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Making Virtue Reign: Citizenship and Civic Education in the Political Philosophy of Jean-Jacques Rousseau

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Philosophy of Jean-Jacques Rousseau**

by

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Abstract

Making Virtue Reign: Citizenship and Civic Education in the Political Philosophy of Jean-Jacques Rousseau

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This dissertation is a study of Jean-Jacques Rousseau's conceptions of citizenship and civic education. Its basic conceit is that the former—what it means to *be* a citizen—can be understood fully only in light of the latter—what it means to *become* a citizen. It argues that Rousseau's conception of civic education—a denaturing, psychically transformative process whereby human beings become citizens who virtuously exercise their rights and fulfill their duties under the social contract—poses a critical, yet, in a way, friendly, challenge to us as liberal democrats. For as radically as Rousseauian civic education differs from ours, it is grounded in premises that we, as liberal democrats, affirm, i.e., that human beings are naturally free and equal and therefore that the only authority to which human beings may be legitimately subject is that to which they consent. Hence, our own premises compel us to confront the challenge posed by Rousseau's writings on citizenship and civic education. Contemporary disillusionment with citizenship across the liberal-democratic West makes doing this only more urgent and potentially illuminating and fruitful. Consisting in careful textual analysis of the various works and passages in which Rousseau treats civic education, the dissertation is organized around a heretofore insufficiently examined distinction between a preliminary stage

of civic education and civic education proper. Whereas, in the former, future citizens are persuaded by legislators effectively to enact wise laws by means of ingenious yet disingenuous appeals to divine authority, in the latter, dutifulness to such authority is replaced as the moral basis for civic virtue with patriotism. The thesis of the dissertation is that, in order to understand the limits and possibilities of Rousseauian citizenship, it is necessary to understand this shift that lies at the heart of Rousseauian civic education.

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Introduction

This dissertation consists in an examination of Jean-Jacques Rousseau's conceptions of citizenship and civic education. Its basic conceit is that the former cannot be adequately understood except in light of the latter. The answer to the question of what it is to be a citizen for Rousseau will remain in some obscurity if or insofar as the question of what it is to become a citizen for him remains unanswered. While this might be said of any political theorist's conception of citizenship, it can rightly be said especially of Rousseau's, arguably more of his than of any other's. For Rousseau, by contrast with the first great theorists of citizenship, is emphatic that man is not by nature a citizen.¹ To be a citizen, man must undergo a civic education that Rousseau arrestingly describes as a denaturing psychic transformation.² What does this transformation entail? In what way or ways, and to what extent, does it denature man? Why is it necessary? Under what conditions is it possible? And finally, given Rousseau's fundamental thesis that the natural condition of man is good,³ what are we to make of the goodness of this denatured condition for the citizen himself? These are some of the basic questions on which we mean to shed light in what follows.

The reasons for undertaking such an examination are both political and scholarly. Let us begin by anticipating two important arguments against the relevance of Rousseauian citizenship and civic education to contemporary liberal-democratic political practice. First, Rousseau is not a liberal democrat. For whatever similarities there may be between Rousseau's republicanism and ours, many of the means and ends of his civic education differ radically from—to the point of being incompatible with—any kind of civic education that could plausibly be described as liberal-democratic. One need only consider the historical instance of

¹ “[T]he city belongs among the things that exist by nature, and...man is by nature a political animal” (Aristotle, *Politics*, 1253a).

² *E* 1 / *ÆC* 4: 249 / *CW* 13: 164; *SC* 2.7 / *ÆC* 3: 381-82 / *CW* 4: 155. For an explanation of the system according to which Rousseau's works are here cited, see p. 222 below.

³ See especially *D* 3 / *ÆC* 1: 934 / *CW* 1: 213 and *SD* / *ÆC* 3: 202nIX / *CW* 3: 74n7

civic education to which Rousseau regularly points as his model: Lycurgus' education of the Spartans.⁴ Those unsettled by Rousseau's suggestion that civic education ought to denature man will not be reassured by this. The first counterargument, then, is that Rousseauian civic education is undesirable for us because it is inadmissible by our liberal-democratic principles.⁵

The second counterargument is that, even if Rousseauian civic education were not so undesirable, it would be impossible for us to undertake. This counterargument is particularly weighty as it comes from none other than Rousseau himself. "Public instruction no longer exists, and no longer can exist, because where there are no longer fatherlands there can no longer be citizens" (*E* 1 / *ÆC* 4: 250 / *CW* 13: 165). Such is Rousseau's unambiguous judgment on the prospects for civic education in the modern West, that is, the West as decisively shaped by Christianity and the Enlightenment. Rousseau's choice, on the basis of this judgment, to compose an elaborate treatise on private education, an education that he explicitly casts as an alternative to civic education, might reasonably be taken as evidence that civic education has ceased, in Rousseau's own view, to be of practical concern.⁶ If we in the modern West should wish to learn from Rousseau about education, it is precisely not to his writings on civic education that we ought to turn. Or so goes the counterargument.

Over the last couple decades, numerous scholars have taken to arguing for Rousseau's relevance to contemporary political practice by casting doubt on what one might call the radicalism of his thought, a radicalism that is presupposed in both of the counterarguments articulated above.⁷ Rousseau's conception of civic education is not as radically denaturing or

⁴ See, for example, *E* 1 / *ÆC* 4: 249-50 / *CW* 13: 164-65; *GP* 2 / *ÆC* 3: 957 / *CW* 11: 172; *SD* / *ÆC* 3: 187-88 / *CW* 4: 62.

⁵ It is especially to Rousseau's writings on civic education that scholars who see the Citizen of Geneva as a proponent of totalitarianism point for evidence of their view. See, for example, Crocker, *Rousseau's "Social Contract"* and Talmon, *Origins of Totalitarian Democracy*.

⁶ Consider *E* 1, 5 / *ÆC* 4: 248-51, 858 / *CW* 13: 163-66, 667. See Cooper, *Rousseau, Nature, and the Problem of the Good Life*, esp. 3-4.

⁷ The deepest theoretical ground for this sort of argument has been laid by Marks's provocative reinterpretation of Rousseau's "thought [as] a reflection on the natural perfection of a naturally disharmonious being" (*Perfection and Disharmony*, 1).

psychically transformative—in a word, not as Spartan—as some of his more infamous characterizations of it might suggest. It accepts human beings as they are, as distinct individuals with self-regarding passions, and cultivates their independent judgment to a much greater degree than scholars once appreciated.⁸ Given this, it is not so obviously inapt as a model for civic education in liberal democracies. As for the second counterargument, it has rightly been noted that Rousseau’s civic educational recommendations to the Corsicans, the Poles, and his fellow Genevans at least complicate, if not altogether belie, his categorical denial of the possibility of civic education in the modern West. Given this, we are not mistaken to look to Rousseau’s writings on civic education with a view to improving contemporary liberal-democratic political practice.

Scholarship in this vein is to be commended for bringing to light important nuances of Rousseau’s complex thought on civic education and citizenship more broadly. Nevertheless, in our view, it stands in need of a partial corrective. As a theorist of civic education, Rousseau may not be simply or altogether the radical that he has been taken to be by some. But we are not convinced that he ought not still, in the final analysis, to be regarded more as a radical than as a moderate.⁹ In arguing for a partial return to this older view of Rousseau, we do not mean to deny his relevance to contemporary liberal-democratic political practice, however. Our view is not that Rousseau must be moderate in order to be relevant. Indeed, we are animated partly by the fear that to make Rousseau safer for liberal democracy would be to risk not learning all that we might from the challenge that he poses to our way of life. We fear that doing this would, more specifically, keep us from fully appreciating the ways in and extent to which the

⁸ For some studies that display this tendency in different ways, see Hanley, “Enlightened Nation Building,” “From Geneva to Glasgow,” “Political Economy and Individual Liberty”; Marks, *Perfection and Disharmony*, 74–82; Schaeffer, “Attending to Time and Place,” “Realism, Rhetoric, and the Possibility of Reform,” *Rousseau on Education, Freedom, and Judgment*; and Smith, “Nationalism, Virtue, and the Spirit of Liberty,” “Nature, Nation-Building, and the Seasons of Justice.”

⁹ Marks, it should be noted, does affirm that Rousseau “was a radical” and even concedes that the “claim that Rousseau was a moderate” is “implausible” (*Perfection and Disharmony*, 11). Our disagreement, then, is a matter of emphasis.

approach to civic education that is typically taken in liberal democracies today would have to be transformed in order even to approximate in practice Rousseau's theoretical conception of citizenship. Now, this is not here to argue for or against the desirability or possibility of such a transformation. It is rather to argue that what we stand most to gain, in terms of contemporary liberal-democratic political practice, from studying Rousseau's writings on civic education is insight into how we might make better citizens by taking a more Rousseauian approach to civic education, albeit within the limits imposed by constitutional principles and modern conditions that we would be imprudent to try to alter. Connected to our insight into this question is, no less importantly, insight into the ways in and extent to which modern liberal-democratic citizenship will inevitably—and not entirely without good reason—fall short of the sublime alternative held out by Rousseau.

Even as we emphasize the challenge posed to us by Rousseau's radically different conceptions of citizenship and civic education, we mean to insist that it is on the basis of our own premises, premises that Rousseau holds in common with the philosophic founders of liberal democracy, that they pose this challenge. It is not because Rousseau disagrees with our propositions that human beings are naturally free and equal and can be legitimately subject only to that authority to which they have given their consent that he conceives of citizenship and civic education as he does. On the contrary, it is precisely on the basis of these propositions that he conceives of citizenship and civic education in this way.¹⁰ As long as we affirm these propositions, the challenge that Rousseau poses to us will remain vital. As long as we do this, we must at least entertain his arguments that the only authority to which human beings might be legitimately subject is the general will and, therefore, that the practical realization of political right depends upon a civic education that makes human beings into

¹⁰ It is in view of this very basic consideration, above all others, that we would here at the outset distinguish ourselves from those who see in Rousseau's writings on civic education evidence that he is a proponent of totalitarianism. If one were to insist on this view, one would be compelled to concede at the very least that Rousseau does not start from totalitarian premises.

citizens who, as such, live in accord with the general will. Even if we are not ultimately convinced by these arguments, it is unlikely that we will reject two fundamental thoughts that underlie them, i.e., that the legitimacy of authority depends somehow upon its promotion of the common good and that the achievement of legitimacy in practice depends, at least in part, upon educating citizens who have some share in authority to seek the common good.

This is to say that there is always an argument to be made, among liberal democrats, for studying Rousseau's writings on citizenship and civic education. However, we would also submit that this argument can be made with particular force today. For we, in the liberal-democratic West, have lately come to find ourselves in something of a Rousseauian moment. Not long ago, at the end of the Cold War, when liberal democracy seemed to many to have achieved a final triumph over all alternative regimes,¹¹ the vitality of Rousseau's challenge was far from obvious. For, at that moment, events seemed to be giving the lie to Rousseau's critique of liberal democracy. At the very least, the liberal-democratic way of life appeared to be far more satisfactory and sustainable than that critique suggested it could be. In the eyes of many at the time, the best case for Rousseau's relevance that could be made was that he might alert us to certain imperfections of liberal democracy—imperfections, however, that he exaggerated, and that could either be corrected or tolerated without departing much from the spirit or substance of liberal democracy. Events in the intervening three decades have made Rousseau seem rather more reasonable, however. For those imperfections have proved to be at once harder to correct and harder to tolerate, so much so that it has become trite to point out that the hopes for liberal democracy at the end of the Cold War were overly sanguine. That such observations are now commonplace suggests that it may be time to give Rousseau another hearing.

¹¹ For the most sophisticated articulation of this view, see Fukuyama, *End of History*.

Many of the doubts about the desirability and sustainability of contemporary liberal democracy relate to citizenship. As liberal-democratic citizens, we aspire to be self-governing members of free communities, who work together—albeit not uncontentiously—for the common good on the basis of shared political principles of freedom and equality as well as, though to a lesser extent, shared customs and culture. Yet our experience of citizenship increasingly seems to fall short of this aspiration. Various explanations from each and every point on the political spectrum have been advanced. As political power has come to be ever more concentrated at national and supra-national levels of government and exercised at the discretion of democratically unaccountable administrators, citizens have less and less say in how they are governed. Structural economic changes such as globalization and automation have displaced many in the middle and lower classes. And the failure of government to improve their lot has diminished their confidence in its representativeness and public-spiritedness. Meanwhile, the upper and upper-middle classes, which occupy the commanding heights of the economy and culture, enjoy ever greater prosperity and lead lives that are ever more alien to those of the middle and lower classes. This socioeconomic inequality makes formal political equality seem less and less substantive. And it conspires with other forces of division—ideological polarization, media fragmentation, geographic sorting, massive immigration, multiculturalism and identity politics—to alienate us from one another and deprive us of the consensus upon which we might engage in public life. These explanations are hardly exhaustive. And one can debate their accuracy and power. But one cannot debate that there is widespread disillusionment with citizenship across the liberal-democratic West. Witness the growing strength of populism that has resulted from this disillusionment.

No matter how one greets this development, one could do worse than to turn to the writings of Rousseau. For in them, one gains insight into many of the pathologies that currently afflict us. And gaining such insight is the first step toward coping with, if not curing, these

pathologies. We might consider some of the cures and coping mechanisms that Rousseau proposes worse than the diseases themselves. Yet they might suggest ways of at least mitigating some of our regime's characteristic defects. One of those defects, which we might find ways of mitigating, or at least come to think about more clearly, by examining Rousseau's writings on civic education, is liberal democracy's characteristic overreliance on rational self-interest as a motive for citizenship and corresponding inattention to the cultivation of civic virtue. While one would be mistaken to suppose that there are not resources for reflection on this defect within the liberal-democratic or American traditions, one can safely say that Rousseau treats the cultivation of civic virtue through education as a matter of greater political concern than most in our traditions. Hence, in this moment in which we feel ourselves suffering from our inattention to this matter, Rousseau should be of particular interest to us.

In view of history since the French Revolution, prudence dictates a certain wariness, at least provisionally, of calls to remedy defects of liberal democracy by turning to its late modern critics. For, despite the undeniable power of many of these critics' arguments, their influence on political practice—advertent and inadvertent—has, to put it mildly, left much to be desired. Here, we would submit in defense of Rousseau, by contrast with some of his successors, that his thought does partake of a certain moderation, albeit one that is not always obvious or perhaps sufficient. Rousseau's very intransigence in seeking to understand the human problem prevents him from endorsing any solution to that problem without reservation. Recognizing that Rousseau himself is acutely aware of the limits of citizenship,¹²

¹² To the extent that our study is informed by a recognition of this, it will differ in the decisive sense from others that emphasize the limits of Rousseauian citizenship, e.g., Johnston's *Encountering Tragedy* and Trachtenberg's *Making Citizens*. According to the former, "the tragic dimension in politics" is "concealed" from Rousseau and is obscured by "Rousseauian theory." We favor the alternative view that Johnston is inclined to reject, i.e., "[g]iven the depth and profundity of [Rousseau's] thought...his texts evince awareness of the tragic dimension in politics while assuming that most readers are ill prepared to receive this message directly" (7). See Strauss, *Natural Right and History*, 255.

even as he conceives it, should prevent us, his readers, from recklessly giving up what we have for what he proposes, if we somehow came to think that that were possible.

In addition to helping us to reflect more intelligently on our present political crisis, examining Rousseau's writings on civic education will give us occasion to treat some important questions about his thought that have arisen among scholars. In these writings, we come to the nexus of the two major sides of Rousseau's political theory, the relation of which has long been a source of perplexity and controversy: the modern voluntarism or contractarianism that underlies his principles of political right, including his definition of citizenship, and the classical republicanism that suffuses his maxims of politics, including those that bear on civic education. Leo Strauss identifies the "tension" between the former—Rousseau's "return to the state of nature"—and the latter—his "return to the city"—as "the substance of Rousseau's thought."¹³ Maurizio Viroli explains the relation thus:

If the tradition of natural-law theory seems to [Rousseau] to offer the most satisfying solution to the problem of the rational *justification* of legitimate government, the republican tradition, with its insistence on the civic virtues and the need to exercise control over the emotions, provides him with most of his ideas concerning the *preservation* of the just political order.¹⁴

That Rousseau should in certain places read like Hobbes or Locke and in others read like Plato has understandably raised questions among scholars about the fundamental character and ultimate coherence of his political theory. These questions are particularly unavoidable for anyone who takes an interest in Rousseau's conceptions of citizenship and civic education, the former of which is derived from Hobbesian or Lockean premises and the latter of which resonates in important ways with the *Republic* and *Laws* of Plato. To the extent that the scholarly debates about these questions bear on our argument for the relevance of Rousseau's writings on civic education to contemporary liberal-democratic political practice, it is

¹³ *Natural Right and History*, 254.

¹⁴ *Jean-Jacques Rousseau*, 213.

appropriate for us, here at the outset, to distinguish our position from those that would, in our view, effectively cast doubt on our argument for this. We will identify three alternative explanations of the fundamental character of Rousseau's political theory with which our study will, at various points, take issue.

On the first view, as articulated by Patrick Riley, the combination of modern voluntarism or contractarianism and classical republicanism in Rousseau's thought is contradictory.¹⁵ Riley characterizes Rousseau's doctrine of the general will as an "attempted [yet ultimately unsuccessful] amalgam of two extremely important traditions of political thought, which may be designated ancient cohesiveness and modern voluntarism."¹⁶ Riley is correct to note the tension between the latter tradition's requirement that subjection be consensual in order to be legitimate and the means by which Rousseau, following the former tradition, recommends that consent to subjection be elicited. Indeed, we will make much of this in what follows. But Riley fails to recognize that it is, as we will show in Chapter 1, on the basis of Rousseau's modern voluntarist or contractarian premises that he insists that legitimate authority can belong only to a will that is general, i.e., a will that is objectively and essentially directed to the common good, *and therefore* that rule by legitimate authority depends, in practice, upon classical-style civic education that effectively generalizes citizens' wills. The tension that Riley rightly recognizes in Rousseau's writings on citizenship and civic education is not, as he would have it, the avoidable result of independent and contradictory concerns on Rousseau's part,¹⁷ but rather the unavoidable result of Rousseau's radical voluntarism or contractarianism. It is important that Riley's error be corrected lest we think that our liberal-democratic principles do not compel us to confront Rousseau's argument for the necessity of civic education or his subtler indications of the problems posed by this necessity.

¹⁵ See especially "Possible Explanation of Rousseau's General Will."

¹⁶ *Ibid.*, 99.

¹⁷ *Ibid.*, 111.

Whereas Riley assigns roughly equal importance to the modern voluntarist or contractarian and classical republican sides of Rousseau's thought, other scholars seek to resolve the tension by contending that the importance of one side far outweighs that of the other. On one hand, scholars such as David Lay Williams and J.S. Maloy, hold that Rousseau's classical republicanism is not, as we have asserted and will argue in Chapter 1, derivative of modern voluntarism or contractarianism but fundamental to his thought.¹⁸ While, if Rousseau were the fundamentally Platonic philosopher that such scholars characterize him as being, we would be no less mistaken to dismiss him than we would be to dismiss Plato. But, then, his writings on citizenship and civic education would not pose the dialectical challenge to us that we described above. It could not, then, be maintained that our specifically *liberal-democratic* premises compel us to consider those writings.

On the other hand, scholars such as Joshua Cohen, whose Rousseau resembles Immanuel Kant more closely than ours will, tend excessively to diminish the importance of classical-style civic education in their characterizations of Rousseauian citizenship.¹⁹ In a somewhat similar spirit to the scholars who, as we noted above, see a moderate theorist of civic education underneath the praise of Spartan denaturing and civic unity, Cohen is too quick to chalk this praise up to exaggerating and rhapsodizing.²⁰ Then, he gives an account of the conditions under which Rousseau's principles of political right might be realized—an account that emphasizes institutional arrangements, social conditions, and elements of moral education that belong more to the private education of the *Emile* than to civic education—that seems to imply that classical-style civic education is not indispensable to Rousseauian citizenship. Thus, his approach, too, keeps us from taking seriously enough Rousseau's argument for the necessity of civic education and his indications of the problems posed by this necessity.

¹⁸ Williams, *Rousseau's Platonic Enlightenment*, esp. Chap. 4; Maloy, "Very Order of Things."

¹⁹ Cohen, *Rousseau*.

²⁰ *Ibid.*, 35-36.

Our alternative account of the relation of the sides of Rousseau's political theory is to be recommended—we hope—not only for more sympathetically and accurately representing Rousseau's thought but also for enabling us to gain more than we otherwise might from confronting the critical, yet, in a way, friendly, challenge that it poses to us as liberal democrats. That account consists of four chapters. In the first, we will elaborate Rousseau's theoretical definition of citizenship along with his other principles of political right, showing that they follow from modern voluntarist or contractarian premises, and then explain that the practical realization of citizenship, as Rousseau defines it, requires that human beings undergo a denaturing, psychically transformative civic education at the hands of extraordinary legislators. In the second, we will give an account of some of the key psychological elements of civic education that emerge by accident of history prior to the establishment of law and identify some of the key preconditions for civic education. In the third, we will discuss the preliminary stage of civic education, wherein the legislator persuades future citizens to submit to and thus effectively to enact his laws by way of an ingenious but disingenuous appeal to divine authority. Then, in the fourth, we will discuss civic education proper, wherein citizens are educated to virtue by being educated to patriotism. Finally, we will conclude by returning to the question of what we have to learn from Rousseau's writings on citizenship and civic education.

Chapter 1: Citizenship and the Necessity of Civic Education

What is citizenship, according to Rousseau? The most obvious place to turn for the answer to this question is Book I Chapter VI of the *Social Contract*, the principal chapter of Rousseau's principal work of political theory. Here, in the course of elaborating the terms of the social contract—the convention that would render human subjection both legitimate and effective—Rousseau defines the citizen as a participant in sovereign authority, the supreme ruling body in a legitimately constituted political community. In participating in sovereign authority, citizens collectively legislate according to the general will, i.e., the will of every citizen, as part of the political community, to the good of the political community as a whole. Participation in sovereign authority is one of the two essential aspects of membership in a legitimately constituted political community, or, of citizenship. The other is subjection to the laws that are promulgated by sovereign authority. Citizens, then, are self-legislators. Subject only to laws of their making, which is to say, only to their general will, citizens are free. The aim of this chapter is to explain how this definition is derived, what it means, and why it depends for its practical realization upon civic education.

