that *it is not yours*, aims to establish ownership by excluding others. Property is fundamentally contingent: appropriation retroactively articulates something as owned. That articulation necessitates a common signifying system (language, stakes, and ditches) to represent property to others, preventing enclosure from being absolute for two interconnected reasons. First, it involves separation *from* someone, reinscribing the relation that it seeks to exclude. Second, as it needs to make sense, it has to appear to others as it tries to shut them out. Sense, always made between beings, cannot be appropriated, remaining permanently in common.²³ If individuals

²³ I am using Jean-Luc Nancy's understanding of *sens* (sensing, meaningfulness, and direction) as being-toward from *Le sens du monde* (Paris: Galilée, 1993).

could determine the sense made of their claims, they wouldn't need to communicate them through visual and verbal signs that others interpret. Consequently, recognition of appropriation as property necessitates the inappropriable sense that leaves its claim disputable.

Discours' ontology of the (im)proper, I argue, reveals the constitutive relationality that disrupts any claim to exclusive ownership. Its dramatization of property portrays that disruption, affirming the shared exposure of sense – actor and spectator -- that enables and restricts appropriation. That exposure constantly exceeds man's attempt to enclose the world, leaving any boundary open to what it supposedly excludes as its condition of existence. *Discours'* poetic dimension enacts rather than adorns the logical argument, affirming property's performativity: it does not pre-exist its enactment through deeds, words and symbols whose descriptive authority rests, I contend, on persuasion. Persuasion is conspicuous by its absence in the opening scene: the founder finds people gullible enough to believe his claim. However, its necessity reappears through the imagined counter claim of the one who could have pulled up the stakes and filled in the ditch and appealed to others to resist the impostor. That appeal underlines how property retroactively makes the commons an issue by seeking to control and thereby jeopardise access to resources.²⁴ It aims to persuade readers to see it as a shared concern, as implicating the proprietor in community rather than exempting him from it: what he appropriates belongs to all, thereby rendering them complicit in his claim. The common(s) becomes a shared concern through an experience of division.

The opening scene depicts the expropriation arising from appropriation and problematises it. Individuals can appropriate land only if they exappropriate it, to use Jacques Derrida's portmanteau, if they inscribe their ownership claim in a common signifying system, if they make it legible through signs.²⁵ Making something your own is conditional on making it other. That property involves exappropriation rather than a dialectic of possession and dispossession communalises and by extension politicises it. Rousseau thus refutes the idea that a unitary self could ground property, asserting the broader sociopolitical changes imperative for its development, which would deny anyone mastery over its foundation: 'La

²⁴ On Rousseau's opposition to the proponents of enclosure in the latter half of the 18th Century, see Bachofen, *La Condition de la liberté*.

²⁵ Exappropriation appears across Derrida's work, describing the condition of meaning in *Échographies de la télévision* (Paris: Galilée, 1996), p. 124, and the 'contradiction radicale de tout "capital", de toute propriété' in *Spectres de Marx* (Paris : Galilée, 1993), p.148. In the 'Afterword' to *Limited Inc*, exappropriation defines the movement of deconstruction which retraces the constitutive otherness that interrupts self-presence (Evanston IL: North Western University, 1988), p.14.

propriété, dépendant de beaucoup d'idées antérieures qui n'ont pu naître que successivement, ne se forma pas tout d'un coup dans l'esprit humain' (*Discours*, 164). *Discours* critiques foundationalism: any foundation is traced through by what it should found and logically precede. Its analysis of the impossibility of deciding the antecedence of language or society stresses the relationality that excludes a univocal origin: language already presupposes a society able to understand its meanings, and society already presupposes language for its terms to be established (151). The founder's words require action to shape the world and others willing to connect those actions with words to make sense of them. Property, dependent on sharing, could therefore arise only in community. If 'the privation of privacy lies in the absence of others',²⁶ as Hanna Arendt remarks, property cannot be fundamentally private, as liberals assume.²⁷ The first revolution, which ends human dispersal as family groups settle, engenders 'une sorte de propriété' (*Discours*, 167). As individuals integrate in community through this informal property, it does not spark conflict as the advent of private property will.

