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Denise *versus* Jean-Jacques: homonymies, homologies and tectonic faults between *psychological contract* and *social contract*.

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Abstract

Making any comparison between Jean-Jacques' and Denise's thoughts of contract may appear as a foolish project. Whereas the Swiss-French author cared two centuries ago about politics and states architecture and tried to build a normative utopia dedicated to the defence of liberty and – as a necessary condition for the latter - equality, the American one focuses today on organizations – not on political regimes, endorses a descriptive purpose – not a normative one, and cares about efficiency and common believes– not about transcendent values and absolute truth. Moreover, Jean-Jacques does not believe that his proposals could be concretely implemented, due to permanent flaws of human societies, whereas Denise observes trends in social contracts and shows more transformative position. Should then each of both contracts be a pure homonymy of the other, as well as both authors' names?

When more carefully looked at, their works show disturbing similarities. Firstly conditions of existence of what they study – the contract- are quite the same, although implemented into different contexts. Indeed, Jean-Jacques argues that monarchy could not rely on any contract based on the law of war, because in a situation of war people have no choice, which means that no contract be possible. Denise translates exactly the same *choice argument* into the sphere of labour market, explaining that a job contract in high unemployment times is not any more a true contract. Secondly, though differently named, some concepts around contracts prove quite close. For example, Denise' *agency* problem and Jean-Jacques' *representatives*' key problem are quite similar, as well as Denise' *mutuality* raises stakes that are not so far from Jean-Jacques' elaborated computations about *balance of powers and interests*. Fourthly, although human nature may look substantially different from one thought to another, it raises quite analogous transparency/obstacle (Starobinsky, 1957) anthropological tension. According to Jean-Jacques, the obstacle is of moral nature (due to moral imperfection, human beings care for self-interest instead of general interest), whereas, from Denise point of view, this obstacle is essentially cognitive (people don't know what other people actually think or are keen on doing, this limited frame of references is due the limited cognitive capacities of human beings). Whatever its nature may be, moral or cognitive, the limited capacity of human beings compared with transcendent principles (like general interest or transparency) belongs to a common epistemic framework that emerged at the end of XVIIIth Century and that we call, following the structuralist philosopher Michel Foucault (1966) “analytic of finitude”. An illustration of this common analytic of finitude underpinning generation of analogous concepts by Jean-Jacques and Denise is related to temporality. Both of them attempted to address the subtle problem of temporal continuous change, Denise with the *contract drift* and Jean-Jacques with the *degeneration of political regimes*. Similarly, both recommend trade-offs between the abstract principles and their concrete field of implementation. Whereas, following Montesquieu, Jean-Jacques recommends to choose a political regime that be adapted to the particular people it is

supposed to rule, Denise explains that contracts must be coherent with business conditions and corporate strategy.

Does all this mean that, finally, Jean-Jacques and Denise develop, with an interval of two centuries, two native languages and 6000 km, quite structurally same fundamental anthropologies? A deeper inquiry into both structures of thought unveils us irreducible differences below previously raised similarities. Jean-Jacques's and Denise's grammars of contracts are separated by a sort of tectonic fault that we can describe through Greimas' Saussurian Semiotics. Whereas Jean-Jacques's contract is ruled by the principle of sovereignty, Denise's contract is related to transactions, exchanges, or maybe gifts and counter gifts. From a fundamental anthropological point of view, these are totally incommensurable universes. Whilst the latter has to do with reciprocity and mutuality, sovereignty is a paradoxical non-reciprocal gift with no loss for the donator. Such a difference separates two ways of shifting objects and values within human communities. On the one side, there is the quite common *closed system of values*, in which all what is removed from any human subject is transferred to another one. This means that mutuality is then underpinned by exchange, counter gift or transaction. On the other side, there is *the participative communication*, where the donator does not look losing what he makes a gift of. In this case mutuality presupposes nothing but maybe reciprocal acknowledgement.

As a conclusion we may envisage crossing the tectonic fault by prolonging Denise's work thanks to Jean-Jacques concept of sovereignty and by shifting from descriptive to quite normative purpose. Indeed, Denise's contract is relevant insofar as organizations are considered from a transaction's point of view. This point of view is consistent with a world where most of products and services are supplied by firms and their managerial system of power. Psychological contracts in organizations are becoming all the more relevant than the world as it is currently ruled tends to a pervasive "firmilization" where even public services dedicated to state sovereignty (like military forces) are operated by the form of private firms. But what about imagining another world where production itself would be processed by non-managerial organization ruled by the principle of sovereignty? May we imagine that every organization, like coops, could be governed with workers and / or customers that would be collectively at the same time the sovereign body of this organization? What about situations then, where Denise's contract and Jean-Jacques' contract would tightly intertwine?

Keywords

Denise Rousseau, Jean-Jacques Rousseau, contract, transaction, sovereignty.

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