I. PREMISES OF POLITICAL RIGHT

Before further elaborating on this definition, let us explain how Rousseau derives it, along with his other principles of political right. The *Social Contract* is famous for its opening *cri de cœur*, with which Rousseau succinctly identifies the basic human problem: “Man was/is born free, and everywhere he is in chains.”²¹ Rousseau's intention in the *Social Contract* is to “resolve [the] question” of “[w]hat can render [this change] legitimate” (*SC* 1.1 / *ÆC* 3: 351

²¹ The tense of the first clause is ambiguous in the original French: “*L'homme est né libre.*” Following Masters and Kelly, we preserve the ambiguity by translating “*est?*” “was/is” on the grounds that each tense reflects an aspect of this important thesis. Man is born free in the sense that, at birth, human beings have no obligations of obedience. Man was born free in the sense that, originally, the human species was not beset by social dependence. For a discussion of the implications of this ambiguity, see Masters and Kelly's introduction to their translation of the *Social Contract* (*CW* 4: xiii-xv).

/ *CW* 4: 131). Viewed in this light, citizenship is, in a word, human subjection rendered legitimate. Its definition follows deductively from Rousseau's determination of what can render the subjection of originally free human beings legitimate. This means that the ultimate grounds of Rousseau's definition of citizenship, and, for that matter, all his principles of political right, are made up of his definition of legitimacy and his conception of human nature. If one defines legitimacy and conceives of human nature as Rousseau does, then one will be compelled, as if by mathematical necessity, to define citizenship as he does. Our immediate task is to explain how the definition of citizenship that we articulated above follows from these premises.

Both the definition of legitimacy and the conception of human nature that underlie Rousseau's principles of political right are treated as axiomatic premises in the *Social Contract*. Neither is demonstrated. The former premise is definitional. Legitimate subjection is *ipso facto* a state of subjection in which the subject is obligated to obey his master by right and thus not merely compelled to do so by force. While Rousseau does not state this explicitly, it is clearly implied by his refutations of the notion that might makes right—according to which the mere fact of subjection serves to legitimate subjection—in Book I Chapters I and III. Hence, in determining what can render human subjection legitimate, Rousseau is determining what can obligate human beings to obedience.

The answer to this question is determined by the kind of being that human beings are by nature, namely, free beings. This premise is barely explained, let alone demonstrated, in the *Social Contract*. For its explanation and demonstration, one must turn to the *Second Discourse*. Rousseau's procedure in Book I Chapter II of the *Social Contract* is to defend it negatively, by process of elimination. In a fashion more polemical than theoretically rigorous, Rousseau quickly refutes, or at least seems quickly to refute, variants of the opinion that human beings are born not free but enduringly subject to some kind of human authority. In doing this, he,

as Cohen observes, appeals to multiple conceptions of freedom.²² In Book I Chapter II, man is presented as being naturally free to undertake whatever means he judges to be necessary to fulfill his natural duty to preserve himself (*SC* 1.2 / *ÆC* 3: 352 / *CW* 4: 132). The notion that freedom is thus an indispensable instrument of self-preservation reappears in Book I Chapter IV along with the rather different notion that man's freedom consists in the freedom of his will, which renders him a moral being (*SC* 1.4 / *ÆC* 3: 355-56 / *CW* 4: 134-35). The upshot of these refutations and of the premise that human beings are naturally free—however their freedom is understood—is that the only basis for legitimate subjection among human beings is their own will. They can be legitimately subject only to that authority to which they voluntarily subject themselves.²³

The answer to the question of what can render human subjection legitimate, then, is a convention by which human beings would voluntarily subject themselves to some authority. Rousseau reasons, “[s]ince no man has any natural authority over his fellow man [*semblable*], and since force produces no right, conventions therefore remain as the basis of all legitimate authority among men” (*SC* 1.4 / *ÆC* 3: 355 / *CW* 4: 134). Now, Rousseau is at pains to deny, over and against Thomas Hobbes,²⁴ that the subjection of human beings to the private will of another, i.e., the will of another to his own good, or to the corporate will of others, i.e., the wills of the members of a group to their common good, in the form of slavery or of despotism is or can ever be legitimate.²⁵ He musters an array of different arguments to this end in Book I Chapter IV, one of which is that human beings would not voluntarily subject themselves to

²² *Rousseau*, 29-32.

²³ O'Hagan perceptively notes that the procedure by which Rousseau arrives at this conclusion presumes without argument that the human will *can* generate obligations and that the human will is the *only* conceivable alternative to nature and force that can do this (*Rousseau*, 95-96). On the status of divine will as such an alternative, consider Meier's provocative interpretation (“Right of Politics,” 121-20).

²⁴ For an illuminating discussion of Rousseau's relation to Hobbes, which bears on the issues that we discuss in what follows *inter alia*, see Strauss, *Natural Right and History*, 266-94. We follow Strauss in taking Rousseau to be a critic of Hobbes on the basis of Hobbes's own premises.

²⁵ See Hobbes, *Leviathan*, Chap. XVII.

such wills (*SC* 1.4 / *ÆC* 3: 356 / *CW* 4: 134). In order to overcome the obvious, all too obvious, difficulty that human beings do, in fact, do this, Rousseau attaches a qualification to his argument, which proves decisive for his principles of political right. Legitimate subjection is only that subjection that could conceivably elicit the consent of human beings who remain as they are by nature, i.e., free and concerned to preserve their freedom.

For Rousseau, the fact that some human beings *consent* to their subjection to the private or corporate wills of others has no more bearing on the question of the legitimacy of that subjection than the fact that they *are* in a state of such subjection.²⁶ For, according to Rousseau, no human being would consent to such subjection who has not already been subjected to another or others, which means that the first cause of such subjection can only be the non-legitimizing force or deceit of the master and not the legitimizing consent of the subject. It is at this point in the argument of the *Social Contract* that Rousseau's divergence from Hobbes's conception of human nature leads to his divergence from Hobbes's conception of legitimate subjection. Failing to recognize man's malleability and therefore his susceptibility to transformation in history, Hobbes fails to recognize that the behavior of human beings in modern society, or even in society as such, is irrelevant to the determination of political right.²⁷ This theoretical failure means that, despite the massive improvement on classical political theory that Hobbes achieves—from Rousseau's point of view—in recognizing that man is by nature free and therefore legitimately subject only by his consent,²⁸ Hobbes fails to improve upon classical political practice. While Hobbes recognizes the falsity of Aristotle's doctrine that slavery is legitimate because some men are slaves by nature,²⁹ he fails to recognize the falsity of all arguments for the legitimacy of slavery. Hobbes, no less than Aristotle, fails to

²⁶ Dent also emphasizes this, though, in our view, to such a degree that he understates of the importance of freedom, or independence, in Rousseau's thought (*Rousseau*, 176-77, 205-206).

²⁷ See *SD* / *ÆC* 3: 122-23, 125-26, 132, 154-55, 218nXII / *CW* 3: 12-13, 14-15, 18-19, 35-36, 90n10.

²⁸ See Hobbes, *Leviathan*, Chaps. XIII, XVII.

²⁹ See Aristotle, *Politics*, Book I Chaps. IV-VI.

appreciate the significance of the fact that “[e]very man born in slavery is born for slavery” because they lose “everything in their chains, even the desire to get out of them” (*SC* 1.2 / *ÆC* 3: 353 / *CW* 4: 133).³⁰ Because Hobbes and Aristotle fail to appreciate this, they both are led to conclude, albeit on different grounds, that slavery is not, in principle, illegitimate.³¹

Why, then, would human beings who remain as they are by nature never voluntarily subject themselves to the private or corporate wills of others? The answer, which Rousseau gives in the most politically important passage of the *Second Discourse*, is that such dependence is incompatible with the fulfillment of man’s deepest natural need: self-preservation. He writes:

It would [not be] reasonable to believe that Peoples at first threw themselves into the arms of an absolute Master without conditions and without recourse, and that the first means of providing for their common security that proud and untamed men might have imagined was to leap into slavery. Why, indeed, did they give themselves superiors if not to defend themselves against oppression, and to protect their goods, their freedoms and their lives, which are, so to speak, the constituent elements of their being? Now, in relations between men, the worst that can happen to one is to see himself at the discretion of the other. Was it not contrary to good sense to begin by divesting into the hands of a Leader [*Chef*] the very things for the preservation of which they needed his help? (*SD* / *ÆC* 3: 180-81 / *CW* 3: 56)³²

Here, in a way that is distinct from but closely related to the one indicated above, we see Rousseau correcting Hobbes on the basis of one Hobbes’s own premises. *Pro* Hobbes, it is for the sake of self-preservation that human beings consent to subjection.³³ *Contra* Hobbes, the need of self-preservation would prevent them from subjecting themselves absolutely to the will of another.³⁴ Hobbes recognizes that self-preservation is our deepest natural need, but fails to recognize what it entails, or how it is experienced. He fails to recognize, specifically,

³⁰ The importance that Rousseau attaches to his disagreement with Aristotle on this score is signaled by the epigraph to the *Second Discourse* (*SD* / *ÆC* 3: 109 / *CW* 3: 1).

³¹ This explains Rousseau’s otherwise perplexing treatment of Hobbes as an opponent of the thesis that human beings are naturally free and therefore legitimately subject only to that authority to which they have consented in Book I Chapter I of the *Social Contract*.

³² See, in this same vein, Rousseau’s description of the old Swiss (*CC* / *ÆC* 3: 914-15 / *CW* 11: 134-35).

³³ *Leviathan*, XVII.1.

³⁴ *Ibid.*, XVII.13.

that freedom is indispensable to self-preservation. Note, however, that Rousseau's criticism of Hobbes is more radical than John Locke's.³⁵ Freedom is indispensable to self-preservation not only because it is an indispensable means to the avoidance of death but also and more fundamentally because it is constitutive of the very self, or existence, that man is at pains to preserve. As one of the "constituent elements" of man's being, freedom is not merely a means to but essential to the end of self-preservation.

This inextricable connection between freedom and self-preservation reflects the transformation undergone by the latter concept in Rousseau's thought. The avoidance of death is not the ultimate end of self-preservation. Man avoids death so that he might exist and sense his existence.³⁶ One might say that the meaning of self-preservation in Rousseau's thought is indicated more literally by the term "self-preservation" than it is in Hobbes's or Locke's. When one recognizes this, one can see why freedom is essential to self-preservation for Rousseau in a way that it is not for Hobbes or Locke. One cannot be oneself and, thus, one's self cannot be preserved, if one is not free. This thought is well expressed by Emile's tutor's observation that the slave "cease[s] to exist before his death" (*E* 5 / *ÆC* 4: 839 / *CW* 13: 651). The slave's loss of freedom is problematic not merely because, as Locke would point out, it makes him vulnerable to death at the hands of his master but also because, in preventing him from doing as he wills, it prevents him from being himself. To risk one's life in seeking to avoid slavery is therefore to seek preserve oneself. Hence, the examples of savages and animals' risking their lives to avoid subjection that Rousseau produces following the passage from the *Second Discourse* quoted above do not contradict but clarify his claim that self-preservation is man's deepest natural need (*SD* / *ÆC* 3: 181-82 / *CW* 3: 57).³⁷

³⁵ See, for example, *Second Treatise*, 3.17, 4.23.

³⁶ See VF 21 / *ÆC* 2: 1324-25 / *CW* 12: 279.

³⁷ Our account here follows Melzer's illuminating account of Rousseau's distinctive conception of self-preservation (*Natural Goodness of Man*, 35-46) as well as some suggestions of Strauss's (*Natural Right and History*, 278, 292).

To say that the character of legitimate subjection can be determined only from the point of view of human beings who have not already been subjected illegitimately by force or deceit is to say that it must be determined from the point of human beings concerned principally, if not exclusively, with preserving their lives, goods, and freedom as the constituent elements of their beings. For that was, according to the *Second Discourse*, the principal, if not exclusive, concern of human beings prior to their being illegitimately subjected to one another's wills. Accordingly, the terms of the convention by which human subjection might be rendered legitimate are, as we will now explain, dictated by this concern.³⁸

II. THE SOCIAL CONTRACT AND THE SOVEREIGNTY OF THE GENERAL WILL

Rousseau begins his analysis of the convention by which human subjection might be rendered legitimate in Book I Chapter VI with a hypothesis: “I *suppose* that men have reached that point at which the obstacles that are detrimental to their preservation in the state of nature prevail by their resistance over the forces that each individual can employ to maintain himself in this state” (emphasis added) (*SC* 1.6 / *ÆC* 3: 360 / *CW* 4: 138). We recognize, based on the argument of the last section, that, although this condition is not dissimilar to the one identified as the historical cause of civil society in the *Second Discourse*,³⁹ it is Rousseau's conception not of the conditions under which civil society did arise but of the conditions under which a legitimate civil society might arise that leads him to begin in this way. The only condition under which human beings, taken as they are by nature, would conceivably consent to quitting the state of nature for the civil state is the one that Rousseau hypothesizes here.

Given the unnatural insufficiency of their respective “forces,” men are compelled by their natural need of self-preservation “to form by aggregation a sum of forces which can

³⁸ For a concise yet subtle account of the thinking underlying Rousseau's analysis of the social contract, which is consistent with our foregoing account, see Masters, *Political Philosophy of Rousseau*, 285.

³⁹ *SD* / *ÆC* 3: 175-78 / *CW* 3: 52-54.

prevail over the resistance, to put them into play through a single motive and to make them act in concert.” While the need of self-preservation compels each man to “commit” his “force” and “freedom” in uniting with his fellows, it also precludes each man from alienating them to any other man. For they are “the first instruments of his preservation.” The “fundamental problem,” then, is “[t]o find a form of association that defends and protects the person and goods of each associate with all the common force and yet by which each, uniting with all, obeys only himself and remains as free as before” (*SC* 1.6 / *ÆC* 3: 360 / *CW* 4: 138). This problem is fundamental not only in the obvious sense that it concerns the fulfillment of man’s most fundamental natural need but also in the sense that, as the last section shows, it is tantamount to the problem of legitimating human subjection, that is, to the fundamental problem of the *Social Contract*.

Rousseau’s characterization of the problem follows from the critique of slavery and despotism in the *Second Discourse* that we elaborated above. Note, though, that, in characterizing freedom as an indispensable instrument to preservation *à la* Locke, he does not appeal to the distinctive, and more radical, conception of the inalienability of freedom that we attributed to him on the basis of that critique. The persons, goods, and freedom that are to be protected by this form of association are the equivalents of “the constituent elements of [man’s] being” identified in the *Second Discourse*, but they are not characterized in this way here. This is true also of the preceding characterization of the relation of freedom to the need of self-preservation in Book I Chapter II: “freedom” is “a consequence of the nature of man,” specifically, of his natural duty to seek his preservation by whatever means he judges to be appropriate to that end (*SC* 1.2 / *ÆC* 3: 352 / *CW* 4: 132). We would submit that, in reasoning on the basis of this conception of freedom and its relation to self-preservation, Rousseau is reasoning dialectically for the rhetorical purpose of showing that his principles of political right

follow from Hobbesian and Lockean premises, properly understood.⁴⁰ Although those principles can also be established on the basis of Rousseau's alternative conception of freedom as constitutive of the self, one need not accept that conception in order to recognize that they are the only sound principles of political right. Additional evidence of such dialectical reasoning can be found in Book I Chapter IV, where, as we noted above, Rousseau appeals to yet another conception of freedom—freedom of the will, or moral freedom—in order to demonstrate from yet another point of view that freedom cannot be legitimately alienated, even by consent (*SC* 1.4 / *ÆC* 3: 356 / *CW* 4: 135).⁴¹ In all this, Rousseau's purpose is to overwhelm his readers with the impression that, from *every* point of view, freedom is inalienable.⁴²

The “solution” to the fundamental problem, in both of the senses indicated above, is a “social contract” in which each party resolves to put “*his person and all his power in common under the supreme direction of the general will*” and to receive “*in a body each member as an indivisible part of the whole.*” What is the general will? And how does the parties' submission of their persons and power to its supreme direction solve the fundamental problem? Let us approach the first question by considering the effect that Rousseau attributes to the parties' agreement to the social contract: “Instantly, in place of the private person of each contracting party, this act of

⁴⁰ Here, we would offer a qualification to Masters's claim that, in Book I Chapter VI, Rousseau finally “begins to discuss the problem [of the rightful origin of civil society] on his own premises” (*Political Philosophy of Rousseau*, 314). The claim is correct to the extent that Rousseau does agree with Locke that freedom is an indispensable means to the avoidance of death; hence, he is not discussing the problem on premises that he rejects. But he is discussing the problem on premises that do not fully capture his conception of freedom and its relation to the need of self-preservation. See, in this connection, Melzer's argument that, while Rousseau's political theorizing in the *Social Contract* is ultimately guided by a concern that extends beyond self-preservation, conceived in Hobbesian or Lockean terms, to happiness, that concern can, given Rousseau's conception of happiness and its requirements, be met by a political order that is oriented around self-preservation (*Natural Goodness of Man*, 115-18). Our examination of civic education in Chapter 4 will indicate some of the important ways that such a political order does this.

⁴¹ A similar argument is also made in the *Second Discourse* almost immediately following the passage that we discussed above (*SD* / *ÆC* 3: 182-84 / *CW* 3: 58-59).

⁴² Thus, we would suggest that Rousseau's treatment of freedom in the opening chapters of the *Social Contract* ought to be understood more rhetorically than it is by Cohen, who, as we noted above, also recognizes that Rousseau appeals to differing conceptions of freedom in these chapters (*Rousseau*, 29-32).

association produces a moral and collective body composed of as many members as the assembly has voices, which receives from the same act its unity, its common self, its life and its will” (*SC* 1.6 / *ÆC* 3: 360-61 / *CW* 4: 138-39). The general will is the will that this moral and collective body receives from the parties’ agreement to the social contract. In order to understand what the general will is, then, we need to understand what this moral and collective body is.⁴³

First, though, we would do well to identify two related premises that are crucial in informing Rousseau’s conception of the general will, to which he appeals at different points in the course of elaborating the principles that follow from the social contract. The more fundamental of these premises, which comes from “the law of reason,” is that “nothing is done without cause.” The other premise is implicit in the conclusion that Rousseau draws from this one, i.e., that the moral and collective body cannot “will” that its members be subject to “any chain that is useless to the community,” which is to say, to itself (*SC* 2.4 / *ÆC* 3: 373 / *CW* 4: 149). He makes this premise explicit elsewhere, in the assertion that “it is not possible for any will to consent to anything contrary to the good of the being that wills” (*SC* 2.1 / *ÆC* 3: 369 / *CW* 4: 145). Inasmuch as willing is an action, it is the effect of some cause. And the cause of which it is the effect is the love of one’s good that moves all beings. Hence, what the general will, as the will of the moral and collective body generated by the social contract, wills is the good of that moral and collective body.

Because this body is only a composite of other bodies, it has no good other than the good that its components have in common. Its good, and therefore the object of the general will, is, in a word, “the common good.” More specifically, it is the object of the common interest that drives private individuals to agree to the social contract, namely, the preservation

⁴³ While we limit ourselves to Rousseau’s particular conception of the general will, we note that the term “general will” is not peculiar to Rousseau’s thought. On the intellectual origins and history of this concept, see Riley, *The General Will before Rousseau*.

of their lives, goods, and freedom (*SC* 2.1 / *ÆC* 3: 368 / *CW* 4: 145).⁴⁴ In addition to being the object of the general will, this common good is the cause of “the social bond” and therewith of the unity that Rousseau attributes to the moral and collective body (*SC* 2.1 / *ÆC* 3: 368 / *CW* 4: 145). It is what brings and keeps individuals together as members of that body. And, inasmuch as the identity and life that Rousseau attributes to that body depend upon its unity, they, too, are the effects of the common good. Thus, the common good that consists in the preservation of the lives, goods, and freedom of all the contracting parties is the cause of all the essential attributes of the moral and collective body generated by the social contract.⁴⁵

Rousseau characterizes the will that he attributes to this moral and collective body as “general” in two ways. “[I]ts object” and “its essence” are “general” in relation to the members of the moral and collective body (*SC* 2.4 / *ÆC* 3: 373 / *CW* 4: 149). Its object is general inasmuch as it concerns all the members of the body taken together as a whole and is directed to the good that they have in common. Its essence is general in the sense that it exists in each member as the will of a part of a whole, i.e., the moral and collective body. Thus, it differs essentially from private wills, which exist in individuals as the wills of wholes concerning, and directed to the respective goods of, themselves as individuals. One can say that the general will is general in its object because it is general in its essence. As the will of parts of a whole,

⁴⁴ Cohen argues that, strictly speaking, the common good consists only in the contracting parties’ lives and goods and not their freedom. For freedom is not so much the object as the byproduct of the general will. This is reflected in Rousseau’s formulation of the fundamental problem as the necessity of finding “a form of association that defends and protects the *person* and *goods* of each associate with all the common force and yet by which each, uniting with all, obeys only himself and remains as free as before” (emphasis added) and in his subsequent identification of “the end of the political association” as “the preservation and the prosperity of its members” (*SC* 1.6, 3.9 / *ÆC* 3: 360, 419-20 / *CW* 4: 138, 185). The associates will remain as free as they were before if or insofar as the association defends and protects their persons and goods. Yet this way of thinking about the common good obscures the importance of freedom in citizens’ understanding of the good that they attain through civic life. See Cohen, *Rousseau*, 40-53.

⁴⁵ Lest we forget that the existence of this common good is not natural but historically contingent, Rousseau briefly turns from his analysis of right to observe that, in fact, this common good emerges only as a consequence of the “opposition of private interests” that caused the state of war that preceded the establishment of civil society. Hence, it is, as Melzer helpfully explains, merely “*negative*” and “*reflexive*” (“Rousseau, Nationalism, and the Politics of Sympathetic Identification,” 114-16).

the general will necessarily concerns, and is directed to the good of, the whole to which those parts belong. Hence, Rousseau's claim that "the general will is always right [*droite*] and tends always toward the public utility" is nothing more than the statement of a definition (*SC* 2.3 / *ÆC* 3: 371 / *CW* 4: 147). Inasmuch as every being necessarily wills its good, every partial being wills the good of the whole to which it belongs, which in the case of the moral and collective body generated by the social contract, consists of the preservation of the lives, goods, and freedom of all.