The birth of agriculture and metallurgy, the second revolution, formalises property. This division of labour, by terminating self-sufficiency, inaugurates the interdependence paradoxically underpinning the formation of exclusive ownership.²⁸ The delay between labour and harvest necessitates the enclosure of land to protect the yield. The indeterminacy of the future (that anyone could occupy the plot) leads man to seek security in the perceived determinacy of private property. He excludes from his harvest those needed to help cultivate and reap it or produce the tools to do so. Private property arises in the sharing involved in division, apparent in the French term *le partage du travail*. Unlike the primitive economy of subsistence, the *partage* raises the issue of proper and common. Work, by no longer directly satiating collective needs, generates an excess to be apportioned and a lack to be satisfied. An excess of goods raises the question of ownership and their lack creates the desire for it : 'Dès l'instant qu'un homme eut besoin du secours d'un autre; dès qu'on s'aperçut qu'il étoit utile à un seul d'avoir des provisions pour deux, l'égalité disparut, la propriété s'introduisit, le travail devint nécessaire.' (171). Lacking common property, humanity is naturally diverse. That diversity would allow some to outproduce others. As there is no natural equilibrium between necessity and production, some goods periodically know greater demand. That

²⁶ Hanna Arendt, *The Human Condition* (Chicago: The University of Chicago University Press, 1998), p.58.

²⁷ On this assumption, see Crétois, *La part commune*, pp.27-68.

²⁸ 'Dès qu'il falut des hommes pour fondre et forger le fer, il falut d'autres hommes pour nourrir ceux-là' (*Discours*, 173)

demand teaches man to profit from others' needs by charging them more. Exploitation perverts human compassion rather than reflects natural egotism: man would have to identify with others' privation to exploit it. That privation could have equally fostered a concern for equity. Amour proper – the desire for self-preference – is impossible without comparison, connecting us to others even as we seek to outdo them. As the proper emerges through the common, man's possessiveness reveals his capacity to appraise the world from other viewpoints, leaving open the possibility of egalitarian change.

Private property and the economic inequality it occasions do not inevitably result from the division of labour. Rather they affirm through negation the sharing which that division entails. Any enclosure creates a common boundary with those it excludes, who are free to respect or reject it. This paradox destabilises hierarchies structured on ownership: owners require the cooperation of those they aim to subordinate:

Libre et indépendant qu'était auparavant l'homme, le voilà par une multitude de nouveaux besoins assujetti, pour ainsi dire, à toute la nature, et surtout à ses semblables dont il devient l'esclave en un sens, même en devenant leur maître; riche, il a besoin de leurs services; pauvre, il a besoin de leur secours, et la médiocrité ne le met point en état de se passer d'eux (*Discours*, 174-5).

Like natural man's appropriation, the wealthy's entails sharing which they negate through domination and profiteering. The emergence of possessive individualism refuses rather than supplies the premise of property. Man's expropriation of others to achieve (self)-ownership gets permanently interrupted by the relationality which conditions and limits it.

That interruption problematises the (neo)liberal assumption that the institution of private property engenders a stable and self-regulated society.²⁹ It is supposed to prevent conflict over resources caused by the unregulated commons and encourage investment in their production by ensuring each the fruits of their labour.³⁰ For Rousseau, the inequality of private ownership would give the poor no reason to respect the liberal proprietary regime. Complying with that regime may prove more costly than usurpation and theft. The violent cycle of possession and dispossession that property incites demonstrates this point. However, inequality alone, as critics assume, doesn't destabilise property. Man becomes persuaded to accept it as property's natural and even desirable consequence, chasing ownership to obtain the illusory mastery that depriving others creates (*Discours*, 188-9). That any enclosure must

²⁹ On Rousseau and (neo)liberal economics, see Billing, 'Rousseau's Critique of Market Society' and Pierre Crétois, *La copossession du monde*, pp.105-8.

³⁰ See Garret Hardin's famous 'The Tragedy of the commons', *Science*, 162 (3859), 1243-8. For a critique of Hardin, see Rose, *Property as Persuasion*, pp.105-64 and Crétois, *La copossession du monde*, pp. 95-156.

make sense to others simultaneously stabilises and destabilises ownership, enabling, on the one hand, recognition and consent and, on the other, non-recognition and dissent. Inequality becomes an issue because property's contingency necessitates its justification. The boundaries of ownership, instead of securing self-possession, connect with others to authorise their legitimacy.