We can gain additional insight into the general will by reconsidering its genesis through the social contract. Above, we saw that the general will, along with the moral and collective body to which it belongs, comes into being at the very instant that the social contract is agreed to. Partly for this reason, it is tempting to conflate the contracting parties' wills to enter the social contract with the general will. But to do this would be to obscure the crucial transformation that their wills undergo as an effect of their willing the social contract. The hypothetical parties to the social contract have wills to the preservation of their individual lives, goods, and freedom. Once they recognize that the only available means to their individual ends is to subject themselves to the general will, they will their entrance into the social contract and, by extension, their subjection to the general will. Although they have a common object, their wills to these things are private inasmuch as they concern themselves as distinct, individual wholes. To put the point less abstractly, each wills the social contract and his subjection to the general will for the sake of *his* life, goods, and freedom. In doing so, none is willing the preservation of the lives, goods, and freedom of *all*. Yet, inasmuch as willing an end is tantamount to willing the means to that end,⁴⁶ willing one's subjection to the general will is, in a sense, to will the existence of the general will. Upon agreeing to the social contract, then, the parties necessarily begin to will the preservation of the lives, goods, and freedom of

⁴⁶ *SC* 2.5 / *ÆC* 3: 376 / *CW* 4: 151.

all on some level. Thus, the general will is immediately generated in every party by agreement, formal or informal, explicit or implicit, to the social contract. And, as long as the parties continue to recognize that the preservation of their individual lives, goods, and freedom depends upon their subjection to the general will and, consequently, continue to will the social contract, the general will will continue to exist. Hence, the general will is, as Rousseau claims, “indestructible,” at least as long as civil society persists (*SC* 4.1 / *ÆC* 3: 437-38 / *CW* 4: 198-99).⁴⁷

Much of the complexity of the general will comes from the complexity of its relation to private wills, which we have only begun to clarify. We have seen that the general will is derivative of private wills in the sense that it arises out of individuals’ wills to preserve their individual lives, goods, and freedom. Yet it differs from private wills in its essence and its object. It must do so. It must concern, and be directed to the good of, the parties to the social contract as a whole, to them *all*. For, if it did not concern this, if it were not so directed, the contracting parties would be unwilling to subject themselves to it. We would put the thought this way: The will to enter the social contract is a private will to will generally and, thus, not to will privately. Now, as we will discuss below, this private will to will generally has the effect of generating the general will but not of destroying the private will. Once generated, the general will exists alongside the private will in the psyches of the contracting parties. The persistence of private wills, of wills that differ from the general will in their essence and therefore can differ from the general will in their objects, represents the great obstacle to the *rule* of the general will even as it paradoxically guarantees the *existence* of the general will. Lest we get

⁴⁷ Rousseau does not explicitly qualify his claim in this way in Book IV Chapter I. But it is implicit in his indication in the immediately preceding chapter that the social contract can be “revoke[d]” (*SC* 3.18 / *ÆC* 3: 436 / *CW* 4: 197).

ahead of ourselves, we leave this important point for subsequent elaboration and clarification.⁴⁸

Now that we understand the object, essence, and origin of the general will, we turn to Rousseau's definition of the "citizen." The moral and collective body, or "public person," generated by the social contract, to which the general will belongs, and which "in the past took the name of *City*, and now takes that of *Republic* or of *political body*," is both "active" and "passive." When it is active, i.e., when it wills the preservation of the lives, goods, and freedom of all its parts, along with the means necessary to that end, it is called "*Sovereign*"; when it is passive, i.e., when it receives the obedience of its parts to this will, it is called "*State*." The term "*Citizens*" refers to the members of the public person "as participants in sovereign authority"; the term "*Subjects*" refers to them "as subject to the laws of the State" (*SC* 1.6 / *ÆC* 3: 361-62 / *CW* 4: 139). Thus, as a principle of political right, citizenship consists in willing generally, i.e., in willing the good of the whole to which one belongs as a part, or, more specifically, in willing the common preservation of the lives, goods, and freedom of oneself and one's fellows. While, for reasons indicated above, citizenship may in practice be dependent upon a private will—to the subjection of oneself to the general will for the preservation of one's *own* life, goods, and freedom—the will of the man who is a citizen is, in his capacity as citizen, the general will. For, given the definition of sovereignty, to participate in sovereign authority, i.e., to be a citizen, is necessarily to will generally and not privately.

Rousseau's definition of the subject anticipates the important, final part of his elaboration of principles of political right in Books I and II of the *Social Contract*: The general will is promulgated and, thus effectively becomes binding on subjects, in the form of law. In practice, then, participation in sovereign authority, or citizenship, entails legislating with one's

⁴⁸ For a clear and illuminating account of the exact sense in which the general will exists without thereby necessarily directing political power in practice, see Melzer, *Natural Goodness of Man*, 160-65, 168.

fellow citizens according to the general will. In Book II Chapter VI, Rousseau makes clear that the activity of sovereignty consists in legislation because law is nothing other than an act of the general will. He writes:

when the whole people rules [*statue*] over the whole people, it considers only itself, and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view without any division of the whole. Then the matter on which it rules is general like the will that rules. It is this act that I call a law. (*SC* 2.6 / *ÆC* 3: 379 / *CW* 4: 153)

Rousseau's definition of law is thus essentially a restatement of his definition of the general will. Laws are simply the determinations of a will that is general in its object and essence. The legislator, properly understood as a principle of political right, is therefore identical to the citizens.⁴⁹

Given this, the locus of citizenship is the legislative assembly. Rousseau alludes to this in Book I Chapter VI when he characterizes the members of the public person as "voices" in "the assembly" and when he evokes classical republicanism by identifying "*City*" as the name that was used "in the past" for the public person (*SC* 1.6 / *ÆC* 3: 361 / *CW* 4: 138, 139). He is emphatic that *contra* previous social contract theorists such as Hobbes and Locke, legislative authority, or sovereignty, cannot be alienated from the citizens themselves to a representative or representatives. It is to the general will that the parties to the social contract subject themselves. For it is only this will that is general in its essence that can be relied upon *always* to be directed to the common good for the sake of which the parties agreed to the social contract (*SC* 2.1 / *ÆC* 3: 370-69 / *CW* 4: 145). A social contract in which the parties agreed to subject themselves to any will other than the general will would fail to solve "the fundamental problem," to elicit the consent of human beings, taken as they are by nature, and to legitimate human subjection. In this light, the inextricable connection between Rousseau's

⁴⁹ This means that, for as much as Rousseau departs from the Thomistic natural-law tradition, Rousseau's definition of law, like Thomas', is normative (Gildin, *Rousseau's "Social Contract"*, 3).

insistence on the general will's generality, or its directedness to the common good, and his voluntarism or contractarianism is, *contra* Riley, clearly evident.⁵⁰

It is important to recognize that Rousseau's insistence that citizens cannot alienate sovereignty does *not* imply that every enactment of a legislative assembly will promote the common good. The enactments of a legislative assembly will do this reliably only to the extent that the members of the assembly vote as citizens, i.e., in accord with the general will. And while, as we argued above, the general will exists in all the members of the legislative assembly, it is not, as we will discuss at greater length below, the only or necessarily the most powerful will that exists in them, or, therefore, the will that guides them in proposing and voting on potential laws. In order for the enactments of a legislative assembly to express the general will and thus be genuine acts of sovereignty—or laws, properly so-called—the members of the assembly must vote as citizens, strictly speaking, that is, they must vote for or against proposed legislation by determining whether “*it is advantageous to the State*” as distinguished from whether “*it is advantageous to this man or to this party*” (*SC* 4.1 / *ÆC* 3: 438 / *CW* 4: 199).⁵¹ Rousseau's citizen is not, then, any voter in a legislative assembly but only that voter who votes in accord with the general will and who thus participates in sovereignty, properly understood.

The strict sense in which Rousseau uses the related terms that are at issue here, i.e., “general will,” “sovereignty,” “law,” and “citizen,” is made clear in his observation that “[t]he Sovereign, by the sole fact that it is, is always all that it must be” (*SC* 1.7 / *ÆC* 3: 363 / *CW* 4: 140). In making this observation, Rousseau, the great opponent of the notion that might makes right, is certainly not suggesting that whatever any so-called sovereign wills is legitimate. Unless one recognizes the strict sense in which he uses terms such as “sovereign” in Book I Chapter VI through Book II Chapter VI of the *Social Contract*, his argument that total

⁵⁰ See Riley, “Possible Explanation of Rousseau's General Will.”

⁵¹ Meier, “Right of Politics,” 127, 130-31; Viroli, *Jean-Jacques Rousseau*, 162.

subjection to the general will, to the sovereign, or to law solves “the fundamental problem” will be unconvincing. When one does recognize this, however, one sees that to be a subject to the laws under the social contract is, indeed, to be subject only to the requirements of the preservation of one’s life, goods, and freedom. For no law, no enactment of citizens participating in sovereignty, no determination of the general will can demand anything other than what is required for the preservation of the lives, goods, and freedom of all.⁵²

Two crucial features of subjection under the social contract that signify its legitimacy follow from this. First, it is in the subject’s interest to fulfill his duties (*SC* 1.7 / *ÆC* 3: 363 / *CW* 4: 140). For the fulfillment of his duties is necessary for the preservation of his life, goods, and freedom. Thus, in keeping with his resolution at the beginning of the *Social Contract*, Rousseau “bring[s] together what right permits with what interest prescribes such that justice and utility are not found to be divided” (*SC* 1 / *ÆC* 3: 351 / *CW* 4: 131).⁵³ Granted, there is a massive difficulty. In practice, the preservation of the lives, goods, and freedom of all sometimes requires that all give up at least some of their goods and that at least some risk, and ultimately give up, their lives. At these times, justice and utility *are* divided. This dissertation can be understood, in large part, as an explanation of Rousseau’s response to this problem. We limit ourselves here, then, to noting the difficulty. Second, in fulfilling his duties, the subject remains free. This is true in two distinct but closely related senses. For, in fulfilling his duties, the subject is following both the general will that dictates those duties, which exists in him, and the private will that moved him to agree to the social contract and subject himself to the general will in the first place. Thus, the parties to the social contract “[remain] as free as [they were] before [they agreed to the social contract]” (*SC* 1.6 / *ÆC* 3: 360 / *CW* 4: 138). Of

⁵² One sees, in this light, that Putterman’s contention that, under Rousseau’s social contract, the majority faction rules over minority factions is mistaken (“Rousseau on Agenda-Setting,” 464).

⁵³ For an account of the doctrine of the social contract that emphasizes Rousseau’s resolution to do this, see Viroli, *Jean-Jacques Rousseau*, 123-32.

course, this, too, must be qualified by the difficulty to which we pointed above. To say the least, it is not obvious that the subject who is bound to give up his goods or, especially, to risk his life over and against his private will to preserve these things is simply or altogether free.

If, for the sake of argument, we set this difficulty aside, the totality of the contracting parties' subjection to the general will appears unproblematic. They need not reserve any rights against the sovereign because its end is so defined by its essence that it cannot act in ways that are prejudicial to subjects (*SC* 2.4 / *ÆC* 3: 372-73 / *CW* 4: 148). In fact, the totality of their subjection is essential to the efficacy of the social contract. Rousseau gives three reasons why "the total alienation of each associate, with all his rights, to the community" is necessary in Book I Chapter VI. First, he argues that the alienation, being total for each, is equal for each and, therefore, that no one will have "an interest in making [the condition] onerous for others" (*SC* 1.6 / *ÆC* 3: 361 / *CW* 4: 138). But presumably the parties could alienate themselves partially without doing so unequally. A concern with equity alone does not quite necessitate that all parties alienate themselves totally. Rousseau's second argument goes further. If all parties alienate themselves to the community totally, there will be no reserved rights over which there might be contestation between the parties and the community, contestation that Rousseau fears would end in anarchy or despotism and thus defeat the very purpose of the social contract. Finally, if all are totally subject to the general will, none will be able to subject another to his private will. Thus, in totally subjecting themselves to the general will, the contracting parties preserve their independence from the private wills of others.

Despite his contention that subjects have an interest in the fulfillment of their duties under the social contract, Rousseau readily concedes that this interest alone cannot be relied upon to move them to be dutiful. Here, then, he recognizes the difficulty to which we pointed above. The subjects, by the sole fact that they are, are not, by contrast with the sovereign, all that they must be. Rousseau explains:

each individual can, as a man, have a private will contrary or dissimilar to the general will that he has as a Citizen. His private interest can speak to him entirely differently from the common interest; his absolute and naturally independent existence can make him see what he owes to the common cause as a free contribution, the loss of which will be less harmful to others than the payment of which is onerous for himself, and seeing the moral person that constitutes the State as a being of reason because it is not a man, he might enjoy the rights of the citizen without wanting to fulfill the duties of the subject; the progress of such injustice would cause the ruin of the political body. (*SC* 1.7 / *ÆC* 3: 363 / *CW* 4: 141)

There is a limit to the transformation effected by the social contract. In willing the social contract, the parties to it do not altogether cease, either physiologically or psychologically, to be the distinct, individual wholes that they are by nature. Hence, their wills do not become altogether general in their essence or their object. They retain their natural private wills along with their artificial general will. And those private wills do not coincide perfectly with the general will. The exact reason for this will become clear when one considers the difference between the situations of the contracting parties before and after they agree to the social contract. Immediately before they agree to the social contract, they recognize that they cannot preserve their lives, goods, or freedom without subjecting themselves to the general will. The effect of their recognition of this is, as we explained above, the generation of the general will in them and the coincidence of the object of their private wills with that of the general will. But, to the extent that subjects recognize that they can avoid fulfilling some of the duties imposed on them by the sovereign without immediately or necessarily imperiling their own individual lives, goods, and freedom, their private wills will not coincide with the general will and may even move them to shirk those duties. The problem becomes especially acute in those cases in which fulfilling the duties imposed by the sovereign entail risking or even giving up one's own individual life, goods, or freedom.

Lest the social contract amount to nothing more than “a vain formula,” Rousseau holds, “it tacitly includes this commitment which alone can give force to the others, that anyone who should refuse to obey the general will, will be constrained to do so by the whole

body” (*SC* 1.7 / *ÆC* 3: 364 / *CW* 4: 141). This provision for constraint follows necessarily from, and therefore need not be made explicit in, the terms of the social contract. For it is a necessary means to the end for the sake of which the contracting parties subject themselves to the general will, i.e., the preservation of their individual lives, goods, and freedom. To will this end is, by extension, to will this means.⁵⁴ Rousseau characterizes this provision as nothing less than the *sine qua non* of the social contract. Against those who would object, in view of this provision, that the parties to the social contract do not remain as free as they were before, Rousseau insists that, in being constrained to obey the general will, the subject is merely being “forced to be free.” He explains:

For this is the condition that, by giving each Citizen to the Fatherland, guarantees him against all personal dependence; a condition that makes up the artifice of the political machine and puts it into play [*condition qui fait l’artifice et le jeu de la machine politique*], and that alone renders legitimate civil engagements, which, without that condition, would be absurd, tyrannical, and subject to the most enormous abuses. (*SC* 1.7 / *ÆC* 3: 364 / *CW* 4: 141)

In effectively rendering all subjects dependent upon the general will, it prevents them from becoming dependent on any private will. Thus, it protects them against the worst fate that can befall a man in his relations with other men: “see[ing] himself at the discretion of [another]” (*SD* / *ÆC* 3: 180-81 / *CW* 3: 56).⁵⁵ The provision, furthermore, “makes up the artifice of the political machine and puts it into play” by guaranteeing that all will in fact be subject to the laws that they make as citizens. The guarantee of this will give members of the assembly an interest in imposing, through their enactments, only those burdens that are genuinely necessary for the common good. Thus, it helps to align their private wills with the general will and

⁵⁴ Here, as Gildin points out, we see the necessary connection between the imperative of legitimacy and that of efficacy, which together determine the social contract. Only an association that effectively preserves the associates’ lives, goods, and freedom could conceivably elicit their consent and thus be considered legitimate. See *Rousseau’s “Social Contract”*, 5-6.

⁵⁵ See also *SC* 4.2 / *ÆC* 3: 440n2 / *CW* 4: 200-201n2.

increases the likelihood that the enactments of the assembly will be laws, properly so-called.⁵⁶ Finally, it legitimates civil engagements by guaranteeing that they will be mutually fulfilled (*SC* 2.4 / *ÆC* 3: 373 / *CW* 4: 148-49).

III. THE FREEDOM OF THE CITIZEN

This encomium to the social contract's provision for constraint, which we will reexamine with a more critical eye in the next section, is immediately followed, in Book I Chapter VIII, by an account of the transformation effected by the social contract. The chapter begins:

This passage from the state of nature to the civil state produces a very remarkable change in man, substituting justice for instinct in his conduct and giving his actions the morality that they formerly lacked. It is only then, when the voice of duty succeeds to physical impulse and right to appetite, that man, who until that time considered only himself, sees himself forced to act on other principles, and to consult his reason before heeding his inclinations. (*SC* 1.8 / *ÆC* 3: 364 / *CW* 4: 141)

Note the adjective at the beginning of the first sentence. "This" refers specifically to the hypothetical passage of human beings from the state of nature into the legitimate civil state by way of the social contract, which Rousseau has described in the two preceding chapters. Thus, it distinguishes this passage from the historical passage of already partly denatured human beings into the illegitimate civil state. That passage did not produce, or at least did not necessarily produce, the change in man that would be produced by this passage, if it were to occur.

Now, the change that Rousseau describes man undergoing in this passage is much more radical than the change that man undergoes in the act of agreeing to the social contract. Man in the civil state is here contrasted not with man as he is in the very last stage of the state of nature but with man as he is in the very first stage of the state of nature, as utterly self-

⁵⁶ For particularly clear statements of this thought, see Gildin, *Rousseau's "Social Contract"*, 59; O'Hagan, *Rousseau*, 112; and Viroli, *Jean-Jacques Rousseau*, 128-29.

absorbed, sub-rational, and amoral. One sees in the *Second Discourse* that man moved away from this condition, for better and for worse, by accident of history. And the human beings that Rousseau hypothesized in his analysis of the social contract in Book I Chapter VI would not be able to conceive of, let alone be willing to agree to, the social contract if they, too, had not already moved away from this condition.⁵⁷ Still, it is only through man's agreement to the social contract that his will is finally generalized in its essence and its object and that he thus becomes a rational and moral being. It is only then that his will and therewith his actions are determined by his reason, specifically, by his reasoned judgment about what is advantageous for himself as part of the whole of which he has become a part. Rousseau's description of this change makes clearer the distinction we drew above between the will to subject oneself to the general will, or the will to enter the social contract, and the general will itself. Whereas the will to enter the social contract is determined by the sub-rational, amoral need of one's own individual self-preservation, the general will itself is not determined by this need, even if, as we explained above, it comes into being in citizens because of this need.

Given all this, Book I Chapter VIII calls into question Rousseau's earlier suggestion that, *by nature*, man's will is free and that man is therefore, *by nature*, a moral being possessed of rights, duties, and dignity (*SC* 1.4 / *ÆC* 3: 356 / *CW* 4: 135). Thus, it reproduces the expression of doubt that immediately follows Rousseau's attribution of this kind of freedom to human nature in the *Second Discourse* (*SD* / *ÆC* 3: 141-42 / *CW* 3: 26).⁵⁸ Scholars who hold that the hypothetical parties to the social contract are, in Rousseau's analysis, moved by a concern to preserve this kind of freedom do not, in our view, adequately account for the

⁵⁷ Consider the contrast drawn by Viroli between the hypothetical parties to the social contract and "the poor savage [from the *Second Discourse*] who in the morning sells his cotton bed, and comes back whining in the evening hoping to buy it back, all because he has failed to realise that he would need it again the next night" (*Jean-Jacques Rousseau*, 130). See also Strauss, *Natural Right and History*, 272, 283.

⁵⁸ For scholarly debate on of this important passage, see Cullen, *Freedom in Rousseau's Political Philosophy*, Chap. 2; MacLean, *Free Animal*, Chap. 1; Masters, *Political Philosophy of Rousseau*, 147-57; Plattner, *Rousseau's State of Nature*, 41-51.

argument of this chapter, or, for that matter, its resonance with the argument of the *Second Discourse*.⁵⁹

Among the great goods that man acquires in thus passing from the state of nature into the civil state—the exercise and development of his faculties, the extension of his ideas, the ennoblement of his sentiments, the elevation of his soul—are two kinds of freedom, i.e., “civil freedom” and “moral freedom,” which differ from “natural freedom” in degree and kind, respectively. Whereas natural freedom extends as far as “the forces of the individual,” civil freedom is “limited by the general will” (*SC* 1.8 / *ÆC* 3: 364-65 / *CW* 4: 141-42). Civil freedom is the freedom—now understood as a right possessed by dint of membership in the political body—of the subject to act according to his private will if or inasmuch as it does not oppose the general will, as promulgated in the law and enforced by the government. Of course, the freedom to do this would, like natural freedom, be limited also by the forces of the individual. In the civil state, then, man is free to act according to his private will to whatever extent the general will *and* his individual forces admit.⁶⁰

When one considers the fact that man’s subjection to the general will in the civil state is, or at least originates as, a necessary means to his preservation, one recognizes that, for as much as that subjection distinguishes his condition in this state from his condition in the state of nature, it arises from the same natural necessity that determines his action and limits his freedom in that condition. This thought is reflected in the analogy that Rousseau later draws between the subject who gives his life on the orders of the general will with the man who, in the state of nature, risks his life in the hope of preserving his life. But the analogy, given its imprecision, also exposes the limit of the thought. While the citizen’s choice to risk his life, goods, and freedom by subjecting himself to the general will—which might order him to give

⁵⁹ E.g., Cohen, *Rousseau*, 11, 90-91; Dent, *Rousseau*, 188-211; Levine, *Politics of Autonomy*, 26-28

⁶⁰ On the similarity of civil freedom to natural freedom, see Cullen, *Freedom in Rousseau’s Political Philosophy*, 94-95; Marks, *Perfection and Disharmony*, 80-81.

those things up—is based on his own judgment about how best to preserve those things, he, in making that choice, surrenders his freedom to make such choices for himself in the future (*SC* 2.5 / *ÆC* 3: 376 / *CW* 4: 150-51). In those instances in which the sovereign judges that subjects must risk their lives for the state and those subjects do not judge that this is necessary for the preservation of *their* lives, their freedom is limited in a way that man’s freedom in the state of nature is not. Nevertheless, a crucial point to be made in favor of civil freedom is that it is limited *only* by the general will and, thus, *not* by any private wills. Civil freedom is that freedom “from all personal dependence” that results from the social contract’s provision for constraining subjects to obey the general will (*SC* 1.7 / *ÆC* 3: 364 / *CW* 4: 141).

As for moral freedom, Rousseau writes at the conclusion of the chapter:

To the preceding acquisitions of the civil state, one could add moral freedom, which alone renders man truly master of himself; for the impulsion of appetite alone is slavery, and obedience to the law that one has prescribed for oneself is freedom. But I have already said only too much about this subject, and the philosophic sense of the word *freedom* is not my subject here. (*SC* 1.8 / *ÆC* 3: 365 / *CW* 4: 142)

To the extent that the law that the citizen prescribes for himself is the general will, his freedom is not, as the definition of civil freedom implies, *limited* by the general will. For it is he, or, more specifically, his reason, that imposes this limit on his action. In obeying the general will, then, he is obeying himself and thus *exercising* his freedom. Note that, if or insofar as citizens come to adopt the view of freedom that Rousseau here articulates, their legislating in accord with the general will and their obeying the laws that express the general will will not depend upon the private wills that moved them to enter the social contract. Conceiving of freedom as Rousseau presents it here, the citizen will be moved to legislate in accord with the general will and obey the laws that express the general will without regard to their private wills because they will believe that, in doing these things, they attain to a more complete freedom than they knew before. In suggesting that, as part of their passage into the civil state, citizens will come to conceive of their freedom in this way, Rousseau suggests that, as a result of their agreement

to the social contract, the general will will not only come into being in them but also that it will come to predominate over their private wills.⁶¹

Yet it is not at all clear whether or in what way the will to enter to the social contract should effect such a reconception of freedom and thereby make the general will predominate over private wills. It is largely in order to avoid this problem that some scholars are at pains to insist that the parties to the social contract conceive of their freedom morally *prior* to entering the contract and that a concern to exercise moral freedom, no less than a concern to preserve their lives, goods, and independence from private wills, drives them to enter the social contract.⁶² We would submit that, since Rousseau does not, as we argued above, give his readers grounds on which to avoid the problem in this way, it is precisely his intention to raise this as a problem. In doing so, he begins subtly to indicate the necessity of civic education, a necessity from which he has heretofore abstracted.