The Phenomenology of Property

The next performance stages the poor's dissent, examining property's phenomenology --how it appears differently to people – to show how its sense, being shared rather than given, remains contestable. Proprietors assume that their work automatically confers ownership without questioning how that assumption appears to those expropriated and forced to sell their labour to subsist:

Ceux mêmes que la seule industrie avait enrichis ne pouvaient guère fonder leur propriété sur de meilleurs titres. Ils avaient beau dire: «C'est moi qui ai bâti ce mur; j'ai gagné ce terrain par mon travail». — «Qui vous a donné les alignements, leur pouvait-on répondre, et en vertu de quoi prétendez-vous être payé à nos dépens d'un travail que nous ne vous avons point imposé? Ignorez -vous qu'une multitude de vos frères périt, ou souffre du besoin de ce que vous avez de trop, et qu'il vous fallait un consentement exprès et unanime du genre humain pour vous approprier sur la subsistance commune tout ce qui allait au-delà de la vôtre ?» (*Discours*, 176).

Property, assert the poor, is decided in common: owners cannot demand respect for it when depriving others of the resources they need. Contingency, by leaving property's sense openended, makes it the object of questioning, debate, and (dis)agreement. Even *de meilleurs titres* seem disputable from the poor's perspective. There is no totally stable normative basis for property.³¹ Proprietary claims remain improper, dependent on the sharing of sense, on the inappropriable, to be made. The rebellion reveals that dependence, underlining property's interconnected sensible, intelligible, and imaginary dimensions which implicate it in a network of social, political, and cultural relations. The wall, as the visual demarcation of property, exposes it to others as it encloses it. It signifies ownership only if people imagine a connection between concept and thing, requiring a cultural framework to make it legible and a political one to render it legitimate. Seeing property is more about discussion than objectivization. Proprietors and the poor see the same wall but disagree about its sense. For proprietors, it symbolises their entitlement; for the poor, it symbolises expropriation and

³¹ Citizens' property rights in *Contrat* could appear illegitimate to outsiders. While those rights are defended by common law, there is no law between states to underwrite their territorial claims. For outsiders, the state would be a private person whose entitlement would be that of the first occupier which, while morally respectable, is less binding than legal ownership (*Contrat*, i, ix, pp.366-5).

exploitation. Property, by creating a common boundary open to contestation, negotiation, and (dis)agreement, both separates and unites owners and non-owners. The question of community arises from that shared division. The owners' presumed right as the first occupier cannot avoid this relationality that complicates that claim to primacy. The founding scene stages that ambiguity: the founder is the first to occupy the land. His entitlement, despite appearing to meet Rousseau's conditions for first occupancy, remains contentious.³² Others could see him as an impostor and refuse to authorise his claim. Similarly, Emile, presumably too inexperienced to read Robert's cultivation as property, unknowingly plants his beans on occupied land. Even if 'l'idée de la propriété remonte naturellement au droit de premier occupant par le travail'³³, that occupancy has to be legible to others who remain free to accept, reject, or misread it.³⁴ Property is mediated by the common conceived as inappropriable sense.

The link between work and property which, for Locke, naturally grounds the first occupier's right, emerges as socially constructed in Rousseau: people, like Emile, would need to be initiated into the concept of rights. As noted, the mixing of labour with unowned things, instead of evidencing self-ownership, indicates, for Rousseau, impropriety. Their different conceptions of the relation between humanity and labour inform their view of economic inequality. Whereas, for Locke, it differentiates the industrious who have fulfilled their universal duty to profit from God's earth from idlers, for Rousseau, poverty indicates no moral failing. Rather it results, *Discours* implies, from an economic decision about pricing versus income rather than individual productivity. Besides, as noted, productivity is partly determined by arbitrary natural inequalities. Individuals would have to be persuaded to read economic inequality as a moral rather than systemic failure. As the theatrical scenes imply, any justification would assume equal understanding, thereby unsettling the inequality it seeks to rationalise.³⁵ The poor's ability to speak back verifies that equality, as does their

³² The land has to be unoccupied, appropriated through labour rather than a vain ceremony, and acquired for subsistence rather than economic advantage (*Contrat*, i, ix, 366).

³³ Rousseau, *Emile*, pp.332-3.

³⁴ The contentious link between seeing and property, Rose argues, affected how European settlers sensed the existence or inexistence of property among indigenous peoples and by extension their entitlement to the land. The contingent sense of property, far from dissolving questions of justice, render them more urgent, *Property as Persuasion*, pp. 294-297. Rousseau denounces the vanity of imperialism in his ironic remark about the Spanish conquest of the Americas ; 'le roi Catholique n'avoit tout d'un-coup qu'à prendre de son cabinet possession de tout l'univers; sauf à retrancher ensuite de son empire ce qui étoit auparavant possédé par les autres princes' (*Contrat*, i, ix, 366).