This is hardly the only question raised by Rousseau's identification of moral freedom as an acquisition of the civil state. The statement implies that natural man, as described in the *Second Discourse*, is not free but a slave despite his independence. So was, or is, man not, as Rousseau claimed at the beginning of the *Social Contract*, born free? If moral freedom is freedom as such, then is it not more accurate to say that the social contract *liberates* man from his chains than that it merely *legitimizes* his chains? Do the parties to the social contract not become *freer* than they were before rather than merely remaining *as free* as they were before? To these questions can be added questions that arise from the perplexingly tentative manner in which Rousseau includes moral freedom among the acquisitions of the civil state. Does he

⁶¹ Consider, in this connection, Cullen's characterization of moral freedom as a means to civil freedom (*Freedom in Rousseau's Political Philosophy*, 88). We would emphasize that, if this characterization accurately reflects Rousseau's view of the matter, it could not accurately reflect citizens' conception of freedom. For the efficacy of moral freedom as a means to civil freedom is predicated on citizens' conceiving of moral freedom as their ultimate end. Contrast Cullen's position with Cassirer, *Question of Jean-Jacques Rousseau*, 55-56. See also Melzer, *Natural Goodness of Man*, 249n19.

⁶² E.g., Cohen, *Rousseau*, 84-96; Dent, *Rousseau*, 188-89.

doubt that man acquires moral freedom, as distinguished from civil freedom, in passing to the civil state? If he does, why does he doubt this?⁶³ What, now, are we to make of the non-tentative attribution of moral freedom to the citizen at the beginning of the chapter? How is this not relevant to his subject in the *Social Contract*? And if it is not relevant, why does Rousseau say anything at all about it?⁶⁴ Why, finally, does he provoke all these questions?

Let us, at this point, limit ourselves to raising these questions. Rather than attempting to answer them here, we will do so through our proceeding examination of civic education, i.e., of the means by which actual human beings, as distinguished from the human beings that Rousseau has hypothesized in his analysis of the social contract, might attain to the freedom and the other benefits of citizenship that Rousseau attributes to the social contract. It is to the practical necessity of such an education that we now turn.

IV. THE LIMITS OF THE SOCIAL CONTRACT'S PROVISION FOR CONSTRAINT

The concern with the efficacy of the social contract shown in Rousseau's treatment of its provision for constraint threatens to obscure the fact that he remains engaged in a theoretical analysis of political right that abstracts, in the main, from questions pertaining to political practice. At this point, one might be given to believe that all that would be required for the legitimation of human subjection in practice, or for the realization of the principles of political right, is for human beings to will the social contract. Now, strictly speaking, this is not incorrect. But it is highly misleading inasmuch as it ignores some great obstacles that, in practice, stand in the way of human beings' doing this in the way or to the degree that would be required for the reliable execution of the social contract. The social contract's provision for constraint is presented as overcoming one of these obstacles, i.e., the divergence between

⁶³ The question that we raised in the paragraph above suggests one answer.

⁶⁴ One's perplexity only deepens when one discovers that Rousseau chose to add this paragraph in revising the *Geneva Manuscript* for publication as the *Social Contract* (*GM* 1.3 / *ÆC* 3: 292-93 / *CW* 4: 85).

subjects' respective private wills and the general will. But there are other obstacles about which Rousseau has been silent that must be overcome if this provision is to be effective in practice.

These obstacles come to sight when one turns from the subjects being constrained to obedience to what they are being constrained to obey. The fundamental problem that the provision for constraint is meant to solve, i.e., the persistence of private wills in the parties to the social contract, threatens to keep those parties from fulfilling their duties not only as subjects, as Rousseau here admits, but also as citizens. The social contract's provision for the constraint of subjects will cause all the good things that Rousseau attributes to it only if, in practice, the contracting parties exercise sovereignty, properly understood, that is, by voting as citizens, or in accord with the general will, and thus enact laws, properly understood.⁶⁵ And the very same private wills that can incline them to shirk their duties as subjects can incline them not to do this. Rousseau eventually acknowledges this problem in admitting, as we have seen, the possibility that members of an assembly will vote with a view to their respective private or factional interests (*SC* 4.1), but he abstracts from it in his initial elaboration of the social contract in Book I. Note that, while the social contract's provision for the constraint of subjects mitigates this problem by, as we noted above, effectively inducing members of the assembly to vote only for those "laws" to which they are willing to be subject themselves, it does not solve this problem. For it is no security against factional majorities' enacting "laws" to which all are equally subject but from which they somehow benefit more than others. Only in a community of citizen-subjects who were so similar to one another as to be affected identically by their subjection to the laws would it prevent such an eventuality.⁶⁶ The upshot

⁶⁵ As Viroli observes, "justice will be served only if the force employed is sanctioned by law and is at the behest of a legitimate authority which respects the principles of equality under the law and makes sure that each person respects the rights of others" (*Jean-Jacques Rousseau*, 132).

⁶⁶ Gildin, "*Rousseau's Social Contract*", 61, 64-65; Meier, "Right of Politics," 129-30. Overlooking this problem, Putterman overestimates the efficacy of social contract's provision for constraint, of "the principle of equity" it embodies ("*Rousseau on Agenda-Setting*," 463). This leads him to underestimate the permanent necessity of civic education.

of this is that the social contract, even, or especially, with its provision for the constraint of subjects, will be reliably executed in practice only to the extent that it is supplemented by measures that somehow assure that the contracting parties fulfill their duty as citizens to vote in accord with the general will.⁶⁷

This problem is compounded by another practical complication from which Rousseau abstracts in his initial elaboration of the social contract. In introducing the social contract's provision for the constraint of subjects, Rousseau suggests that it is all the citizens acting together as sovereign that will constrain subjects to obey the general will. But this is impossible because citizens cannot will generally, or thus exercise sovereignty, with respect to any particular subject or subjects. It is impossible *ipso facto* for the whole body to act on any of its parts. For these reasons, as Rousseau eventually makes clear, constraining subjects to obey the general will is not an act of all the citizens *qua* sovereign but of a separate and subordinate body that executes the laws and is composed of some number of the citizens, namely, government.⁶⁸ The social contract's provision for the constraint of subjects is tantamount, then, to a provision for government. In recognizing this, we confront another obstacle to the practical efficacy of this provision arising from the persistence of private wills: It is possible that the officers of government will constrain subjects to obey not the general will, as promulgated in the laws, but the officers' respective private wills or their corporate will (*SC* 3.10). Indeed, this is "the natural and inevitable tendency of" *even* "the best constituted Governments" (*SC* 3.11 / *ÆC* 3: 424 / *CW* 4: 188).⁶⁹ In this light, the social contract's provision for the constraint of subjects appears to be the seed of its decay as well as its growth. From this, Christopher Kelly extrapolates the principle, which he dubs "Rousseau's Rule,"

⁶⁷ According to Viroli, this is "the most difficult problem to be solved" (*Jean-Jacques Rousseau*, 161). For an exhaustive account of the various ways that the general will can fail to be formulated, see Trachtenberg, *Making Citizens*, 31-55.

⁶⁸ *SC* 2.5, 3.1 / *ÆC* 3: 377, 395-400 / *CW* 4: 151, 166-70.

⁶⁹ See also *CC* / *ÆC* 3: 901 / *CW* 11: 123.

that “[t]he very need for government creates conditions in which the government will eventually rule tyrannically.”⁷⁰ Hence, even if the contracting parties fulfill their duties as citizens and legislate in accord with the general will, the provision for constraint alone would hardly solve the problem arising from the persistence of private wills. It would only ameliorate this problem temporarily by altering its character. And it could not do even this without the adoption of additional supplementary measures that would keep the officers of government from constraining subjects to obey their respective private wills or their corporate will.⁷¹

There is one source of security against these abuses of the social contract’s provision for constraint that is inherent in the social contract itself that we have not considered: subjects are not obligated to obey any will other than the general will, as promulgated in the laws. Should “the social pact [be] violated, each then returns to his first rights and takes back his natural freedom, losing the conventional freedom for which he renounced it” (*SC* 1.6 / *ÆC* 3: 360 / *CW* 4: 138). The principle applies both to abuses of sovereignty by majority factions in the legislative assembly and to violations of the law by government. But Rousseau is more emphatic about it in relation to the latter: “[T]he instant the Government usurps sovereignty, the social pact is broken, and all those who are simply Citizens, having returned to their natural freedom, are forced but not obliged to obey” (*SC* 3.10 / *ÆC* 3: 422-23 / *CW* 4: 187).⁷² In thus denying that the social contract obligates citizens to submit to its abuse, Rousseau implies that they possess a right of revolution. This leads Roger Masters to conclude that “the principle of legitimacy is enforced by an unlimited right of revolution.”⁷³ Yet Rousseau chooses not to

⁷⁰ “Sovereign versus Government,” 25. The article should be read in its entirety for its illuminating elaboration of the basis of this principle and the prescriptions that follow from it.

⁷¹ For an exhaustive account of the various ways that the general will can fail to be enforced, see Trachtenberg, *Making Citizens*, 55-73.

⁷² It is striking that Rousseau refrains from making an analogous statement in reference to despotic majority factions in his discussion of this problem in Book IV Chapter II. That he refrains from doing so may reflect the fact that his fear of despotic government is much greater than his fear of despotic majority factions. We will return to this matter in Chapter 4.

⁷³ *Political Philosophy of Rousseau*, 322.

be explicit about this. There is no equivalent to Chapter XIX of Locke's *Second Treatise* in Rousseau's *Social Contract*. In any case, as a matter of practice, it is no more certain that subjects will exercise this right than it is that members of the assembly will vote as citizens, in accord with the general will, or that the officers of government will execute the laws.

We are brought here to the ultimate cause of the challenge that is entailed in attempting to put the principles of political right that Rousseau has elaborated into practice. In practice, human beings, having been deformed by history in various ways, especially through the experience of illegitimate subjection, differ importantly from the hypothetical human beings who, in Rousseau's theoretical analysis, establish and will reliably exercise their rights and fulfill their duties under the social contract. The human beings who might actually live under the social contract are not such as to be reliably moved by the need of self-preservation to establish or to exercise their rights and fulfill their duties under the social contract. For evidence of this, we need look no further than the illegitimate subjection that is, as Rousseau observed at the beginning of the *Social Contract*, nigh ubiquitous among men. If human subjection is to be legitimated in practice, then, human beings cannot remain as they have become in history. Somehow, they must be formed into the citizens that they would become voluntarily if they were identical to the human beings that Rousseau hypothesizes in his analysis of the social contract, i.e., if they were such as to seek rationally to fulfill their natural need of self-preservation under the condition that their own forces were insufficient to this end.⁷⁴

⁷⁴ Masters's account of the relation, in Rousseau's political theory, of "the 'idea of civil society' and the 'science of the legislator,'" or between the principles of political right that are developed hypothetically and the maxims of politics according to which those principles might be instituted in practice, is illuminating in this regard (*Political Philosophy of Rousseau*, 285-93, esp. 290, 301-306). Given that Rousseau elaborates the latter as well as the former in the *Social Contract*, the insistence on the part of some scholars, e.g., Starobinski, that the *Social Contract* is an exclusively hypothetical work strikes us as an overstatement (*Jean-Jacques Rousseau*, 30). The relation between principles of political right and maxims of politics roughly corresponds to the relation that Viroli ascribes to the influences of the natural law and republican traditions on Rousseau's political theory (*Jean-Jacques Rousseau*, 13-12, 211-13).

V. LEGISLATION AND THE NECESSITY OF CIVIC EDUCATION

Book II Chapter VI, “On Law,” marks an important turning point in the *Social Contract*. Or rather, it marks two distinct but related turning points, the second more fundamental than the first. Rousseau begins the chapter by indicating that he is turning from the social contract, the terms and implications of which he has been elaborating since Book I Chapter VI, to legislation:

Through the social pact we have given existence and life to the political body; now it is a matter of giving it movement and will through legislation. For the original act by which this body is formed and united has not yet determined anything about what it ought to do to preserve itself. (*SC* 2.6 / *ÆC* 3: 378 / *CW* 4: 152)

The characterization of the relation of legislation to the social contract given here is perplexing in light of our foregoing discussion. Recall that, in Book I Chapter VI, Rousseau attributed not only existence and life but also will to the political body generated by the social contract. Indeed, it is in the general will of citizens that the political body exists and lives most concretely.⁷⁵ Our perplexity only increases when we recall that Rousseau is about to define law as an expression of the general will and thus, in keeping with the argument of Book I Chapter VI, to imply that the will of the political body is not the effect but the cause of legislation.

Finding this characterization of legislation inexplicable in terms of Rousseau’s principles of political right, we would submit that it is meant subtly to anticipate a problem that attends the practical realization of those principles, to which Rousseau turns at the end of the chapter. The problem, which has been called “the greatest paradox in all of Rousseau,” is that human beings, as they are in practice, can scarcely hear the general will.⁷⁶ They must be given laws that, among other things, amplify its voice. But, if laws are laws only because they

⁷⁵ Meier similarly characterizes will as these most essential attribute of the political body (“Right of Politics,” 125).

⁷⁶ Riley, “Possible Explanation of Rousseau’s General Will,” 110. See also Cullen, *Freedom in Rousseau’s Political Philosophy*, 80.

express the general will, then how is this possible or admissible under the principles of political right?

A. The Intellectual and Moral Limits of the People

Having elaborated his definition of law as an act of the general will, Rousseau restates the principle that sovereignty is inalienable: “The laws are strictly speaking only the conditions of the civil association. The People subject to the laws must be their author; it is up to only those who are associating to regulate the conditions of the society” (*SC* 2.6 / *ÆC* 3: 380 / *CW* 4: 154). In the next sentence, Rousseau takes up the question of how this principle is to be put into practice. He asks:

[H]ow will they regulate them? Will it be of a common accord, by a sudden inspiration? Does the body politic have an organ for enunciating these wills? Who will give it the foresight necessary to formulate acts and publish them in advance, or how will it pronounce them in time of need? How would a blind multitude, which often does not know what it wants, because it rarely knows what is good for it, execute by itself an undertaking as great, as difficult as a system of legislation? (*SC* 2.6 / *ÆC* 3: 380 / *CW* 4: 154)

In different ways, these questions cast doubt on whether the people can in fact exercise the legislative power that belongs to it by right. While they might agree about their end, i.e., the preservation of all their lives, goods, and freedom, will they be in agreement about the means to that end? If they do not agree and are not moved to agreement by sudden inspiration, how will the object of the general will be identified? This would not be a problem if the people had a physical manifestation of its own, apart from the individual citizens that compose it, with an organ by which it could enunciate its will. But because it is a merely moral being, it can enunciate its will only through the individual citizens that compose it, which do have physical manifestations. The second and the third questions in the series thus point to obstacles to the expression of the general will that arise from the fact that the people is a merely moral and collective being.

Up to this point, Rousseau has largely taken it for granted that it suffices for the achievement of the goal of the social contract—the preservation of the lives, goods, and freedom of the contracting parties—that the forces of the citizens be directed according to the general will. He has appeared, as Hilail Gildin puts it, “to suggest if one can guarantee the fairness of the general will, its sagacity will also be guaranteed.”⁷⁷ Hence, the question of how to preserve the lives, goods, and freedom of the contracting parties seems to have been reduced to the question of how to assure that citizens express the general will, as members of the sovereign, and obey it, as subjects. The fourth and fifth questions in the series indicate that matters are not so simple. In order for the people to preserve their lives, goods, and freedom, it is necessary but not sufficient that they will this. It is necessary also that they know and will the means to that end, and that they do so in a timely manner appropriate to the urgency of their needs. Otherwise, their will to the preservation of their lives, goods, and freedom will be ineffective. What we come to see here is that, even as it supplies all the contracting parties with forces sufficient to preserve their lives, goods, and freedom and thus solves the fundamental problem articulated in Book I Chapter VI, the establishment of the social contract gives rise to a new problem. The effective direction of the forces of a multitude requires a degree of knowledge far greater than, and perhaps even a kind of knowledge far different from, that required for the effective direction of the forces of an individual. And this requisite knowledge evidently cannot, by contrast with the forces requisite for the contracting parties’ preservation, be acquired by pooling together the relatively limited knowledge of each contracting party.⁷⁸

If one takes the members of the people that Rousseau is describing in Book II Chapter VI to be the parties to the social contract described in Book I Chapter VI, one would conclude

⁷⁷ Rousseau’s “*Social Contract*”, 53.

⁷⁸ The problem was acknowledged in passing at the beginning of Book II Chapter III (*SC* 2.3 / *ÆC* 3: 371 / *CW* 4: 147)

that they are knowledgeable enough to recognize the necessity of establishing the social contract as a means to their preservation but not knowledgeable enough to recognize how to regulate their society effectively to that same end. While this is not altogether implausible, the low estimation of the knowledge of most human beings that Rousseau now discloses casts doubt on the prospects of human beings' establishing a social contract freely, on the basis of enlightened self-love, or without undergoing some kind of civic education. Indeed, we take the discrepancy between the description of human beings in Book II Chapter VI and the one in Book I Chapter VI as evidence of the gulf separating actual human beings from the hypothetical human beings that Rousseau stipulates in elaborating his principles of political right. Here, then, we find further evidence that Rousseau earlier abstracted from the necessity of civic education for the practical realization of those principles.

The ignorance of the people to which Rousseau points in the fifth and final question of the series is the principal obstacle to their exercising legislative power effectively. Even if the people were in common accord, even if it had an organ to enunciate its will, even if it had the necessary foresight to formulate acts and publish them in advance, even if it had a way to pronounce those acts in time of need, its fundamental ignorance would keep it from regulating the conditions of society in a way that promoted their common preservation. Rousseau explains:

By itself the people always wants the good, but by itself it does not always see it. The general will is always right, but the judgment that guides it is not always enlightened. One must make it see objects such as they are, sometimes such as they ought to appear to it, show it the good path that it seeks, guarantee it against the seduction of private wills, bring closer to its eyes places and times, balance the attraction of present and sensed advantages with the danger of distant and hidden evils. (*SC* 2.6 / *ŒC* III: 380 / *CW* 4: 154)

Rousseau's insistence on the necessary rectitude of the people's will, or of the general will, follows from the premise that a being's will is determined by its opinion of its good, which, as we have seen, is fundamental to the argument of the *Social Contract*. The people will always will,

because it cannot help but will, whatever it judges to be its good, or, more specifically, whatever it judges to be conducive to its preservation. But the quality of its judgment is such that it is unlikely to attain its good, or to preserve itself effectively, by doing as it wills. The people is apt to judge poorly because, as Rousseau indicates here, it does not perceive things accurately or as it otherwise ought to,⁷⁹ account for circumstances adequately, or properly weigh long-term goods that can only be thought or imagined against short-term goods that can be sensed immediately. What is more, the people is vulnerable to being misled into taking the private good of one or some of its members as its own.

This final problem begins to complicate the argument that the people's deficiency is entirely intellectual and not at all moral. For this problem is due in part to a moral deficiency in certain members of the people who interestedly seek to regulate society with a view to their respective private goods and, to that end, deceive other, disinterested members of the people into believing that their favored policies will promote the common good. There is no necessity that this moral deficiency be limited to a minority of citizens. When it is not, when it extends to the majority, failure to regulate the conditions of society effectively for the common good is not a failure of judgment on the part of the people as a whole but rather a failure of will on the part of the individual citizens who compose the people. For, in such cases, citizens are enacting "laws" that serve private or factional interests not unwittingly but wittingly. In such cases, there is no people willing its good and merely misjudging what it consists in or how to attain it. We are led here to the conclusion that, in practice, the rectitude of the people's will depends upon the rectitude of the wills of its members.

⁷⁹ This suggestion that the people might be led to their good by a noble lie rather than by the truth will be explored in Chapter 3.

Although Rousseau does not state this conclusion explicitly, it is implicit in the last sentences of the chapter. After explaining how the people's judgment must be enlightened, he writes:

Private individuals see the good that they reject; the public wants the good that it does not see. All equally need guides. One must oblige the former to make their wills conform to their reason; one must teach the latter to know what it wants. Then from public enlightenment results the union of understanding and will in the social body, from that the exact cooperation of the parts, and finally the greatest force of the whole. Hence is born the necessity for a Legislator. (*SC* 2.6 / *ÆC* 3: 380 / *CW* 4: 154)

Here, Rousseau makes clear that the people's effective regulation of the conditions of society in the common interest depends not only upon enlightening its judgment but also upon rectifying the wills of the citizens that compose it. In practice, the people will want the good only if the citizens that compose it do not reject that good. Rousseau's indication that citizens are in need of guides if they are not to reject that good, if their wills are to conform to their reason, is tantamount to a concession that the establishment of the social contract does not suffice to transform men into the dutiful citizens that the social contract depends upon for its execution. Here, then, the impression of the transformation effected by the establishment of the social contract that Rousseau had given in Book I Chapter VIII is revealed to be false, at least as applied to actual human beings, if not the hypothetical human beings of Rousseau's analysis.

As a matter of right, one is obliged to make one's will conform to one's reason once one has consented to the social contract. Recall Rousseau's characterization of moral freedom as obedience to the law that one has prescribed for oneself. To prescribe a law for oneself is to oblige oneself, by right, to obey that law. A guide is not needed to oblige citizens to make their wills conform to their reason in this sense, then. Such a guide is needed rather somehow to compel citizens to fulfill the obligation to will in conformity with reason that they incurred in consenting to the social contract. In this way, what this guide does to citizens in their

capacity as members of the sovereign, i.e., constrain them to fulfill their duty under the social contract and vote in accord with the general will, is equivalent to what the government does to them in their capacity as subjects, i.e., constrain them to fulfill their duty under the social contract and obey the laws. It remains to be seen how this guide does this and what it means for citizens' freedom. We are given some indication of what is not entailed in the guide's obliging citizens to make their wills conform to their reason, however. The sharp distinction that Rousseau draws between this task and the other one assigned to the guide, i.e., teaching the public to know what it wants, implies that the former does not entail enlightenment. Rousseau is emphatic that the problem that private individuals pose to the effective regulation of the conditions of society in the common interest does not arise from any intellectual deficiency on their parts and thus is not soluble intellectually. They cannot be convinced to make their wills conform to their reason on the basis of reason.