³⁵ I am using Jacques Rancière's idea that inequality presupposes the equality of intelligence that undoes it: subjects need to understand their place in a hierarchy for it to function and therefore remain free to refuse that place to verify the equality it presupposes. See his *Mesentente* (Paris: Galilée, 1995), pp.43-67.

reappropriation of the land first taken by the wealthy. Just as the wealthy justify their entitlement through labour, they justify theirs through force or need (*Discours*, 176). The poor's rebellion creates dissensus, bringing the world where the just desert of property appears self-evident into the one where it remains contestable. Dissensus, by bringing owners and non-owners into dialogue, makes possible, as we shall see, consensus. Proprietary regimes cannot be imposed but need to render property respectable to endure. Private ownership works against this condition: its legitimation necessarily entails the inclusion of those it excludes. *Discours*' theatrical dimension reinforces this point: property necessitates a community able and willing to read its symbols and be convinced of its legitimacy. That it centralises narrative for exploring property's development further differentiates its account from Locke's. If Locke, argues Rose, uses narrative to conceal the gap between the possessive individual as the ground of property and the non-possessive individuals whose cooperation make proprietary regimes feasible, Rousseau, I contend, uses it to emphasise that gap to confirm how property makes sense only via a shared world ³⁶

Property is Contractual

The importance of storytelling appears in the next theatrical scene in which the wealthy legally enshrine inequality through a specious contract. The poor's demonstration of equality forces the rich to count them politically and elicit their consent. While the rich devise the contract to legalise property, the poor's non-acquiescence drives this change. Their disagreement, by revealing the imbrication of common and proper, provokes reflection on collective interests. Even at his most possessive, man recognises that property requires agreement to retroactively legitimate it. The wealthy, standing to lose the most in the general conflict over resources, persuade the poor to unite to protect property by narrating the story of a world with equal rights, obligations, justice and eternal peace:

«Unissons-nous, leur dit-il, pour garantir de l'oppression les faibles, contenir les ambitieux, et assurer à chacun la possession de ce qui lui appartient. Instituons des règlements de justice et de paix auxquels tous soient obligés de se conformer, qui ne fassent acception de personne, et qui réparent en quelque sorte les caprices de la fortune en soumettant également le puissant et le faible à des devoirs mutuels. En un mot, au lieu de tourner nos forces contre nous-mêmes, rassemblons-les en un pouvoir suprême qui nous gouverne selon de sages lois, qui protège et défend tous les membres de l'association, repousse les ennemis communs et nous maintienne dans une concorde éternelle.» (*Discours*, 177).

³⁶ Rose, *Property as Persuasion*, pp.37-8.

The scene could be interpreted as foreshadowing Karl Marx's understanding of rights as fabricating formal equality to hide real inequality.³⁷ The poor accept the contract under the illusion of safeguarding their freedom. Their motivation for consent is sound even if they misjudge the wealthy's intentions. Having rightly understood that property represents more a claim on others than entitlement, they would need to hold the wealthy accountable to the contract rather than be demystified, as Marx would presume. The wealthy, despite believing in the desert of their property, cannot escape the political necessity of obtaining consent and thereby subjecting themselves to potential dissent. The false contract, Crétois argues, prefigures Rousseau's original contribution to property theory: it is not individual or collective but based on a pact that articulates these dimensions.³⁸ He also contributes, I would advance, an original understanding of property as constitutively contingent, as fundamentally improper, which explains that articulation. Unlike Marx, Rousseau does not advocate the abolition of private ownership in favour of collective ownership. Nor does he support private ownership in the name of individual freedom as liberals do. His ontology of property reveals its irreducibility to the individual-collective binary. Both theories assume rightful owners that precede and found proprietary regimes, ignoring the impropriety that conditions appropriation, making ownership claims necessary (if property were proper to owners, that claim would be redundant) and contentious (no one is compelled to accept it). Boundaries demarcating individual ownership connect it to a community needed to recognise and respect that demarcation. Proper and Common presuppose rather than contradict one another. *Contrat* begins from this premise.