It must be said that Rousseau exaggerates the intellectual sufficiency of private individuals here. He suggests that what the people does not know, i.e., what the common good consists in or requires, private individuals do know. But, inasmuch as the people is composed of those private individuals, it stands to reason that what they know it, too, knows. In truth, what private individuals know, what their reason tells them, is merely that the good of the people is the common good, or, at most, that this common good consists in the preservation of the lives, goods, and freedom of all. With respect to the means necessary to attaining this good, they are no more knowledgeable than the people as a whole. Another way of putting the point is that, inasmuch as the people does not, in fact, have a mind of its own independent of the minds of the private individuals that compose it, the guide's enlightenment of the people entails enlightening its members. Thus, again, we find that the sharp distinction that Rousseau draws between the people and private individuals is much blurrier in practice than it is in theory.

B. The Legislator as Civic Educator

The solution that Rousseau proposes to the problem posed by the people's intellectual and moral deficiencies is the legislator. What does this legislator do? How does he compensate for these deficiencies? These are some of the fundamental questions that will occupy us for the remainder of our study. Let us here sketch, in a preliminary fashion, the outlines of an answer, which will serve to orient us as we proceed. The legislator first comes to sight as one who will guide the people intellectually and morally, teaching them what the common good consists in and requires and strengthening their will to that good, i.e., the general will, over and against their respective private wills, so that *they* might exercise their inalienable right of legislation effectively and legitimately. But if, as the term "legislator" implies, and the subsequent account of the legislator confirms, the people are to be guided by being given laws, the question arises whether, or how and to what extent, the people will ever exercise their right to make laws themselves. Beginning most notably with Judith N. Shklar, scholars have argued that Rousseau's characterization of and argument for the legislator—among other extraordinary figures of *de facto* authority who rule over others indirectly and deceptively—betrays a certain authoritarian tendency in his thought.⁸⁰ The question arises, and scholars have extensively debated, whether, or how and to what extent, this tendency is compatible with Rousseau's egalitarian republicanism.⁸¹ The conceit of our study is that answering this question, and therewith the momentous question of whether, or of how and to what extent, human subjection can, in practice, be legitimated, requires us to examine the education that the people receive from the legislator and his laws.

⁸⁰ See *Men and Citizens*, 127-64, which is a slightly modified version of Shklar's earlier "Rousseau's Images of Authority."

⁸¹ Whereas Shklar ascribes a liberating effect to Rousseau's figures of authority (*Men and Citizens*, 129, 162), Lester G. Crocker takes these figures as evidence of Rousseau's totalitarianism (*Rousseau's "Social Contract"*, 73). See also Grant, *Hypocrisy and Integrity*, 125-39; Melzer, *Natural Goodness of Man*, 233-36; Riley, "A Possible Explanation," 122-23.

In giving the people laws, the legislator educates them in two ways. He does so principally through institutions and practices that teach citizens to identify the common good with the preservation of the laws and that strengthen their will to this good, i.e., the general will, relative to their respective private wills, largely by fostering patriotism. The legislator provides for these institutions and practices in the laws he gives to the people; and the officers of government, or the magistrates, subsequently administer them. What these institutions and practices consist in and how they do these things will be our subject in Chapter 4. It suffices, here, to indicate the basic character of the education they effect.

In Book II Chapter VII of the *Social Contract* and in Book I of the *Emile*, Rousseau writes that these institutions and practices are meant to denature human beings, to transform them so that they come to conceive of themselves not as the distinct, independent wholes that they are by nature but as dependent parts of a whole that they compose with their fellow citizens—the fatherland. Speaking of the legislator, Rousseau writes:

One who dares to undertake to found a people must feel that he is capable of changing, so to speak, human nature; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which this individual receives in some sense his life and his being; of altering the constitution of man in order to reinforce it; of substituting a partial and moral existence for the physical and independent existence that we all received from nature. (*SC* 2.7 / *ÆC* 3: 381 / *CW* 4: 155)

Note the similarity between the transformation of human beings that Rousseau here attributes to the legislator and the transformation of human beings that, in Book I Chapter VIII, he seemed to attribute exclusively to the social contract. The effect of man's reconceiving himself as a mere part of his fatherland is the generalization of his will in its essence and its object. That man must be led by the legislator to reconceive of himself in this way indicates that, in practice, his passage from the state of nature to the legitimate civil state, and therewith his

enjoyment of civil and moral freedom, depends upon his undergoing civic education.⁸² As Rousseau makes clear in the *Discourse on Political Economy*, the wills of citizens must be *made* to conform to the general will. “[V]irtue,” which he there defines as “only that conformity of the particular will to the general,” must be “[made to] reign” through civic education (*DPE / ŒC* 3: 252 / *CW* 3: 149).

The institutions and practices that denature human beings, generalize their wills, and make virtue reign among them do these things, concretely, by reforming, or, in some cases, preserving, “*mœurs*, customs, and opinions.” *Mœurs* are the habitual practices common among members of peoples, or nations, that make up their particular ways of life, especially those that reflect their opinion of what is estimable. Thus, they are a certain kind of custom that tends to reflect a certain kind of opinion. As we will discuss in Chapter 2, these elements of civic education emerge by accident of history prior to the establishment of civil society. In Book II Chapter XII of the *Social Contract*, Rousseau characterizes them as “the most important [laws] of all.” *Mœurs*, in particular, “form...the unshakeable Keystone” of the legislator’s “arch,” whereas the other kinds of law, i.e., “political” or constitutional law, “civil” law, and “criminal” law, merely form its “sides” (*SC* 2.12 / *ŒC* 3: 394 / *CW* 4: 164-65). As this architectural image suggests, the whole work of legislation depends upon *mœurs*. Without them, other kinds of law are ineffective.⁸³ With them, other kinds of law are almost superfluous.⁸⁴

This insight is crucial to Rousseau’s analysis of the tendency of governments to become despotic in the *Second Discourse*. Laws, as distinguished from *mœurs*, are insufficient to prevent magistrates from eventually abusing their power. For “[l]aws, in general less strong

⁸² See Cassirer, *Question of Jean-Jacques Rousseau*, 62-63; Cullen, *Freedom in Rousseau’s Political Philosophy*, 100. We would adduce this as further evidence against the view of Cohen, Dent, and Levine that, according to Rousseau, human beings are moral beings by nature, prior to becoming citizens.

⁸³ This argument recurs throughout Rousseau’s corpus. See *DPE / ŒC* 3: 252-54 / *CW* 3: 149-51.

⁸⁴ On the importance of *mœurs* in Rousseau’s political theory, see Cullen, *Freedom in Rousseau’s Political Philosophy*, 118-24; Kelly, *Rousseau as Author*, 31-33; Trachtenberg, *Making Citizens*, 1.

than passions, contain men without changing them.” Ultimately, laws that would restrain magistrates from abusing their power succumb to the passions that incline them to do so. This is one of the ways that the arch of legislation crumbles without the keystone of *mœurs*. Nothing testifies to the efficacy of *mœurs*, and therewith to the promise of civic education, better than the example of Sparta, “where the Law took care principally of the education of Children, and where Lycurgus established *mœurs* which almost allowed him to dispense with adding Laws” (*SD / ŒC* 3: 187-88 / *CW* 4: 62). It is unnecessary to restrain men from being bad citizens if they have been transformed into good citizens.

Legislation depends upon *mœurs*, customs, and opinions so radically that Rousseau identifies them as “the true constitution of the State.” Inasmuch as it is ultimately the general will that constitutes the state, and inasmuch as *mœurs*, customs, and opinions generalize wills, this is not an exaggeration. Rousseau writes that the kind of law that consists in *mœurs*, customs, and opinions “takes on new forces every day,” “revives” or “replaces” the other kinds of laws when they “age or get snuffed out,” and “preserves a people in the spirit of its institution” (*SC* 2.12 / *ŒC* 3: 394 / *CW* 4: 164-65). *Mœurs*, customs, and opinions here come to sight not so much as the state’s keystone but as its life-force.

To the extent that the institutions and practices provided for by the legislator in his laws are what generalize citizens’ wills, it does seem that, as Rousseau claimed at the beginning of Book II Chapter VI, legislation gives will to the political body. Indeed, that claim, at least as applied to political practice, now seems to have understated the political body’s dependence on legislation. For the characterizations of civic education that we have considered so far suggest that it and, by extension, legislation are the causes not only of the will but also of the existence and life of the political body. How can this be consistent with the principles of political right? Rousseau’s answer to this question is that the people must consent to the legislator’s laws before being subjected to them. This necessity gives rise to the second way

that the legislator educates the people in giving them laws: Deploying persuasive, musical rhetoric, he teaches the people that they are obligated to enact and obey his laws on the (false) grounds that those laws express the authoritative will of God or the gods. Given the means by which the legislator elicits the people's consent, the requirement that he do so does not obviously resolve the problem to which that requirement, much like the legislator himself, is proposed as a solution. The compatibility of civic education with the principles of political right that it is meant to realize will therefore remain in question.

Before turning to this preliminary stage of civic education, which we will do in Chapter 3, we need to develop a better understanding of the moral and social psychology that informs Rousseau's conception of civic education in general. To that end, in Chapter 2, we will examine the historical development and psychological character of the *mœurs*, customs, and opinions that, as we noted above, make up the element of civic education.

Chapter 2: *Mœurs* and the Psychological Elements of Civic Education

We saw in the last chapter that, for the purpose of analyzing the social contract, Rousseau adopts the perspective of a man who is seeking rationally to fulfill his fundamental, natural need of self-preservation under the condition that he is incapable of doing so successfully on his own. We argued that Rousseau does this hypothetically, on the grounds that the only form of human subjection that could conceivably be legitimate is that which might elicit such a man's consent. That most actual human beings are not of the sort that he hypothesizes explains much of why most of mankind finds itself in a state of illegitimate subjection and would have to undergo a psychic transformation in order for its subjection to be legitimated. In order to understand what the civic education that might effect such a transformation would entail, we need to develop an understanding of certain aspects of the psychic condition of human beings as formed by history in society. Taking our bearings from Rousseau's identification of *mœurs*, customs, and opinions as the "laws" that generalize wills and thus truly constitute the political body, we will focus our attention on the historical development and psychic basis of these features of man's social existence. In addition to enabling us to understand the character of civic education, our examination of these things will shed light on the relation between what is wrought haphazardly, for better and for worse, by history and what might be wrought by the rational design of a human legislator.

I. THE PRE-POLITICAL ORIGINS AND CHARACTER OF *MŒURS*

Rousseau's conception of *mœurs* is bound up with his anthropological conception of the people, or the nation. The source of a nation's character, unity, and distinctiveness are its *mœurs*, i.e., the habitual practices common among its members that make up its particular way of life, especially those that reflect their opinion of what is estimable. Accordingly, the emergence of nations is linked to the emergence of *mœurs* in Rousseau's account of human history. We are told in the *Second Discourse* that, after "[m]en" had been brought together into

“more fixed” settlements by various meteorological and geological cataclysms, they “[gathered] into different troops, and finally [formed] in each country a particular Nation, united by *mœurs* and character, not by Rules and Laws, but by the same way of life and food, and by the common influence of Climate” (*SD / ŒC* 3: 169 / *CW* 3: 47).

Rousseau’s anthropology here serves to correct a misimpression about the origin and character of *mœurs* and of peoples that one might get from his political science.⁸⁵ In the passages that we have considered thus far, the origin of *mœurs* and of peoples are presented as an artificial, political phenomenon caused by rational human choice. In Book I Chapters V through VII of the *Social Contract*, Rousseau suggests that peoples are generated by the establishment of social contracts and thus by the choices of the parties to those contracts. In Book II Chapters VI through VII of the *Social Contract*, as well as in Book I of the *Emile*, he suggests, rather, that peoples are generated by institutions of civic education and thus by the choices of legislators. He suggests that *mœurs*, too, are generated in this way in Book II Chapter XII of the *Social Contract* and in his account of Lycurgus in the *Second Discourse*. Rousseau’s anthropological account of the origin of nations reveals what all these suggestions obscure, namely, that *mœurs* and peoples precede, and thus cannot be wholly attributed to, the conscious choices of political actors, e.g., parties to social contracts or legislators.⁸⁶ This means that the transformation of human beings from naturally independent wholes into artificially dependent parts is begun by various accidents of history. Civic education merely extends and, in a sense, rationalizes this transformation.

Before taking up the question of how *mœurs* conducive to good citizenship might be fostered through civic education, we need to understand the psychic mechanisms by which they are determined. Rousseau’s account of the origin of nations points especially to the

⁸⁵ Plattner, “Rousseau and the Origins of Nationalism,” 190-91.

⁸⁶ Note, for example, that the Corsicans “acquired virtues and *mœurs*” without “[having] any laws” (*CC / ŒC* 3: 903 / *CW* 11: 125).

influence that geographic conditions, e.g., climate and available foodstuffs, have over *mœurs*. The principle, which Rousseau elaborates in an unpublished fragment on the “Influence of Climates on Civilization,” is that man’s need for nourishment renders him dependent upon the things that surround him, e.g., “[t]he climate, the soil, the air, the water, the productions of the land and the sea,” which in turn “form” him, or, more specifically, “form his temperament, his character” and “determine his tastes, his passions, his labors, his every kind of action” (PF 10 / *ÆC* 3: 530 / *CW* 4: 54). Inasmuch as geographic conditions differ from place to place, this means that human beings in one place inevitably come to differ from those who live in another. Thus, out of the interaction of the universal human need for nourishment with diverse geographic conditions arise the variety of *mœurs* and of peoples, or nations.⁸⁷

Geographic conditions are not the only determinant of *mœurs*, however. For the need for nourishment is not the only need that besets human beings or renders them dependent upon and susceptible to formation by things outside themselves. In the fragment on the “Influence of Climates on Civilization,” Rousseau identifies three kinds of needs. The first are those whose objects, i.e., “nourishment and sleep,” are necessary for self-preservation. Rousseau calls these “physical needs” on the grounds that they are “given to us by nature” and that “nothing can deliver us from them” (PF 10 / *ÆC* 3: 529 / *CW* 4: 53). Accordingly, when he imagines man “as he must have come from the hands of Nature,” that is, “stripped of all the supernatural gifts that he could have received, and of all the artificial faculties that he could have acquired only by long progress,” Rousseau sees him “sating his hunger under an oak, slaking his thirst at the first Stream, finding his bed at the foot of the same tree that furnished his meal” and therewith having “[satisfied] his needs” (*SD* / *ÆC* 3: 134-35 / *CW* 3: 20). Given that “almost [the] only care” of “Savage man” is “his own preservation,” it follows

⁸⁷ For a statement of this principle in the *Second Discourse*, see *SD* / *ÆC* 3: 143-44 / *CW* 3: 27. For a vivid application of it in the cases of Corsica and Switzerland, see *CC* / *ÆC* 3: 913-15 / *CW* 11: 133-35.

that, as Rousseau suggests in his account of the origin of nations, *mœurs* would at first have been determined principally by geographic conditions (*SD / ŒC* 3: 140 / *CW* 3: 25).

The second kind of need that Rousseau identifies in his fragment on the “Influence of Climates on Civilization,” comprises the “appetites” that tend to “well-being,” as distinguished from “preservation,” and that “have as their object the luxury of sensuality, of softness, the union of sexes, and all that flatters our senses” (PF 10 / *ŒC* 3: 530 / *CW* 4: 54). This kind of need, which is felt, or is compelling, only after the needs for nourishment and rest have been satisfied, is not unknown to man in his most primitive condition. While nascent man is not asexual or insensitive to pleasure,⁸⁸ he is not preoccupied with this need in the way that some human beings come to be subsequently in their development. Hence, when nascent man has eaten and slept, he tends to be given over not to sensual indulgence but rather to “the sole sentiment of his present existence” (*SD / ŒC* 3: 144 / *CW* 3: 28). It seems from the *Second Discourse* that this began to change after human beings settled into huts and formed families. The greater facility with which they then preserved themselves gave them more “leisure.” Rather than giving themselves over to the sentiment of their respective existences, they, for reasons that Rousseau does not explain, “used [their leisure] to procure several sorts of commodities unknown to their Fathers,” some of which were luxuries pleasing to the senses. Perhaps the increase in the frequency of sexual intercourse that resulted from familial cohabitation resulted in an intensification of the taste and appetite for sensual pleasure generally. In any case, by the time that nations arose, human beings were beset by the appetite

⁸⁸ Rousseau’s exclusion of the sexual appetite from the physical needs, which is to say, from the needs that are given by nature and from which man cannot be delivered, might be taken to imply that this appetite is unnatural. Of course, Rousseau does not think that this is so. Indeed, at one point in the *Second Discourse*, he includes “a female,” along with “nourishment” and “repose,” among “the only goods in the universe that [Savage man] knows” and, in so doing, implicitly identifies the sexual appetite as one of the “Physical needs” (*SD / ŒC* 3: 143 / *CW* 3: 27). Hence, Rousseau does not characterize self-preservation as savage man’s “only care” without attaching the qualification “almost.” Nevertheless, while the sexual appetite is not unnatural, it is not, by nature, remotely as compelling as the needs for nourishment or sleep. This is the thought that Rousseau conveys, at the risk of exaggeration, by including the sexual appetite with the appetites for luxury, softness, and sensual pleasure rather than with the needs for nourishment and sleep.

for such pleasure along with the more fundamental needs for nourishment and sleep. It stands to reason that the same geographic conditions that shaped a people's *mœurs* by shaping the ways its members preserved themselves further shaped its *mœurs* by shaping the ways its members delighted their senses.

Although both the first and second kinds of need thus give geographic conditions power over *mœurs*, the most important determinant of *mœurs* is opinion. For the third kind of need that Rousseau identifies in the fragment on the “Influence of Climates on Civilization,” i.e., the need “which come[s] from opinion,” e.g., the need for “honors, reputation, rank, nobility, and all that has existence only in the esteem of men,” “does not fail to take precedence over [the first two kinds] in the end” (PF 10 / *ÆC* 3: 530 / *CW* 4: 54). Fully elaborating the complicated historical process by which human beings acquired this need in becoming social would compel us to go far beyond the limited scope of our study. We limit ourselves, then, to identifying some of the key features in the development of the passion with which this need is bound up: *amour-propre*.⁸⁹

Like *amour de soi*, or self-love, *amour-propre* entails the love of oneself, as distinguished from others. But, in the case of *amour-propre*, by contrast with that of self-love, one's love of oneself is based upon one's esteem for oneself relative to others. It entails the opinion, well or ill founded, that one is somehow superior to others and the desire that others esteem one accordingly. *Amour-propre* thus entails a consciousness of oneself and others, a capacity for making comparisons, and an opinion about what is, and is not, estimable that Rousseau's account of man in the pure state of nature implies are unnatural. Hence, *amour-propre*, by contrast with self-love, is an unnatural passion.

⁸⁹ There is no adequate word with which to translate *amour-propre* into English. For the sake of clarity and precision, we will therefore leave it in the original.

There is, however, a form of *amour-propre* that emerges so early in man's historical development as to be almost natural. In the *Second Discourse*, Rousseau identifies the first cause of *amour-propre* in the historical development of the human species as man's recognition of his superiority over other animals. Even in the pure state of nature, their most primitive condition, human beings were, all things considered, better at preserving themselves than were other animals (*SD / ŒC* 3: 134-37 / *CW* 3: 20-22). Their superiority in this respect increased as they took their very first steps out of the pure state of nature. For in overcoming the "obstacles" to their preservation that "Nature" suddenly presented to them, human beings honed their faculties. They came to notice their superiority in part because it became more noticeable and in part because their improved mental faculties enabled them to notice it. Rousseau writes that "the first glance [man] took at himself produced in him the first movement of pride." "[I]t is thus," he continues, "that, as yet scarcely knowing how to distinguish ranks, and considering himself in the first one by dint of his species, he is prepared from afar to make a claim to it as an individual" (*SD / ŒC* 3: 165-66 / *CW* 3: 43-44).

This moment in the history of the human species serves to illustrate the definition of pride, as distinguished from vanity, given in an important passage at the end of the *Constitution for Corsica*. "Pride," Rousseau writes, "is more natural than vanity because it consists in esteeming oneself on the basis of truly estimable goods, whereas vanity, which gives value instead to what has none, is the work of prejudices slow to be born." Given that man feels the first movement of pride so early in his history and given that it is the effect of his overcoming *natural* obstacles to the object of his most *natural* need, i.e., his preservation, one can wonder whether pride might not be natural simply.⁹⁰ Clearly, in any case, Rousseau's characterization of pride as more natural than vanity is supported by its primitive origin. Rousseau's subsequent identification of the "truly estimable goods" on the basis of which the proud

⁹⁰ See Marks, *Perfection and Disharmony*, 6-7.

esteem themselves as “independence and power” is also supported by the *Second Discourse* (*CC* / *ÆC* 3: 938 / *CW* 11: 154). Man’s distinctly human faculties make him more independent and powerful than other animals; it is for excelling them in these qualities that he esteems himself.

What makes independence and power truly estimable goods? Rousseau’s account of the historical origin of pride tempts the thought that they are estimable as means to self-preservation. While the faculties that make a man independent and powerful also enable him to preserve himself, these qualities are not *esteemed* as means to this end. Indeed, Rousseau characterizes the “proud” man as one who “intensely aspires to power...as an end,” whom he distinguishes from one who aspires to it “as a means.” (It stands to reason that the proud man aspires to independence also as an end rather than as a means.) The proud man’s aspiration to power and independence as ends in themselves is reflected in Rousseau’s characterization of these qualities as “beautiful.” Indeed, he asserts arrestingly that “there is nothing more really beautiful than independence and power” (*CC* / *ÆC* 3: 938 / *CW* 11: 154). The thought underlying this claim, about which we can only speculate, may be that nothing is more characteristic of the object of our most fundamental desire, i.e., existence, than independence and power. On this view, the proud man’s independence and power appear to him to be not so much useful means to his existence as beautiful features of his existence, which, as such, have intrinsic worth.