Contrat's Deconstruction of Possessive Individualism

Before examining Rousseau's articulation of individual and sovereign property rights, I will consider how the social contract differs from the specious one. Primarily, the social contract aims to transform the relation of the self with itself so that it seeks individuation through community rather than private ownership. Like the specious contract, it arises from conflict where life and possessions are collectively endangered. However, the contractors identify conflict with the shared threat that they pose to each other rather than common enemies whose containment would engender eternal peace. They see through the fantasy of possessive individualism, realising their common obligation to curb their possessiveness to protect each

³⁷ Karl Marx, *On the Jewish Question* (Dehli: Grapevine Publishers, 2023). For further discussion, see Robert Wokler, 'Rousseau and Marx' in *Rousseau, the Age of Enlightenment and their Legacy* ed. by Bryan Garsten (Princeton: PUP, 2012), pp.214-32.

³⁸ Crétois, *La part commune*, pp. 149-52.

person's equal freedom and property.³⁹ By externalising the risk of conflict, the specious contract leaves the fantasy intact. Conversely, citizens in *Contrat* recognise their shared limits as the condition of their pact. The importance of finitude means that the contract does not aim to fuse citizens into a common being.⁴⁰ Fusion would simply inflate the possessive individual whose self-enclosure would make appropriation, property, and exchange impossible. If the community could absorb individuals, the need for the contract would disappear.⁴¹ The contract marks the space between where sense, identification, communication and (dis)agreement occur.⁴²

Citizens need to form the general will only because they are equal in their differences, that is, lack any shared property. Without friction between particular interests, the issue of the common interest would never arise:

Chaque intérêt, dit le marquis d'Argenson, a des principes différents. L'accord de deux intérêts particuliers se forme par opposition à celui d'un tiers. Il eût pu ajouter que l'accord de tous les intérêts se forme par opposition à celui de chacun. S'il n'y avoit point d'intérêts différens, à peine sentiroit-on l'intérêt commun qui ne trouveroit jamais d'obstacle: tout iroit de lui-même, et la Politique cesseroit d'être un art (*Contrat*, ii, iii, 371).

Disagreement, as the disputes between Emile and Robert and rich and poor show, creates a shared division that links common and proper; it therefore conditions contractual politics and is not transcended by it. If citizens' individual wills harmoniously accorded with the general will, citizens would barely sense the common and would not need to engage in the ongoing willing of it.⁴³ Their differences unite them in the struggle to construct the community of equals whose existence is never given but involves their participation to be (re)enacted. Unlike its specious counterpart, the social contract never promises eternal concord. That promise could encourage complacency, stymieing the willing necessary to resist the usurpation of the common interest by private ones and maintain the free and equal contractual

³⁹ 'Je suppose les hommes parvenus à ce point où les obstacles qui nuisent à leur conservation dans l'état de nature, l'emportent par leur résistance, sur les forces que chaque individu peut employer pour se maintenir dans cet état' (*Contrat*, i, vi, 360).

⁴⁰ On constitutive finitude, see Kevin Inston 'Finite community : Reading Jean-Jacques Rousseau with Jean-Luc Nancy', *The European Legacy*, 21(2), 2016, 184-204.

⁴¹ I therefore refute Ernst Cassirer's reading of the State as claiming the individual 'completely and without reservation' in *The Question of Jean-Jacques Rousseau* (New Haven, Conn.: YUP, 1989), p.23.

⁴² 'L'acte d'association renferme un engagement réciproque du public avec les particuliers, et que chaque individu contractant, pour ainsi dire, avec lui-même, se trouve engagé sous un double rapport; savoir, comme membre du Souverain envers les particuliers, et comme membre de l'Etat envers le Souverain' (i, vii, 362).

⁴³ On the formative tension between the particular and the general, see Froese, *Rousseau and Nietzsche*, ch.4 and Inston, *Rousseau and Radical Democracy*, ch.6.

terms.⁴⁴ It could prevent the ‘continuous contracting’ necessitated by the fact that sovereignty, being inalienable, cannot be delegated, and the general will, consisting in will itself, cannot be fully represented by any law or policy.⁴⁵ To participate in the ongoing reshaping of public life that vivifies the state, citizens must remain aware of how possessiveness caused the inequality and deprivation that turned appropriation into expropriation and interdependence into rivalry (*Contrat*, iii, xv, 429). They need to change their way of being, to understand particular and general, proper and common, as interdependent so that they realise that ‘on ne peut pas travailler pour autrui sans travailler pour soi’ (*Contrat*, ii, vi, 373).

Total alienation, the contract’s sole clause, aims to transform the relation of the self with itself so that it seeks individuation through community integration. This clause further differentiates the specious from the social contract. Citizens’ alienation of their rights and belongings to the community ensures that the rights conferred by the contract are the same for all. Without this clause – if some retained rights over others – ‘l’état de nature subsisterait et l’association deviendrait nécessairement tyrannique ou vaine’ (*Contrat*, i, vi, 361). As the war illustrates, pursuing complete independence causes extreme personal dependence, forcing people to secure their life and belongings by withstanding or usurping others. Through total alienation, citizens exchange their natural freedom to do what they want, which subjected them to the law of the strongest, for the freedom to legislate for the community of which they form a part, and their possessions for property rights. Far from stripping citizens of their individual freedom and possessions, alienation safeguards them through reciprocal rights and obligations that they devise and follow together. As any dispute over occupancy is mediated via common laws, the state replaces citizens in the role of defence, leaving them free to cultivate their land and fashion their person according to need. That replacement means that individual property rights are subordinate to those the sovereign has over everyone’s property. That subordination does not grant the sovereign, composed of citizens, arbitrary or tyrannical power over individual holdings (*Contrat*, i, ix, 367). Operating via the laws that come from all and apply to all, it could not target one citizen’s holding without

⁴⁴ ‘Si nous voulons former un établissement durable, ne songeons donc point à le rendre éternel. Pour réussir il ne faut pas tenter l’impossible, ni se flatter de donner à l’ouvrage des hommes une solidité que les choses humaines ne comportent pas’ (*Contrat*, iii, xi, 424).

⁴⁵ Steven Affeldt, ‘The Force of Freedom’, *Political Theory*, 27(3), 1999, 299-333 (306).

targeting everyone's (ii, iv, 372-5). Its interest, I argue, lies in ensuring equal access to property to enable equal participation.

As citizens form the community which in turn forms them, they do not give themselves and their property to anyone in particular : 'Enfin, chacun se donnant à tous, ne se donne à personne, et comme il n'y a pas un associé sur lequel on n'acquière le même droit qu'on lui cede sur foi; on gagne l'équivalent de tout ce qu'on perd, et plus de force pour conserver ce qu'on a (*Contrat*, i, vi, 361). The exchange is more like transformation: subjects cease seeing themselves as self-sufficient beings with exclusive rights to things to understand their freedom and belongings as counting as part of a community that extends rather than limits their agency, allowing them to decide and obey sovereign laws, to cultivate and defend common territory and to experience their individual lives, freedom and property as mattering together.

My reading of total alienation problematises Balibar's interpretation of Rousseau as inverting Lockean possessive individualism. Inversion indicates an opposition in which Rousseau's thinking negates Locke's without reworking the premise of the debate: possessive individualism remains the positive point of reference.⁴⁶ Through the contract, 'l'homme', Balibar argues, 'est privé pour toujours de la possibilité de se posséder lui-même ou de se retrouver 'en propre' dans sa propriété'.⁴⁷ But man, Balibar continues, could never achieve complete self-possession to be deprived of its possibility.⁴⁸ Its lure, as *Discours* shows, engenders a counterproductive cycle of possession and dispossession, enjoyment and deprivation. This being the case, *Contrat* would need to deconstruct rather than invert possessive individualism to challenge its self-cancelling logic. Otherwise, it could affirm it through negation, instituting, as Balibar believes, 'l'insatisfaction fondamentale du citoyen-sujet' and 'l'incomplétude du "corps politique."' ⁴⁹ Rousseau's ontology of property, I argue, underlines the closure of complete possession: it would annul the exposure to others that any ownership claim presupposes. Its impossibility makes possible the common world through which property acquires sense. *Contrat* affirms sharing as property's condition and limit, surpassing Locke's individualism to advance the tense interdependence of common and

⁴⁶ The inversion of possessive individualism, Balibar states, 'n'en modifie pas radicalement la problématique', 'Le renversement de l'individu possessif', p.138. Crétois accepts Balibar's interpretation but reads Rousseau's inversion as decentring possessive individualism in *Le Renversement de l'individualisme possessif*, pp. 203-4. However, an inversion, I argue, would retain the Lockean individual as the central reference.

⁴⁷ Balibar, 'Le renversement de l'individu possessif', p.139.

⁴⁸ Ibid., p. 140

⁴⁹ Ibid., p.142

proper. Individuals emerge through and with community not least because they need others to individuate themselves from and to appear to as individuals.