The incipient *amour-propre* that arises with man’s recognition of his superiority in independence and power over other animals is modified when man enters nascent society. The modification begins with the transformation of natural sexuality into romantic love. Regularly exposed to various members of the opposite sex outside their respective families, human beings in nascent society compare these potential sexual partners to one another, and, in so doing, “imperceptibly acquire ideas of merit and of beauty that produce sentiments of

preference” (*SD* / *ÆC* 3: 169 / *CW* 3: 47).⁹¹ These sentiments of preference distinguish romantic love from natural sexuality, which, according to Rousseau, is utterly indiscriminating (*SD* / *ÆC* 3: 157-58 / *CW* 3: 38-39). In the *Emile*, Rousseau tellingly speaks of the lover’s preference for his beloved as a choice. Far from being impulsive or thoughtless, it arises from comparison and judgment, which Rousseau characterizes as rational. Implicit in any lover’s preference for his beloved, then, is an opinion, namely, that she, more than others, conforms to his idea of merit and beauty (*E* 4 / *ÆC* 4: 493-494 / *CW* 13: 364-65).

Immediately after characterizing the lover’s preference for his beloved as a choice arising from rational comparison and judgment, Rousseau adds that the lover “wants to obtain the preference that [he] accords.” “[L]ove,” he continues, “must be reciprocal” (*E* 4 / *ÆC* 4: 494 / *CW* 13: 365). Thus, with the emergence of romantic love, human beings come to depend, consciously, on the wills and opinions of others. To the limited extent that they depended upon other human beings previously, e.g., for care in infancy or for sexual satisfaction in adulthood, they did not experience that dependence as dependence on willing, esteeming beings. For the first time in history, they concern themselves with being esteemed by others and thus with the opinions of others. They also concern themselves, for the first time in history, with how they compare to others—specifically, with how they compare to other members of their sex with respect to qualities attractive to the opposite sex. Rousseau identifies the concern to be loved by one’s beloved as the cause of man’s “first glances at his fellows [*semblables*]” and his “first comparisons with them” (*E* 4 / *ÆC* 4: 494 / *CW* 13: 365).⁹²

Once the desire to be loved is born, it takes on a life of its own. Rousseau writes that “one who feels how sweet it is to be loved would like to be loved by everyone [*tout le monde*]”

⁹¹ Rousseau’s account of the transformation of natural sexuality into romantic love raises difficult questions about how morality emerges in naturally amoral beings. Given the limited scope of our study, we pass over these questions.

⁹² This is something of an exaggeration given Rousseau’s admission that human beings in the state of nature would compare themselves to others on the rare occasions on which they found themselves in competition (*SD* / *ÆC* 3: 166-67 / *CW* 3: 44-45).

(*E* 4 / *ÆC* 4: 494 / *CW* 13: 365). Thus, being loved by his beloved has the effect not of satiating the lover's desire to be loved but of intensifying it and detaching it from the desire to possess his beloved and thus from sexual desire altogether. Rousseau does not mean to suggest that the lover, in wanting to be loved by everyone, wants to have sex with everyone. Given this, his statement can be taken to imply that the sweetness of being loved by one's beloved comes less from sensual pleasure than from the consciousness that one is esteemed and preferred by another. This consciousness gives the lover grounds to take pride in himself relative to other human beings. Inasmuch as romantic love entails a need for another, being beset by this passion testifies against the power and independence for which human beings theretofore esteemed themselves relative to other animals. "Every attachment is a sign of insufficiency" (*E* 4 / *ÆC* 4: 503 / *CW* 13: 372). To love another, then, may be to suffer a wound to one's pride.⁹³ That wound would be succored, or perhaps even healed, by the consciousness that one is esteemed and preferred by one's beloved, especially given that she is the woman one holds in highest esteem. It is striking that, for as much as man is drawn out of his natural self-absorption through the experience of romantic love, he does not esteem others without desiring to be esteemed by others. Rousseau's account of this passion thus suggests that human beings are at least as much desirers of esteem as they are givers of it.

That the lover, immediately upon being loved by his beloved, becomes concerned to be loved by everyone, i.e., even those whom he does not esteem highly, suggests that his concern to be loved by his beloved does not arise from a deep concern to be genuinely meritorious or beautiful. This is suggested even more clearly by another development. Man's desire to be loved or esteemed by others is so intense that he reorients his life around others' opinions of what is lovable or estimable. Rousseau reports "[seeing] opinion elevating an

⁹³ In the face of "a happy man," our "*amour-propre*...suffers in making us feel that this man has no need of us" (*E* 4 / *ÆC* 4: 503 / *CW* 13: 373).

unshakeable throne, and stupid mortals, subjected to its empire, basing their own existence only on the judgments of others” (*E* 4 / *ÆC* 4: 493-494 / *CW* 13: 364-65). Thus, any concern to *be* meritorious and beautiful quickly gives way to the concern to *seem* meritorious and beautiful, and not only to one’s beloved but to all.

The connection between romantic love and the desire for esteem that Rousseau draws in Book IV of the *Emile* is evident in his description of human history in the *Second Discourse*. The desire for the esteem of others apart from one’s beloved is presented as arising immediately after, and partly as the effect of, romantic love. Rousseau’s description of this momentous development is worth quoting at length. He writes:

As ideas and sentiments follow on one another, as the mind [*l’esprit*] and heart are exercised, the human Race continues to be tamed, connections spread and links tighten. People grew accustomed to assembling in front of the Huts or around a large Tree; song and dance, true children of love and of leisure, became the amusement or rather the occupation of idle and gathered men and women. Each began to look at the others and to wish to be looked at himself, and public esteem had a value. The one who sang or danced the best, the most beautiful, the strongest, the most adroit, or the most eloquent became the most highly considered... As soon as men had begun to appreciate one another mutually and the idea of consideration was formed in their minds, each claimed to have a right to it, and it was no longer possible to lack consideration for others with impunity. From this came the first duties of civility, even among the Savages; and from this every voluntary wrong became an outrage, because, with the evil that resulted from the injury, the offended party saw in it a contempt for his person that was often more unbearable than the evil itself. It is thus that, each punishing the contempt that had been shown to him by another in a manner proportionate to the importance he attached to himself, vengeance became terrible, and men bloodthirsty and cruel. (*SD* / *ÆC* 3: 169-70 / *CW* 3: 47-48)

We note, to begin, that romantic love alters the way that human beings make use of their leisure. Singing and dancing together with others is a far cry from giving oneself over in solitude to the sentiment of one’s existence. In the *Essay on the Origins of Languages*, we encounter a similar scene in which human beings express the new passion of which they are

full by singing and dancing with one another underneath a tree (*EOL IX / ŒC 5: 406 / CW 7: 314*).

We have seen human beings, prior to this moment in their history, giving esteem first to themselves and then to their beloveds. This is the first instance in which we see them giving esteem to others whom they do not desire somehow to possess for themselves. Human beings can and do recognize excellent qualities in others and esteem them accordingly; it seems that they even find themselves in substantial agreement about which qualities are estimable and who possesses them. Then again, Rousseau's emphasis on the discord arising from perceived slights suggests that the extent to which human beings are willing to give esteem to others is limited, specifically, by their desire and somehow also their belief that they are entitled to be esteemed by others.⁹⁴ This is the moment at which human beings finally begin to make assertions of and demand recognition for the excellence of their personal qualities. That human beings should be moved to make such assertions and demand such recognition indicates that the consideration that they desire and believe they are entitled to is not always immediately forthcoming. Note that it is only on behalf of themselves and not on behalf of others that they are presented as making such assertions and demanding such recognition. Each tends to esteem himself more highly than others do. "*Amour propre*," Rousseau explains, leads each individual to attach more importance to himself than to any other" (*SD / ŒC 3: 219nXV / CW 3: 91n12*).

Rousseau's description of the development of *amour-propre* in nascent society complicates his suggestion that this passion enslaves human beings to the opinions of others. That those beset by *amour-propre* make claims to the esteem of others indicates that this passion does not make human beings simply or altogether deferential to others' opinions. Asserting

⁹⁴ The suggestion in the passage quoted above that a belief that one is entitled to be esteemed by others follows from the desire to be esteemed by them is perplexing. As in our discussion of the transformation of natural sexuality into romantic love, we pass over the difficult question of how morality emerges in naturally amoral beings.

and demanding recognition for the excellence of one's qualities is, manifestly, not to submit to others' opinions completely. It is important to recognize, however, that the man who makes a claim to esteem is not altogether independent of others' opinions. Such a man will not be content unless or until others form favorable opinions of him. Hence, in this way, all who are beset by *amour-propre* are dependent upon the opinions of others.

The distinction between pride and vanity suggests that all those beset by *amour-propre* do not depend upon the opinions of others in equal measure, however. Inasmuch as the proud and the vain alike desire to be esteemed by others, both depend upon the opinions of others.⁹⁵ As we will discuss in the next chapter, the legislator himself, or, more broadly, the hero, depends upon the opinions of others inasmuch as he desires glory.⁹⁶ Even "the wise man...is not insensitive to glory" (*FD* / *ÆC* 3: 26-30 / *CW* 2: 19-22).⁹⁷ But, inasmuch as the proud esteem themselves and desire to be esteemed by others for qualities that *are* estimable, they are less dependent upon the opinions of others than the vain, who esteem themselves and desire to be esteemed by others for qualities that merely *seem* estimable.⁹⁸ In a passage of the *Emile* from which we quoted above (*E* 4 / *ÆC* 4: 493-494 / *CW* 13: 364-65), Rousseau implicitly attributes the tendency of human beings to orient their lives around others' opinions of what is estimable to their desire to be esteemed by others. To the extent that the proud do not do this, their desire to be esteemed by others must be limited by an independent concern to be estimable, which prevents them from simply deferring to, and thus from simply depending

⁹⁵ The human beings who felt the first movements of pride stand as exceptions to this principle. It is not clear whether it is possible for human beings in society to esteem themselves without desiring to be esteemed by others, too, as their ancestors did.

⁹⁶ Rousseau's reference to the "great soul" of the legislator (*SC* 2.7 / *ÆC* 3: 384 / *CW* 4: 157) and of the hero (*VH* / *ÆC* 2: 1263 / *CW* 4: 2) should be noted in connection with his identification of pride as the form that *amour-propre* takes in "great souls" (*E* 4 / *ÆC* 4: 494 / *CW* 13: 365).

⁹⁷ Consider Rousseau's description of himself in the first of his Letters to Malesherbes: "Continued successes have rendered me sensitive to glory, and there is no man who has some loftiness of soul [*hauteur d'ame*] and some virtue who could think without the most mortal despair that, after his death, a pernicious work capable of dishonoring his memory and of doing much harm could be substituted under his name for a useful work" (*LM* 1 / *ÆC* 1: 1131 / *CW* 5: 573).

⁹⁸ See *CC* / *ÆC* 3: 938 / *CW* 11: 154.

upon, others' opinions of what is estimable. That vanity occurs more frequently than pride suggests that this concern tends to be relatively weak and, as such, vulnerable to being overcome by the desire for esteem. It is telling that, in the passages from the *Constitution for Corsica* and Book IV of the *Emile* that we have been considering, Rousseau initially speaks as if *amour-propre* only takes the form of vanity; his indication that it can also take the form of pride comes later as an explicit or implicit point of clarification. One gets the impression that pride is so much rarer than vanity that he momentarily loses sight of it. The conclusion to be drawn from all this, which, as we will see, bears on the task of civic education, is that, while human beings moved by *amour-propre* can retain a certain kind of independence from the opinions of others, they tend not to do so because their desire to be esteemed tends to overwhelm their concern to be estimable.

Inasmuch as the distinction between pride and vanity comes down to a distinction between the desire to be esteemed and the concern to be estimable, it presupposes that human beings can esteem qualities that are not estimable. The truth of this presupposition is so obvious that it seems hardly worth mentioning. Upon reflection, however, it presents an interesting perplexity. Rousseau's accounts of *amour-propre* in the *Second Discourse* and the *Constitution for Corsica* suggest that the more primitive, or natural, human beings are, the less what they esteem will differ from what is estimable. The qualities that first strike human beings as estimable are qualities that are somehow estimable by nature, e.g., independence and power. And since these are the qualities that are esteemed among them, the desire to be esteemed, once it emerges, leads them to concern themselves with acquiring or displaying qualities that do not merely seem but also are estimable. Over time, however, human beings gradually form "prejudices" which "[give] value...to what has none," to "frivolous objects" (*CC / AEC* 3: 938 / *CW* 11: 154). What would cause a man to seek to acquire or display such objects is clear *provided* that others have begun to esteem them—he desires their esteem. But what could have

caused anyone to esteem such objects in the first place, i.e., prior to there being any grounds for hoping that one could win esteem by acquiring or displaying those objects, is unclear.

This variability in the objects of human esteem is partly explained by, or rather exemplifies, the perfectibility of human nature, as Rousseau conceives it.⁹⁹ Indeed, it bears stating here that the broader phenomenon of which this is a part is among the most salient examples of human perfectibility. Only a highly malleable creature could go from being so self-absorbed and indifferent to its fellows that it does not even recognize that they are willing, esteeming beings to being so preoccupied with receiving the esteem of others that it reorients its whole life around their opinions. In this light, we see again that a great deal of the denaturing that man must undergo in order to become a citizen occurs by accident of history long before civic education.

Given Rousseau's characterization of their natural condition, human beings' becoming at all concerned with esteem is a remarkable transformation. It is all the more remarkable, then, that the "needs...which come from opinion" do "not fail to take precedence over [man's other needs] in the end" (PF 10 / *ÆC* 3: 530 / *CW* 4: 54). In the *Constitution for Corsica*, Rousseau affirms that these needs, or, *amour-propre*, as he there refers to them, make up almost the only positive motive for action among human beings. While he admits that men are also moved by the desire for "sensual pleasure [*la volupté*]"—one of the appetites that tend to well-being and that comprise the second order of needs identified in "On the Influence of Climates on Civilization"—he insists that, for most, indulgence in such pleasure is ultimately a form of "ostentation" and thus not an end in itself but a means to *amour-propre* (*CC* / *ÆC* 3: 937 / *CW* 11: 153-54).¹⁰⁰ Even the pleasures that are indulged in for their own sake are not unaffected by opinion. Indeed, Rousseau writes:

⁹⁹ On human perfectibility, see *SD* / *ÆC* 3: 142-43 / *CW* 3: 26-27.

¹⁰⁰ On this point, see also *E* 4 / *ÆC* 4: 659 / *CW* 13: 501 and PF 5.1 / *ÆC* 3: 501-502 / *CW* 4: 35-36.

Among all peoples of the world, it is not nature but opinion that decides the choice of their pleasures. Correct the opinions of men and their *mœurs* will purify themselves on their own. One always loves what is beautiful or what one finds to be so, but it is on this judgment that one can be mistaken. It is therefore a question of regulating this judgment. (*SC* 4.7 / *ÆC* 3: 458 / *CW* 4: 214-15)

The extent of the power that Rousseau attributes to opinion comes to sight even more fully here than in the *Constitution for Corsica*. For here he suggests that, even when one is not indulging in pleasure with view to being esteemed for doing so, what one takes pleasure in is modified by one's opinions, specifically, about beauty. And, to the extent that human beings are led by the desire for esteem to take their opinions about the beautiful from others, this means that the desire for esteem affects their actions even when they are not seeking to fulfill that desire. In any case, Rousseau holds: "All want to be admired. Here is the secret and final end of the actions of men" (*PF* 5.3 / *ÆC* 3: 503 / *CW* 4: 36). Since the desire to be admired, or, *amour-propre*, is "the fruit of opinion," since it is "born from it and nourishes itself on it," "the arbiters of the opinion of a people are the arbiters of its actions" (*CC* / *ÆC* 3: 937 / *CW* 11: 153-54).

Rousseau's reference to "the opinion of a people" brings us back to the question that led us to inquire into the origins and character of *amour-propre* in the first place: How are *mœurs* affected by the needs that come from opinion? In speaking of man's desire for esteem as a desire for the esteem of others, and in speaking of his corresponding dependence on opinion as a dependence on the opinions of others, we have been abstracting from the particular social dispensation that gave rise to that desire and dependence, namely, the nation, or the people. The others that human beings are surrounded by and engage with when *amour-propre* develops are their countrymen. In practice, then, it is their countrymen's esteem that they desire. And, therefore, it is their countrymen's opinions that they depend on. To the extent that the opinions about what is meritorious, beautiful, and estimable held by the members of a nation converge, and converge in ways that reflect preexisting habitual practices that already unite them with one another and distinguish them from members of other nations, those opinions

will vary across nations. Thus, the *mœurs* that are coeval with nations, i.e., those that, as we explained above, are determined by the interaction of universal human needs for preservation and well-being with particular geographic conditions, interact with the emergent passion *amour-propre* in a way that generates distinctive opinions of peoples. Inasmuch as human action is determined principally, if not altogether, by opinion about what is estimable, these distinctive national opinions in turn affect, nay, become the principal cause of, the habitual common practices of nations, i.e., *mœurs*. Hence, “it is useless to distinguish the *mœurs* of a nation from the object of its esteem, for all these things arise from the same principle and necessarily get mixed up” (*SC* 4.7 / *ÆC* 3: 458 / *CW* 4: 214-15). Over time, the variety of *mœurs* is compounded by the accumulation of differences in the events that transpire within each nation, by, in a word, distinctive national histories. Here, then, we see the complex, mutually reinforcing dynamic through which human beings are united with some and divided from others, that is, through which nations or peoples are formed.

II. *MŒURS* AND THE LIMITS AND POSSIBILITIES OF CIVIC EDUCATION

Our investigation into the pre-political origins and character of *mœurs* has shown that the transformation of human beings from naturally independent wholes into unnaturally dependent parts begins prior to the institution of law or civic education with the accidental development of nations and *amour-propre*. There are two distinct senses in which human beings are parts of wholes at the end of this development. First, and more simply, they are components of their nations. Second, they are dependents on their nations. Specifically, they depend upon their countrymen for the esteem that they desire. And, as we have seen, they are, or tend to be, led by this need to take the opinions that prevail among their countrymen as their own and to determine their actions accordingly.¹⁰¹

¹⁰¹ See Marks, *Perfection and Disharmony*, 64; Strauss, *Natural Right and History*, 289.

Nevertheless, this development is not sufficient to generalize wills. For there is no necessity that the qualities held up as estimable by the public opinion that emerges through, and is empowered by, this development are those qualities that serve the good of the nation as a whole. If there were such a necessity, the task of the legislator and even of law would be obviated. Given the need for citizens to obey the law willingly and given the power public opinion exercises over citizens' wills, law will not be effective unless public opinion does hold up civically salutary qualities as estimable. Hence, the task of directing public opinion to do this, which falls to the legislator, is indispensable.

The necessity of rationally directing public opinion can be seen in Rousseau's critique of monetary wealth. When Rousseau addresses himself to economic policy, he consistently recommends that the circulation and accumulation of money be minimized.¹⁰² He does this for a variety of reasons. The most relevant, which he articulates with particular force and clarity in his argument against legislative representation in the *Social Contract*, is that the love of money tends to come at the expense of the love of freedom and tends, in elevating private interests, to diminish the public-spiritedness that citizens must have in order to fulfill their duties under the social contract, specifically, their duties to legislate in accord with the general will, or even to participate in legislation, and to assure that the government executes the laws (*SC* 3.15 / *CEC* 3: 428-29 / *CW* 4: 191-92).¹⁰³ Hence, he admonishes: "Search in every country, in every government, and over all the earth. You will not find a great evil in morality or in politics in which money is not mixed" (*GP* 11 / *CEC* 3: 1006 / *CW* 11: 212).

Rousseau's critique of money is relevant to our argument inasmuch as money tends, in his view, to be sought not so much for its own sake, or even for the material well-being that

¹⁰² Rousseau's principal treatments of economic administration can be found in the *Constitution for Corsica*, the last section of the *Discourse on Political Economy* (*CEC* 3: 262-78 / *CW* 3: 157-70), and Chapter XI of the *Government of Poland* (*CEC* 3: 1003-1012 / *CW* 11: 209-216).

¹⁰³ See also *CC* / *CEC* 3: 911, 915-16 / *CW* 11: 131, 135-36.

can be acquired with it, as for the sake of esteem. Among the many aspersions that Rousseau casts on “pecuniary interest” is that it is the weakest form of “self-interest,” felt only when all the other passions have been “enervated [and] stifled” (*GP* 11 / *ÆC* 3: 1005 / *CW* 11: 211). Most who seek money do so not out of this pecuniary interest but rather out of vanity, or, as Rousseau puts it in the first of his illuminating fragments on “Honor and Virtue,” “the love of distinctions.” “One does everything to get rich, but it is in order to be considered that one wants to be rich” (PF 5.1 / *ÆC* 3: 502 / *CW* 4: 34-35).¹⁰⁴ This, of course, presupposes that public opinion holds up being rich as estimable. And this demonstrates that there is no necessity that the dependence on public opinion that arises by accident of history will serve to generalize wills. On the contrary, there is a powerful tendency that it will serve to do the opposite. Indeed, Rousseau writes in the *Second Discourse* that, while it is in terms of “personal qualities” that men are initially distinguished, they ultimately are distinguished in terms of “wealth” (*SD* / *ÆC* 3: 189 / *CW* 3: 63).¹⁰⁵

We see here that, having begun to transform human beings from independent wholes into dependent parts, history does not merely fail to complete this transformation, it takes it in a pernicious direction. Given the objects public opinion tends ultimately to hold up as estimable, *mœurs* in highly developed or civilized societies tend not to generalize wills. The irrational, non-teleological character of history appears starkly in this light. And the legislator-as-civic-educator comes to sight not so much as the indispensable completer of history as the indispensable rectifier of history.¹⁰⁶

In rendering human beings dependent upon public opinion, history arms the legislator with a double-edged sword. For the dependence of human beings in society on public opinion

¹⁰⁴ This line of thought explains Rousseau’s omission of the desire for monetary wealth from the positive motives for action that he identifies in the *Constitution for Corsica*.

¹⁰⁵ See Viroli, *Jean-Jacques Rousseau*, 197-98.

¹⁰⁶ On this issue, see Viroli, *Jean-Jacques Rousseau*, 198-99.

at once serves as a resource for and poses a challenge to civic education. First, it should be said that this is among the things that makes civic education necessary. Thus, this dependence poses a challenge to the whole task of legislation, of which civic education is but a part. If human beings desire the esteem of others so intensely that their actions are, as Rousseau claims, determined by public opinion about what is estimable, then laws will not be observed or, for that reason, be effective unless their dictates are consistent with that of public opinion. The limits of law relative to *mœurs* and public opinion are thematic in the *Letter to D'Alembert*, to which we are directed in the brief treatment of censorship in Book IV Chapter VII of the *Social Contract*. In the relevant section of the *Letter to D'Alembert*,¹⁰⁷ Rousseau is concerned to refute the argument that any damage to the Genevans' *mœurs* that might be done by the establishment of a theater in their city could be prevented by the passage of laws designed to prevent such damage. Against this argument, he reasons that, since the establishment of a theater would alter the Genevans' *mœurs* by altering their opinions about what is estimable, and since law is ineffective when it is opposed by public opinion, the passage of such laws would be futile. Here we encounter some of Rousseau's most emphatic statements on the power of public opinion and, by extension, the desire for esteem. What the law commands and forbids must be consistent with "honor," or, more precisely, with public opinion about what is honorable. For "even the law cannot oblige anyone to dishonor himself" (*LD / ŒC* 5: 63 / *CW* 10: 301). (So much for the power that Rousseau attributes to the social contract's provision for constraint.) It follows that "[o]pinion, which Rousseau coronates "queen of the world," "is not subject to the power of kings." On the contrary, "they are themselves her first slaves" (*LD / ŒC* 5: 67 / *CW* 10: 305).¹⁰⁸ All this serves further to explain Rousseau's

¹⁰⁷ *LD / ŒC* 5: 60-68 / *CW* 10: 299-306.