Property as Access to the Common

Total alienation communalises rather than privatises individual property.⁵⁰ Private property, understood as an exclusive right on a thing, Crétois asserts, could atomise citizens, weakening their sense of sovereignty over their laws and territory.⁵¹ It would define the contract's goal as protecting individuals from one another rather than fostering their common obligation to protect each other's freedom and equality from personal dependence or despotism. Likewise, collective property, I would add, could dilute the sense of responsibility that each citizen carries in recognising the shared divisions that necessitate reciprocal agreement in the first place and commitment to cooperate to avoid self-destructive rivalry. *Contrat* articulates individual and sovereign property rights in a way that refuses the atomisation of private property or the non-differentiation of collective property to unite citizens in the ongoing effort to will and obey common laws.

Discours' critique of property frames rather than contradicts Rousseau's discussion of it elsewhere. It underlines how property's legitimacy, contingent on shared meanings, laws, and agreements, is never fully settled, potentially generating the deprivation, inequality, and exclusion that undermine the solidarity that democratic sovereignty necessitates. Economic inequality would hinder the independence necessary for common self-rule, making citizens vulnerable to manipulation by those who provide their subsistence or so deprived that they would be forced to despoil or usurp others to subsist. As we have seen, protecting property by excluding others turns appropriation into expropriation and independence into personal dependence. It stops individuals from sensing their power to act together to shape and defend a common world. Property's contingency, by leaving it ungrounded, renders citizens equally responsible for interrogating and willing its legitimacy. Its boundaries separate them while also connecting them in the interpretation of their meaning. Are they lines of exclusion or inclusion, of entitlement or usurpation, of equality or inequality? These shared divisions raise the issue of community, marking the interdependence that individuals can deny through domination or embrace through cooperation.

⁵⁰ Siroky and Sigwart read total alienation as a process of 'reprivatization' in 'Principle and Prudence', 398. However, for Rousseau, 'Mieux l'Etat est constitué plus les affaires publiques l'emportent sur les privées dans l'esprit des Citoyens' (*Contrat*, iii, xv, 429).

⁵¹ Crétois, *Le renversement de l'individualisme possessif*, p. 180.

Citizens cannot freely and equally associate if some are expropriated, which doesn't mean that freedom and equality require property. The poor, as we have seen, demonstrate their equal freedom to dispute the wealthy's entitlement, resisting oppression and deprivation to claim their equal right to decide on common matters. That the struggle against economic inequality represents the struggle for political equality could explain Rousseau's assertion that 'la propriété est le plus sacré de tous les droits des citoyens, et plus important à certains égards que la liberté même'. Its contingency, by leaving it 'facile à usurper' and 'pénible à défendre', necessitates its legal enshrinement at the risk of justifying inequality and domination, as the specious contract shows (*Discours sur l'économie politique*, 263). This uncertainty drives the sovereign's ongoing responsibility to ensure a fair distribution of holdings to prevent the material inequality which undermines community and property.⁵² Individual ownership is tied more to this obligation to ensure equal access to the resources citizens need to live freely and equally than to wealth accumulation. If citizens united simply to protect their private property, their contract would differ little from the specious one, failing to foster the equality underpinning reciprocity: there can be no exchange if some are dispossessed.

Property implicates individuals in community rather than segregates them from it, motivating their commitment to upholding its terms. Each citizen is entrusted with land in exchange for that commitment:

On conçoit comment les terres des particuliers réunies et contiguës deviennent le territoire public, et comment le droit de souveraineté s'étendant des sujets au terrain qu'ils occupent, devient à la fois réel et personnel; ce qui met les possesseurs dans une plus grande dépendance, et fait de leurs forces mêmes les garants de leur fidélité (*Contrat*, i, ix, 366).

Individual plots, simultaneously united and contiguous, connected and separate, materialise the co-involvement of common and proper, individuation and integration that founds the contract. The community of equals cannot exist solely in the abstract realm of laws, requiring a material basis to unite it. Citizens exercise their will both through the making of general laws and their cultivation of land which externalises that will. For Arendt, things as objects of work help create a shared world that people care for together. They connect them to that world while opening space between them so that they appear before and with one another.

⁵² Equality does not mean identical levels of wealth or power but that no one is so rich that they can buy another and so poor they are forced to sell themselves (*Contrat*, ii, xi, 391-2).