¹⁰⁸ We note that this thought underlies Rousseau's insistence that the despot is no freer than his subjects and that, by extension, the iniquitous life of the despot is not good for the despot himself (*E* 2 / *ŒC* 4: 308-309 / *CW* 13: 214-15; *SC* 1.1 / *ŒC* 3: 351 / *CW* 4: 131)

insistence that the arch of legislation will crumble, or the organism of legislation will die, if the legislator does not attend to the *mœurs*, customs, and opinions of the people.

We return to our contention that the dependence of human beings on public opinion in society at once serves as a resource for and poses a challenge to civic education. It serves as a resource inasmuch as it gives the legislator a hold on citizens' opinions and actions. That individuals depend upon and are determined in their opinions and actions by the peoples they compose facilitates the task of generalizing their wills and making them virtuous citizens. Then again, this only raises the question of how the legislator is to direct public opinion. And, inasmuch as public opinion is composed of individual opinions, it is not clear that directing it is any different from or easier than directing individual opinions. Given this, it would be more accurate to say that the resource made available to the legislator by history is social man's desire to be esteemed by others and, by extension, to seem estimable to others that lies at the root of his dependence on public opinion. The work of getting human beings to opine that certain qualities are meritorious or beautiful, to esteem themselves and others on the basis of those qualities, and to desire and make claims to the esteem of others is, as we have seen, accomplished by history before the legislator arrives on the scene. Inasmuch as the legislator can make use of the tendency of human beings to engage in this set of behaviors, the work of civic education is facilitated for him.

The challenge that this development poses to legislators, even as it serves as a resource for them, is that any people they might wish to educate will already hold and be determined in their actions by opinions about what is estimable, which, as we have seen, may oppose civic virtue. In many, indeed, in most cases, this challenge is insuperable. This is one of the most basic reasons that Rousseau harbors little hope for political reform except among a few peoples, e.g., the Poles and the Corsicans. Rousseau's account of the legislator in Book II Chapter VII of the *Social Contract* is followed by a series of three chapters on the people, the

thrust of which is that only certain peoples, under certain conditions, are suited to receiving good laws.¹⁰⁹ Extending the architectural analogy from Book II Chapter VII, Rousseau writes: “Just as the architect, before raising a great edifice, observes and tests the soil in order to see whether it can sustain the weight, the wise founder does not begin by drafting laws that are good in themselves, but first examines whether the people for whom he destines them is suited to bear them” (*SC* 2.8 / *ÆC* 3: 384-85 / *CW* 4: 157). One of the most important questions facing the legislator in his examination of a people is whether its *mœurs* and opinions are civically salutary or susceptible to being made so. Rousseau argues that it is only when they are young, or have been rejuvenated by revolution, that peoples have *mœurs* and opinions of this character. For it is only then that peoples tend to possess two seemingly contrary qualities that Rousseau regards as necessary for bearing legislation: docility and vigor.

Peoples must be docile in the sense that they cannot be so set in their ways as to be intolerant of innovations introduced by the law,¹¹⁰ as well as in the more basic sense that they cannot be so averse to obedience as to violate the law. “Peoples, like men,” Rousseau explains, “are docile only in their youth; they become incorrigible in aging.” “Once customs are established and prejudices have taken root,” he continues, “it is a dangerous and vain enterprise to wish to reform them” (*SC* 2.8 / *ÆC* 3: 385 / *CW* 4: 157). Accordingly, at the conclusion of his discussion of peoples and their suitability for legislation, Rousseau characterizes the one that is suitable for legislation as, among other things, “[o]ne that, finding itself already united by some union of origin, interest, or convention, has not yet borne the

¹⁰⁹ “[T]he emphasis on the rarity of success is,” as Meier observes, “the leitmotif” of these chapters (“Right of Politics,” 142).

¹¹⁰ This matters less in the case of peoples set in ways that are civically sound and for whom legislation therefore need not entail much innovation. The Poles, “a nation already wholly instituted, whose tastes, *mœurs*, prejudices, and vices are too rooted to be capable of being easily stifled by new seeds,” are such a people (*GP* 1 / *ÆC* 3: 953 / *CW* 11: 169).

true yoke of the laws” and “that has neither customs nor superstitions that are deeply rooted” (*SC* 2.10 / *ÆC* 3: 390 / *CW* 4: 162).¹¹¹

The need for youthful vigor is emphasized more in the *Constitution for Corsica* and the *Government of Poland* than in the *Social Contract*. It is not altogether absent from the latter, however. Rousseau acknowledges it in a discussion of the rejuvenating effects of revolutions. The turning against old ways that occurs in revolutions restores peoples to youthful docility inasmuch as it makes them susceptible to being reformed. To this, Rousseau adds that, when peoples survive the brushes with death that come with revolutions, they are restored to “the vigor of youth” (*SC* 2.8 / *ÆC* 3: 385 / *CW* 4: 158). The examples that Rousseau goes on to adduce in favor of this claim, along with the examples of the Corsicans and the Poles, indicate that what it means for a people to survive a brush with death is for it to liberate itself from, or effectively to resist, despots. Youthful vigor in peoples consists in the desire and the capacity to acquire or maintain freedom, especially against one or some who would deprive them of it.

Note that such vigor is characteristic not only of man in his youth but also of the human species in its youth. Recall Rousseau’s denial that the “proud and untamed” men who established “nascent Government” would have voluntarily subjected themselves without reservation to the will of another. The youthfully vigorous peoples identified by Rousseau resemble these men, as well as the savages who sacrifice “pleasures, repose, wealth, power, and life itself for the preservation of” freedom and the animals that resist taming and captivity at all costs (*SD* / *ÆC* 3: 180-82 / *CW* 3: 56-57).¹¹² These comparisons make clear that the vigor that Rousseau insists upon as a prerequisite for legislation is natural.¹¹³ Inasmuch as this

¹¹¹ The problem posed by deeply rooted superstitions will become particularly clear in light of our argument, in the next chapter, that the legislator cannot elicit the people’s consent to his laws without reforming their conception of divine authority.

¹¹² See also *CC* / *ÆC* 3: 1726-27n1 / *CW* 11: 126n.

¹¹³ To the extent that this vigor arises partly from pride, as Rousseau’s characterization of the founders of nascent government implies, it is not simply or altogether natural, however. Then again, as we noted above, one can wonder whether pride, as it first manifests itself, might not be natural.

quality is to be preserved after and even through legislation,¹¹⁴ this is to say that there is an important sense in which civic education does not involve denaturing human beings. Indeed, it is to say, on the contrary, that there is an important sense in which civic education involves the preservation of human nature.

As we indicated above, when Rousseau raises the question of what qualities render peoples suitable for legislation, he suggests that, in receiving laws, the people come to bear a burden. They bear the laws as a plot of ground bears a building. While this analogy captures an important aspect of citizenship, namely, citizenship as subjection, it obscures another, namely, citizenship as freedom. Rousseau's insistence on the need for vigor reminds us of this. It implies that only a certain degree or kind of docility is to be sought in peoples. Rousseau may place greater emphasis on the need for docility than on the need for vigor in the *Social Contract* because his principal concern, immediately following his treatment of the legislator, is with the people's reception of laws, for which they must be docile, rather than with their maintenance or alteration of them, for which they must be vigorous. A people must be vigorous, which is also to say, it must not be simply or altogether docile, if it is to guard against violations of the law, whether by forces from within or from without. The inevitable tendency of magistrates to administer government in accord with their respective private wills or with their corporate will rather than with the general will, as promulgated in the laws, makes the quality of vigor indispensable in the people.¹¹⁵

For as much as the qualities of docility and vigor are in tension with one another, there is reason to think, and to hope, that they might be found together. Inasmuch as vigor tends to be found among peoples that are less alienated from nature, it will tend to be found among

¹¹⁴ See Rousseau's warning to the Poles against undertaking reforms that would stifle the vigor they showed in resisting Russian domination (*GP* 1 / *ŒC* 3: 954-55 / *CW* 11: 170).

¹¹⁵ Rousseau describes this tendency in Book III Chapters 10-11 of the *Social Contract*. Much of his counsel to his fellow Genevans in the *Letters Written from the Mountain* concerns vigorously opposing this tendency, which he observed at work in their city.

peoples whose progress in the dynamic of socialization is less advanced and who are less set in their *mœurs*. This means more specifically—and more importantly—that it will tend to be found among peoples for whom monetary wealth is not an object of especial esteem. Hence, in legislating only for vigorous peoples, legislators will be spared from the daunting, not to say futile, task of reforming the pernicious opinion that monetary wealth is estimable and the pernicious *mœurs* that follow from this opinion.

Nevertheless, the tension between the qualities that Rousseau identifies as prerequisites for receiving legislation points us to one of the most basic challenges that confronts the legislator. Virtuous citizenship entails a complex and elusive combination of docility and vigor. To say that citizens must be docile as subjects and vigorous as members of the sovereign would be to understate its complexity and elusiveness considerably. For participation in sovereignty alone requires both docility and vigor. Consider what the sovereignty of the general will means for the way that citizens are to relate to their private wills on one hand and established law on the other. Citizens must be docile inasmuch as they must subordinate their private wills to the general will. But they also must be vigorous inasmuch as they must assert the general will over and against the very established law that they docilely obey outside the assembly as subjects. We are about to see that this problem will be exacerbated in the first stage of civic education and will have to be ameliorated in the second if the principles of political right are to be realized.

Chapter 3: Nascent Citizenship as Dutifulness to Divine Authority

Now that we have an understanding of Rousseau's moral and social psychology, of the psychic condition of human beings as formed by history in society, and of the qualities favorable to citizenship, we turn to Rousseau's account of civic education. In this chapter, we will examine the preliminary stage of civic education wherein the legislator gets the people effectively to enact his laws by persuading them, with musical rhetoric, that they are obligated to submit to those laws on the false grounds that they express the authoritative will of God or the gods. In addition to treating the question of the legitimacy of this stage of civic education, we will treat the relatively understudied question of its efficacy. In arguing that the legislator gets the people to obey and thereby to consent to his laws by appealing to divine authority, Rousseau implies that the people have a conception of and are moved by a sense of obligation to divine authority. But given the moral and intellectual limits that Rousseau ascribes to the people—limits that make the legislator necessary—the question arises whether the people would have such a conception or be moved by such a sense. Ours is the first study of Rousseau's account of the legislator to take up this question. We draw on the *Second Discourse* and the *Emile*, among other works, to determine how the people would conceive of divine authority prior to their encounter with the legislator and how the legislator would have to reform that conception in order to move them to obey his laws out of a sense of obligation. In answering these questions, we shed light on Rousseau's moral, religious, and political psychologies. Our novel account of the rhetorical substance of the legislator's appeal to divine authority complements scholarship on the rhetorical style of that appeal, i.e., of persuasion, and its relation to music.¹¹⁶ And it informs our contribution to the long-running scholarly

¹¹⁶ See Garsten, *Saving Persuasion*, 55-83; Kelly, *Rousseau as Author*, 62-73 and “To Persuade Without Convincing”; Scott, “Rousseau and the Melodious Language of Freedom”; and Voorhees, “Melodic Communities.”

debate on the problem that Rousseau's account of the legislator poses to his principles of political right.

I. LEGISLATIVE AUTHORITY

Before taking up the question of how the legislator is to obtain the people's consent to his laws, we would do well to examine Rousseau's complicated and perplexing account of the legislator's authority, or lack thereof, at the beginning of Book II Chapter VII of the *Social Contract*. For it is the principle of political right that Rousseau ultimately reaffirms in this account, i.e., that no human being may rightfully be subjected to another without his consent, that requires the legislator to undertake this preliminary stage of civic education.

As we noted in Chapter 1, the inherently problematic character of the legislator is evident in the very term "legislator." Rousseau's principles of political right imply that this term is properly reserved to the sovereign, which is to say all the citizens, or the people. For legislative power inheres in sovereignty and sovereignty inheres in the people (*SC* 2.1, 6). In certain places, Rousseau uses the term accordingly.¹¹⁷ What, then, are we to make of his use of the term to refer to an extraordinary man who stands apart from the people and thus bears no legislative authority? Are the doubts about the people's capacity and willingness to legislate prudently for the common good that Rousseau raises in Book II Chapter VI so great as to compel him to abandon the principle that legislative power belongs to it and it alone? Does the legislator supersede the people as sovereign? In guiding the people, does the legislator effectively usurp them?

In the opening paragraphs of Book II Chapter VII, Rousseau seems to entertain the idea that the legislator does possess legislative authority over the people. The first paragraph of the chapter, in which Rousseau identifies qualities that one would have to combine in order

¹¹⁷ For instance, see *GP / ŒC* 3: 975, 978, 1031 / *CW* 11: 186, 189, 232; *LWM / ŒC* 3: 845, 894-95 / *CW* 9: 263, 304.

to be capable of “[discovering] the best rules of society suited to Nations,” culminates in the conclusion that “Gods would be needed in order to give laws to men.” Rousseau’s legislator appears to be quite literally a *deus ex machina*. If the legislator were indeed a god and thus not equal but superior to human beings, a case could be made for his possession of legislative authority over the people. Indeed, Rousseau begins the next paragraph by alluding to precisely such a case, observing that “[t]he same reasoning that Caligula used with respect to fact, Plato used with respect to right in order to define the civil or royal man he seeks in his book on ruling” (*SC* 2.7 / *ÆC* 3: 381 / *CW* 4: 154). Earlier in the *Social Contract*, Rousseau explained that Caligula inferred that rulers must be superhuman from the fact that they rule their human subjects as shepherds rule their sheep (*SC* 1.2 / *ÆC* 3: 353 / *CW* 4: 132). Just as the nature of the shepherd is superior to that of his sheep, so too must the nature of the ruler be superior to that of his subjects. What Rousseau implies here, then, is that Plato holds that only a superhuman being could rightfully rule over human beings as a shepherd does over his sheep.¹¹⁸ The important point to take from this for our purposes is that, despite their differences, Caligula and Plato both have in mind rulers who possess legislative authority. Given this, Rousseau’s allusion to their arguments lends support to the thought that his legislator does possess legislative authority over the people. It also indicates how this could be reconciled with principles of political right that, as presented thus far in the *Social Contract*, do not seem to allow anyone other than the people to exercise legislative power.

Yet Rousseau goes on to make clear that, contrary to the implications of the term “legislator” and the opening paragraphs of the chapter, the legislator does *not* possess legislative authority over the people. It is worthwhile to quote his explanation in full:

¹¹⁸ We pass over the question of whether this is a correct interpretation of Plato’s *Statesman*. For an account of the relation between Rousseau’s conception of the legislator and the Platonic conception, see Masters, *Political Philosophy of Rousseau*, 359-64.

The legislator is in all regards an extraordinary man in the State. If he must be one by his genius, he is one no less by his job. It is not magistracy, it is not sovereignty. This job, which constitutes the republic, does not enter into its constitution. It is a particular and superior function which has nothing in common with human rule [*empire*]. For if someone who commands men must not command laws, someone who commands laws must no more command men. Otherwise, his laws, ministers of his passions, would often only serve to perpetuate his injustices, and he never would be able to avoid having his private views alter the sanctity of his work. (*SC* 2.7 / *ÆC* 3: 382 / *CW* 4: 155)

The extent to which Rousseau here corrects the argument of the chapter up to this point is great but easy to miss. The extraordinariness of the genius required for legislation led Rousseau to conclude that the legislator must be a god. This conclusion, combined with Rousseau's allusion to the reasonings of Caligula and Plato, implied that the legislator possesses legislative authority over the people. One would have thought that his possession of this essential aspect of sovereignty, which seemed to be reserved exclusively to the people, is what makes his job extraordinary. Yet Rousseau here discloses that, on the contrary, it is the legislator's *lack* of legislative authority that makes his job extraordinary. Note that the grounds on which Rousseau denies that the legislator can possess legislative authority implies that, however extraordinary his genius may be, he is human, all too human. At the beginning of the chapter, prior to concluding that gods would be needed in order to give laws to men, Rousseau insisted that the "superior intelligence" that would be required for the "[discovery] of the best rules of society suited to Nations" could not experience human passions, partake of human nature, or depend on human beings for his happiness. Now, in explaining why the legislator lacks legislative authority, he makes clear that none of this is true of the legislator, at least of any human legislator. Put differently, Rousseau makes clear that, contrary to the apparent implication of his conclusion that "Gods would be needed in order to give laws to men," the legislator he is treating in this chapter is not divine but human and, as such, lacks the divine qualities that he had suggested would be required for discovering the best laws.

But then can the legislator solve the problem that he was introduced to solve? The task of the legislator is, as Rousseau put it in Book II Chapter VI, to unify understanding and will in the social body, i.e., to make the wills of citizens conform to the general will and to enlighten them about the means to their common preservation, the object of the general will. Now, if the legislator is to fulfill this task, understanding and will must be unified in him, i.e., his will must conform to the general will and he must know what the means to the people's preservation consists in. The three pairs of contrary qualities that Rousseau identifies at the beginning of the chapter as required for the discovery of the best laws—seeing all the human passions without experiencing any of them, knowing human nature thoroughly without partaking of it at all, being willing to attend to the happiness of human beings without depending on them for one's own happiness—contribute to this necessary unity of understanding and will in the legislator. Does Rousseau's denial that any human legislator possesses these pairs of qualities not then imply that the problem that the legislator is meant to solve is insoluble in the absence of a god or gods? The answer to this question would be yes, and Rousseau's ultimate political teaching utopian, if it were not for the fourth quality that Rousseau identifies as required for the discovery of the best laws, namely, a capacity to work for a reward, specifically, glory, that one will not live to experience oneself.

This fourth quality stands apart from the three pairs of contrary qualities that precede it in a few distinct but related ways. For one thing, it is not paired with a contrary quality. Partly for this reason, it is recognizably human and thus far less elusive than those other qualities. It is true that a capacity to undertake extensive work for which one will not be rewarded in one's lifetime is uncommon. But it is hardly without example. Indeed, Rousseau associates it with an actual human legislator, namely, Lycurgus.¹¹⁹ This is something he does not do with any of

¹¹⁹ It is true that, according to Rousseau's beloved Plutarch, Lycurgus presented himself as quasi-divine to the Spartans and that the Spartans worshipped him as a god after his death (Plutarch, "Lycurgus," 5.3, 31.3). But, for all his praise of Lycurgus, the legislator *par excellence*, Rousseau invariably treats him as a mere man.

the preceding qualities. Rousseau explains in a footnote: “A people becomes famous only when its legislation starts to decline. We do not know for how many centuries the institution of Lycurgus caused the happiness of the Spartans before the rest of Greece became aware of them” (*SC* 2.7 / *ÆC* 3: 381n / *CW* 4: 154n). Evidently the happiness of the people does not suffice as a reward for the legislator. Nor, for that matter, does their esteem. The glory he longs for transcends the limits of the state he founds.¹²⁰ But even if we take it for granted that such glory cannot come to the legislator during his lifetime, the happiness of his people and their esteem for him may constitute partial rewards and would give him grounds to hope that such glory would come to him posthumously. In the anticipation of this glory, the legislator would get to enjoy something of the complete reward for which he longs. This is to say that, unlike in the case of the other qualities necessary for the discovery of the best laws, one need not be a god in order to possess this one. We can take one step further and consider whether hope for posthumous glory might not substitute for the other, divine qualities, which, as we have seen, Rousseau goes on to admit no human legislator could possess. Note that this more human fourth quality is, strictly speaking, incompatible with the divine qualities that precede it. A legislator who loves glory and hopes to win it by giving laws to a people experiences at least one human passion, partakes of at least one aspect of human nature, and depends upon human beings for his happiness.

¹²⁰ The reason that the legislator will not be satisfied with the esteem of his own people becomes clearer in light of Rousseau’s subsequent indication that the legislator’s own people will be under the illusion that their laws come not from the legislator but from God or the gods. For reasons that we will discuss below, the legislator must “honor the Gods with [his] own wisdom” in order to subject the people to his laws (*SC* 2.7 / *ÆC* 3: 383 / *CW* 4: 156). This means, as Gildin has pointed out, that the legislator’s own people will not recognize or honor the full extent of the legislator’s genius or achievement (*Rousseau’s “Social Contract”*, 69-70). For a glimpse into the spiritual gulf separating the legislator from his people, see Rousseau’s intriguing fragmentary dialogue between a Hebrew legislator, who must be Moses, and another legislator in the afterlife (*PF* 4.26 / *ÆC* 3: 500 / *CW* 4: 34-35). Moses’ feeling of greater kinship with his fellow legislators than with his fellow Hebrews and the pleasure he hopes to find among them illustrates his dissatisfaction with the happiness and esteem of his people. His hope may be informed by the thought that only his peers could recognize and honor the full extent of his genius or achievement.

In light of all this, the union of will and understanding needed in a legislator no longer seems to be impossible for human beings. The human passion *amour-propre*, of which the love of and hope for glory are variants, suffices to supply the legislator with a motive to seek out rules for the good of society.¹²¹ This is one of many ways in which *amour-propre* is crucial to civic education. It supplies the civic educator's motive to educate the people. Out of the legislator's *amour-propre* and the people's need for guidance emerges a common good. The legislator achieves glory for himself by giving good laws to the people.¹²²

A qualification is in order, however. Recall Rousseau's insistence that the legislator bears no legislative authority over the people. Evidently, Rousseau does not have so much confidence that hope for posthumous glory will lead men of genius to devise good laws for peoples as to revise the principle that legislative authority, or sovereignty, can be borne exclusively by the people.¹²³ Indeed, he reminds us of the argument underlying this principle from Book I: Since, "according to the fundamental compact, it is only the general will that obligates private individuals" and since "one can never be assured that a private will is in conformity with the general will," the laws proposed by the legislator must be submitted to and ratified by "the free votes of a people" before they can go into effect (*SC* 2.7 / *ÆC* 3: 383 / *CW* 4: 156). Now, there is something rather problematic about this argument. The thought that a popular vote in favor of the legislator's laws would demonstrate their conformity to the general will presupposes that the people would vote in accord with the general will rather than

¹²¹ Pace Johnston, who characterizes "[l]egislation" as "an act of generosity first and foremost" and "a gift" (*Encountering Tragedy*, 48). On the ultimately selfish motive of the legislator, see Gildin, *Rousseau's "Social Contract"*, 70.