Equally, without community, 'things would be a heap of unrelated articles, a non-world'.⁵³ Citizens' plots form the public territory because their legitimacy involves the mutual care, obligation, and rights that community participation enables. Their freedom to use them for their own needs entails their active willing of, and obedience to, the sovereign laws. Those laws ensure access to resources to prevent personal dependence and necessitate citizens' combined force to protect each other's land against usurpation.

Emile's lesson, as noted, teaches him about the inappropriability of things: they cannot be claimed without affecting the social relations which shape, and are shaped by, them. Appropriation generates accountability rather than self-ownership. Citizens' individual property unites them as equals not only because of the respect it demands but also because of its impact on resources. That impact makes the commons a political concern, as the founding scene illustrates. That scene also shows how any appropriation, by taking from the commons, involves usurpation. To become property, it has to differentiate itself from usurpation but that process, reliant on persuasion, is never complete. As *Discours* highlights, if property derives from usurpation, ownership claims remain always contestable. This uncertainty politicises property as an object of (dis)agreement. Property therefore never automatically belongs to appropriators; their entitlement requires others' consent. Without it, they could be seen as impostors whose appropriation could be repossessed for common use. Usurpation becomes 'un véritable droit' only if usurpers accept the commons as the condition and limit of ownership : 'on respecte moins dans ce droit ce qui est à autrui que ce qui n'est pas à soi' (*Contrat*, i, ix, 367, 365-6). Respecting what is not theirs affirms impropriety, encouraging citizens to curb possessiveness which, far from securing possessions, results in mass dispossession and renders ownership unrespectable. Owners understand property not as the right to exclude others but as excluding themselves from claiming more of the commons: 'Tout homme a naturellement droit à tout ce qui lui est nécessaire; mais l'acte positif qui le rend propriétaire de quelque bien l'exclut de tout le reste. Sa part étant faite, il doit s'y borner, et n'a plus aucun droit à la communauté' (365). What citizens appropriate is respectable only if it does not expropriate others of what they need to live freely and equally.

Whereas the founding declaration of *this is mine* presents property as proper to owners and improper to everyone else, citizens understand their property through impropriety. If property

⁵³ Arendt, *The Human Condition*, p.9.

were proper to owners, it would not require rights and obligations to be instituted and respected. Rights therefore imply impropriety: they need to be exercised and defended because they are not automatically given. As the poor's dispute shows, the rightless often enact the rights denied to them to prove their equality. *Contrat*'s insistence on impropriety reconnects contractual property to natural man's appropriation: it indicates the lack of self-sufficiency that makes humans beings dependent on sharing. But, as the *Discours* underlines, that lack can also incite domination and exploitation. Respecting what is not theirs awakens citizens to the commons whose openness enables appropriation (as *les fruits sont à tous*, anyone can take them) and expropriation (as anyone can take them, there is no natural limit). Without proper property, human beings become equally responsible for managing and distributing the means necessary for equitable coexistence. What others own matters precisely because it is not ours. That non-belonging redefines property in terms of the shared access to, rather than the possession of, resources, leaving any title contestable if it refuses that sharing.

Rousseau, I have argued, underlines the contingency constitutive of property as an ongoing political concern whose sense is mediated through shared symbols, conventions, and laws open to renegotiation, dispute, or misreading. Proprietary regimes' legitimacy comes from their respectability to the members who cooperate to sustain them. This insight exposes a recurrent contradiction in Rousseau's thinking. In *Emile*, he aligns citizenship and property with men. That alignment would expropriate women, judged able to raise citizens but unable to participate as citizens. If mutuality and equality support property rights and expropriation and inequality imperil them, women's dispossession would give them no reason to obey the contract's proprietary regime. The need for ownership rights arises from impropriety; those rights necessitate individuals who feel obliged to observe and uphold them. Expropriating women or any other group would undermine the sharing ownership implies and would make no sense for Rousseau's theory of property. Whereas Rousseau stages the dissensus between rich and poor who disagree on the sense of entitlement, he cannot see how the same could occur between men and women, how women could perceive men's property as usurpation rather than *un véritable droit*. Any attempt to justify their dispossession would presuppose the equal understanding that destabilises hierarchies from within, making possible claims of equality by the unequal. Just as the poor's disagreement engenders the first contract, women's could renew the contract's concern for equity. Without opposition, 'à peine

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sentiroit-on l'intérêt commun' (*Contrat*, ii, iii, 371). Only if we accept property's contingency, does its legitimacy remain a live question.

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