¹²² Gildin's argument that, while "the particular will of the legislator and the general will are not in opposition," they do not "coincide," makes too much of the fact that "the divine glory sought by the legislator and the common good [of the people] cannot be at their peak at the same time" and not enough of the fact that "the legislator cannot achieve his goal without achieving the common good [of the people] and the common good [of the people] cannot be achieved without the legislator's services" (*Rousseau's "Social Contract"*, 70).

¹²³ In the *Discourse on the Virtue Most Necessary for a Hero*, Rousseau readily acknowledges that, while the love of glory can move men to contribute to the common goods of political communities, it need not do this. Indeed, it can move them to undermine the common good (*VH* / *ÆC* 2: 1264-65 / *CW* 4: 3). Given this, it is hardly safe for the people to defer to heroic glory-seekers as authorities. Kelly, *Rousseau as Author*, 91.

their respective private wills. But Rousseau made clear, in explaining the need for a legislator at the end of Book II Chapter VI, that this cannot be presupposed. It is only after a multitude of private individuals has been transformed into a people, properly so-called, only after men have become citizens, that a popular vote in favor of the legislator's laws could be taken as proof of their conformity with the general will. Yet this transformation will not occur unless or until they have undergone a civic education, which is to say, unless or until they have been subjected to the legislator's laws.

The one historical example that Rousseau gives in support of his argument, i.e., of the Decemvirs' telling the Roman people that the laws they proposed would not go into effect without their consent, is telling. At that point in their history, the Romans had long been subject to law and had already undergone civic education. The most important and challenging aspect of legislation, the fostering "of *mœurs*, of customs, and...of opinion," which transforms men into citizens, had, as Rousseau makes clear in his *Considerations on the Government of Poland*, already been carried out by Numa (*SC* 2.12 / *ÆC* 3: 394 / *CW* 164-65; *GP* 2 / *ÆC* 3: 957-58 / *CW* 11: 172-73). The Romans confronted by the Decemvirs were not men but citizens, not a multitude of private individuals but a people. Hence, their voting in favor of the laws proposed by the Decemvirs could, at least arguably, be taken as proof of those laws' conformity to the general will. The example of the Decemvirs does not so much answer as raise the question of how the legislator can unite will and understanding in the people without violating Rousseau's principles of political right.¹²⁴ Answering this question is our task in the remainder of the chapter.

In the course of answering this question, we will ultimately return to another important question raised by our treatment of the legislator thus far: What is the meaning and significance

¹²⁴ Here, we follow Gildin, who distinguishes legislators who subject peoples to law for the first time from those who give new laws to peoples who have already been subject to law, e.g., the Decemvirs (*Rousseau's "Social Contract"*, 73).

of Rousseau's contention that "Gods would be needed in order to give laws to men"? What are we to make of this contention given that, as we have come to see, Rousseau is contemplating a human legislator who lacks the divine qualities that he initially suggests would be necessary for the discovery of the best laws? There are two distinct but related senses in which men could be given laws, or, rather the best laws, only by a divine legislator. First, although Rousseau's exact statement is not that gods would be needed in order to give the *best* laws to men, there is some warrant in the paragraph for interpreting it in this way. For it is "[i]n order to discover the *best* rules of society suited to Nations" (emphasis added) that, according to Rousseau, it would be necessary to see all the human passions without experiencing any of them, know human nature thoroughly without partaking of it at all, and be willing to attend to the happiness of human beings without depending on them for one's own happiness. It may be that the human legislator who lacks these divine qualities could, by dint of his genius and his hope for posthumous glory, discover good laws but not the best laws. Second, only a divine legislator could rightly impose laws on men without first obtaining their consent. Given the inherent superiority of gods to human beings, it is at least arguable that a divine legislator would have a natural authority over human beings that no man has over another, according to Rousseau. It is also arguable that the will of a being that possessed those divine qualities would be equivalent to the general will and thus could be taken as authoritative over human beings. A divine legislator's right to impose laws on men without their consent points to another reason why his laws would, as we suggested above, be superior to those of any human legislator. By contrast with human legislators, he would never be obliged to modify and thus lessen the wisdom of his laws in order to obtain the people's consent. Rousseau's intention in contending that "Gods would be necessary in order to give laws to men" may, then, be partly to indicate the limits of the human legislator and therewith of politics more broadly.

The line of thought that we have just sketched depends upon interpreting the contention that “Gods would be necessary in order to give laws to men” to mean that legislators, in order to fulfill their task perfectly, must be gods. While this meaning is strongly suggested by the paragraph as a whole, Rousseau does not quite say this. Taken in isolation, the statement could mean that it would be necessary for gods to exist in order for men to give laws to men. Indeed, as we will soon see, Book II Chapter VII culminates in a modified version of this very thought, namely, that it would be necessary for men to believe that gods exist in order for men to give laws to men.

II. THE RHETORICAL STYLE OF THE LEGISLATOR’S TEACHING

Given Rousseau’s own rhetoric in the *Social Contract*, it might seem that the legislator would elicit the people’s consent to his laws by convincing them of their utility, by demonstrating through rational argument that his laws will help them to preserve their lives and goods without depriving them of their freedom and thus to achieve the goal of the social contract. But Rousseau insists that this mode of rhetoric—the language of the wise, as distinguished from the language of the people—would fall on deaf ears. So great is the difference between the wise and the people that “there are a thousand kinds of ideas that are impossible to translate [from the language of the former] into the language [of the latter].” Thus, it is not merely the style of wise men’s expression but the substance of their thought that the people cannot understand. Rousseau explains: “Overly general views and overly distant objects are equally out of their reach; each individual appreciating no scheme of government other than that which relates to his private interest, perceives with difficulty the advantages he should derive from the continual privations imposed by good laws” (*SC* 2.7 / *CEC* 3: 383 / *CW* 4: 156).

In certain obvious ways, this characterization of the people's intellectual limits resembles the characterization of their intellectual limits at the end of Book II Chapter VI. Here, as there, Rousseau attributes to the people an inability to distinguish their ultimate goods from obviously or immediately felt goods and evils. This, along with an inability to generalize, keeps them from recognizing the common good promoted by laws that, obviously and immediately, deprive them of goods and subject them to evils, or from recognizing the ways in and extent to which they benefit from that common good. Thus, the same deficiencies that leave the people incapable of legislating well for themselves and, therewith, dependent upon a legislator also make it impossible for them to be convinced of the goodness of the legislator's good laws. We confront a chicken-and-egg problem. As Rousseau puts it:

In order for a nascent people to be able to appreciate the healthy maxims of politics and to follow the fundamental rules of the reason of State, it would be necessary for the effect to become the cause, for the social spirit, which should be the work of the institution, to preside over the institution itself, and for men to become before the laws what they should become by them. (*SC* 2.7 / *ÆC* 3: 383 / *CW* 4: 156)

Before turning to the solution to this problem, it is worth taking note of one significant difference between Rousseau's account of the limits of the people here and his account of their limits at the end of Book II Chapter VI. Rousseau there maintained two distinct but related distinctions, one between the people, taken as a whole, and private individuals, and another between the intellect and the will. He held that, whereas the people have a will that is correct, i.e., a will that conforms to the general will, but are unenlightened, i.e., do not know what the common good consists in or requires, private individuals are enlightened, i.e., know what the common good consists in and requires, but have incorrect wills, i.e., wills that do not conform to the general will. Rousseau now abandons these distinctions. The people that the legislator confronts is not a whole but a multitude of private individuals; Rousseau aptly identifies them as "a nascent people." Neither the wills nor the intellects of the private individuals that make up this nascent people are correct. This brings to light another, deeper

reason that the legislator cannot rely on convincing to obtain the people's consent to his laws. Even if the people were receptive to being convinced, and thus could be led to recognize what the common good consisted in and required, the legislator would have to find another way to dispose them to will the common good. For, as Christopher Kelly observes, "Rousseau denies that there is any necessary connection between possessing a clear understanding of what justice is and having a disposition to be just."¹²⁵

There is a remedy for this problem, namely, persuasion. Persuasion is a mode of rhetoric that appeals to the imagination, either directly with visual signs or indirectly with music, which gives rise to images in the minds of the audience, in ways that rouse the passions and prompt men to action. The distinction between this mode of rhetoric and convincing recurs consistently in Rousseau's writings.¹²⁶ Kelly and Scott have shown that, in order fully to understand what Rousseau means by persuasion, we need to turn to his *Essay on the Origin of Languages*.¹²⁷ The *Essay on the Origin of Languages* supplements Book II Chapter VII of the *Social Contract* in two important ways. First, it sheds additional light on what persuasion entails as a mode of rhetoric. In Book II Chapter VII of the *Social Contract*, more attention is given to the substance of the legislator's rhetoric, which, as we will discuss in Part III of this chapter, consists in an appeal to divine authority, than to its style. The only light that is shed on this question in Book II Chapter VII of the *Social Contract* comes from the contrast that is drawn there between persuading and convincing. We are told what persuasion is not; we are not told what it is.

¹²⁵ *Rousseau as Author*, 63. In support of his observation, Kelly points to Rousseau's claim, in Book II Chapter VI of the *Social Contract*, that "[p]rivate individuals see the good that they reject," and the distinction drawn by the unjust man, in Book I Chapter II of the *Geneva Manuscript*, between "teaching [him] what justice is" and "showing [him] what interest he has in being just" (*SC* 2.6 / *ÆC* 3: 380 / *CW* 4: 154; *GM* 1.2 / *ÆC* 3: 286 / *CW* 4: 80). See also Riley, *General Will before Rousseau*, 212-13.

¹²⁶ For examples outside Book II Chapter VII of the *Social Contract*, see *EOL* 4 / *ÆC* 5: 383 / *CW* 7: 296 and *PN* / *ÆC* 2: 959 / *CW* 2: 186.

¹²⁷ See Kelly, "To Persuade without Convincing" and, in its adapted form, *Rousseau as Author*, 62-77; and Scott, "Rousseau and the Melodious Language of Freedom." Despite differences of emphasis, we largely follow Kelly and Scott in this section.

Second, Rousseau's account of the historical development of languages in the *Essay on the Origin of Languages*, along with certain corresponding passages in the *Second Discourse*, sheds additional light on the social and moral psychology of the people before they have been subjected to the legislator's laws or undergone civic education. Although, as Rousseau has emphasized in Book II Chapter VI-VII, the people are not, at this stage, so sociable or moral as to have a general will that reliably predominates over their respective private wills, they are not, as we saw in Chapter 2, altogether asocial or amoral. At the point at which civil society becomes necessary or possible, human beings have already acquired certain unnatural passions, e.g., romantic love and *amour-propre*, which have given rise to what Rousseau calls "nascent society" and what he might call nascent morality. Indeed, if this were not the case, the people would not be open to persuasion.

The distinctive character of persuasion as a mode of rhetoric is illuminated by Rousseau's account of the historical development of language in the *Essay on the Origin of Languages*. This is partly because the modern, northern languages with which we, like most of Rousseau's readers, are most familiar lend themselves to convincing more than to persuading. We can learn about persuasion by learning about the more primitive, southern languages which lend themselves, by contrast, to persuading more than to convincing (*EOL* 4 / *ÆC* 5: 383 / *CW* 7: 296).¹²⁸

The question of how language arose is, for Rousseau, a question of how human beings came to associate in supra-familial groups.¹²⁹ The answer to this question depends upon

¹²⁸ When Rousseau uses the directions north and south in the *Essay on the Origin of Languages*, he is speaking from the perspective of an inhabitant of the Northern Hemisphere. Hence, what is meant by southern is not proximate to the South Pole but proximate to the Equator and, thus, likely to be warm in climate and abundant in the necessities of life.

¹²⁹ Rousseau holds that, at the stage of development during which human beings lived in exclusively familial settlements, they did not yet possess "[g]enuine languages." Despite their cohabitation, they seldom communicated with one another. And when they did, they used mere "gesture" and "inarticulate sounds." Their needs, which were so limited that each could meet them on his own, did not give them cause to communicate much with one another. And they had no passions to express to one another. Of course, they had sex. But because they did not yet make comparisons among or form preferences for potential mates, their

climate. In both warm and cold climates, it was need rather than passion that first drove human beings into proximity to one another. In warm climates where water is scarce and concentrated in one or a few locations, need brought human beings of different families together. This need did not by itself compel them to communicate much with one another.¹³⁰ But it had the effect of introducing the young to unfamiliar members of the opposite sex, which gave rise to a new passion that moved them to communicate a great deal with another. Regular exposure to one another, which was itself pleasant for its novelty, led them to make comparisons among and form preferences for one another. In the parallel account of the origins of romantic love in the *Second Discourse*, Rousseau suggests that these preferences immediately took on a moral character of some kind. As we saw in Chapter 2, making comparisons gave rise to “ideas of merit and of beauty” (*SD* / *ÆC* 3: 169/ *CW* 3: 47). Sexuality thus was transformed from a mere instinctive physical inclination into a moral passion. The ease with which human beings could meet their needs in warm southern climates allowed them to give themselves over to romantic love. Gesture, which theretofore had sufficed for the expression of their limited physical needs, did not suffice for the expression of this new moral passion. For that, they made use of their voices. Southern languages, sung rather than spoken, accented rather than articulated, thus were born with romantic love (*EOL* 9 / *ÆC* 5: 405-407 / *CW* 7: 313-15).

Language arose in northern climates, by contrast, not so much for the expression of a passion as for the expression of needs connected to self-preservation. In the north, where the elements are harsh and the necessities of life are scarce, need drove human beings into more than mere proximity to one another. It drove them into cooperative association, for which genuine language, that is, more than mere gesture or inarticulate sounds, was required.

sexuality was amoral and dispassionate and, as such, did not give rise to much communication (*EOL* 9 / *ÆC* 5: 395, 406-407 / *CW* 7: 305, 314-15).

¹³⁰ Rousseau concedes that, in some southern locales where water could not be obtained without human artifice, need would have driven human beings into some cooperative labor, e.g., the construction of wells. But, as in the case of primitive family life, he denies that this would have required so much communication as to have generated genuine language (*EOL* 9 / *ÆC* 5: 407 / *CW* 7: 315).

Notwithstanding their robustness, none could meet his needs on his own. What the northerner saw in another human being was at worst an enemy and at best a helper, never a beloved or lover. Preoccupied with their needs, compelled always to be industrious, northerners lacked the leisure that would have been necessary for romantic love to emerge among them as it did among southerners. Hence, for them, sexuality remained exclusively an instinctive physical inclination. The “first word” among northerners, then, was “not ‘love me,’ but ‘help me’” (*EOL* 10 / *ÆC* 5: 408 / *CW* 7: 316). From this difference in the “object[s]” of northern and southern languages arose a difference in what Rousseau calls their “mechanical aspect[s]” (*EOL* 4 / *ÆC* 5: 383 / *CW* 7: 295). Whereas southern languages, which were spoken to make passions felt, tended to be energetic and accented, northern languages, which were spoken to make ideas understood, tended to be clear and articulated. To the extent that northern language was passionate, it was hardly gentle. For the dominant passion of northerners, whose difficult lives made them irritable and fiercely protective of themselves and what little they possessed, was anger. If “help me” was their first word, a furious threat was their second (*EOL* 10 / *ÆC* 5: 407-408 / *CW* 7: 315-16).

We can begin to understand what is entailed in persuasion by considering the distinctive musicality of southern languages. For this is a major part of what makes those languages more conducive than northern languages to persuasion. When language first emerged in the south, speech and music were one and the same in Rousseau’s telling. Words were always sung, and music was never without words. Rousseau reasons that the tender passion that moved human beings to utter the words “love me” naturally would have been expressed gently, more through modifications of the voice by the glottis than through its articulation by the tongue and the palate. A man would have expressed his feelings no less by the accents and the rhythms of his speech, or rather his song, than by his words (*EOL* 12 / *ÆC* 5: 410-11 / *CW* 7: 317-18). And, as tends to be the case with lyrics, his words would have

been largely poetic. The “turns of phrase in this language” must, Rousseau infers, have been “in images, in feelings, in figures.” Given all this, Rousseau concludes that, “instead of arguments [this language] would have sayings [*sentences*], it would persuade without convincing and depict without reasoning” (*EOL* 4 / *ÆC* 5: 382-83 / *CW* 7: 295-96).

A crucial aspect of persuasion, which has begun to emerge from Rousseau’s characterization of southern language, is that it involves the imagination as well as the passions. Whereas conviction expresses and appeals to reason through discursive speech, persuasion expresses and appeals to passionate imaginings through poetic song. The role played by the imagination in persuasion will become clearer if we consider Rousseau’s account of the moral effects of melody. Much of Rousseau’s project as a music theorist consisted in demonstrating the centrality of melody, as distinguished from harmony, to music. Melody is, according to Rousseau’s *Dictionary of Music*, a “[s]uccession of Sounds so ordered according to the laws of Rhythm and of Modulation that it makes a pleasant feeling [*sens*] to the ear” (*DM* / *ÆC* 5: 884 / *CW* 7: 421).¹³¹ Rousseau makes clear in the *Essay on the Origin of Languages* that, in addition to producing pleasant physical sensations in the ear, melody produces “moral effects” on the listener, that is, it can rouse his passions and, in doing so, even rouse him to action.¹³² Up to now, we have emphasized the unity of language and music at their origins. But, in order to follow Rousseau’s account of the power of melody, we need to draw the distinction between them with which we are familiar. For Rousseau gives different, though not incompatible,

¹³¹ Note that the range of meaning of the word “*sens*” is broader than the word “feeling” with which we translate it. We avoid using the English cognate “sense,” which would be awkward in context. But “sense” better conveys the breadth of the word’s meaning, which extends beyond physical sensations to ideas. It is important, given the moral effects that Rousseau attributes to melody, to recognize that it has more than merely sensory effects on the listener.

¹³² The sense in which Rousseau uses the adjective “moral” when he speaks of the “moral effects” of melodious music is quite capacious. The effects of melodious music that Rousseau treats as moral include all the psychic effects that such music has on the listener other than the sensation of sound in the ear. They do not necessarily involve such moral ideas as right and duty.

accounts of what melody adds to language and of what it adds to music unaccompanied by words.

In the case of language, fully “half its richness” comes from melody, which conveys “feelings” and “images.” Unmelodious language, which consists merely of “articulations” and “voices,” could convey only “ideas” (*EOL* 12 / *ÆC* 5: 411 / *CW* 7: 318). Such language might convince, but it would not persuade given its incapacity to express or appeal to the passions or the imagination. Similarly, in the case of music unaccompanied by words, melody is what expresses and appeals to the passions and the imagination. Rousseau explains, “[t]he sounds in the melody do not act on us only as sounds, but as signs of our affections, of our feelings; it is thus that that they excite in us the movements that they express and the image of which we recognize in them” (*EOL* 15 / *ÆC* 5: 417 / *CW* 7: 323). The movements expressed by melody are the movements of the passions. Even when music is unaccompanied by words, it can, through melody, imitate passionate language (*EOL* 14 / *ÆC* 5: 416 / *CW* 7: 322). And it can thus cause the listener to experience the passions that it is imitating. In some cases, this effect is mediated through the imagination. Hearing a melody that expresses a passion that the listener associates with a certain object will cause him to imagine that object and then to experience the associated passion himself. The moral effects that melody can thus produce with wordless music might perhaps be greater if it were accompanied by words, which might convey ideas corresponding to the passions and images it expressed.¹³³

Now that we understand how language can, in Rousseau’s view, express and appeal to the passions and the imagination, and thus persuade rather than convince, we can return to

¹³³ Kelly argues that “[wordless] imitative music” is “[t]he most powerful, or purest, medium of persuasion” on the grounds that it “intensifies the expression of feelings even more than the first language does.” For, unlike that language, it expresses only “feelings” and no “thoughts or ideas” (*Rousseau as Author*, 69). We would qualify Kelly’s argument by noting that, inasmuch as the legislator could not achieve his goal without expressing thoughts or ideas through his music, the total omission of words from his music would undermine rather than enhance its efficacy. This is not to deny that the legislator’s purposes would be served by the use of *some* wordless imitative music. It is only to suggest that such music would have to be complemented by speech.

the question of how the legislator is to make use of this mode of rhetoric. We find in the *Essay on the Origin of Languages* numerous affirmations of the claim in Book II Chapter VII of the *Social Contract* that persuasion is the mode of rhetoric appropriate for legislators to use with peoples. For example, Rousseau insists that “ministers of the Gods announcing the sacred mysteries, the wise giving laws to peoples, [and] leaders leading the multitude must speak Arabic or Persian,” i.e., persuasive southern languages rather than convincing northern languages. The latter, e.g., “French, English, and German,” are, in keeping with their origins, “the private language[s] of men who help one another, who reason among themselves in cold blood, or of ill-tempered people who quarrel” (*EOL* 11 / *ÆC* 5: 409 / *CW* 7: 317).

Before inquiring into how persuasive southern languages can and have been used by legislators to persuade peoples to consent to their laws, we would do well to reflect on what Rousseau’s recommendation of these languages to legislators indicates about the preconditions of politics. To state the obvious, it is among speakers of southern languages, which is to say, most likely if not necessarily, inhabitants of warmer, southern climates that political life is most likely to flourish. When we recall that, in such climates, where such languages originate, human beings tend to be able to meet their needs and preserve themselves easily without the help of others, we are struck by the paradoxical implication that political life is most likely to flourish where it is least necessary.

If one were to take Rousseau’s elaboration of the terms of the social contract in Book I Chapter VI of the *Social Contract* as a guide to the factual origins of political life, one would expect political life to originate in northern rather than in southern climates. Indeed, the necessitous, violently quarrelsome, if not warlike, conditions of life in northern climates are precisely the conditions that would, according to the *Social Contract*, and did, according to the *Second Discourse*, drive human beings, against their natural inclinations, into political life. And the language that arises under these circumstances would seem to be well-oriented to the

establishment of a social contract. But if it is well-oriented to the establishment of a social contract, it is evidently not well-oriented to its effective execution. The people's straits may be so dire that they recognize that they must unite and help one another in order to preserve themselves. But, as Rousseau suggests in Book II Chapter VII of the *Social Contract*, the people are not intelligent enough to recognize that it is in their respective interests to suffer the privations and bear the burdens that would inevitably come with laws designed to achieve this end.¹³⁴ Hence, if a legislator were to come among a northern people bearing good laws, he could not convince them, despite their desperation, to submit voluntarily to those laws. The problem, in such a case, would not be that the people did not speak a language conducive to convincing but that they were not intelligent enough to be convinced to follow the prudent course proposed to them by the legislator.

All this raises a question about the origins of politics in southern climates too, however. For one of the causes of the persuasiveness of southern languages is that it is relatively easy for human beings to meet their needs and preserve themselves in southern climates. This implies that the places in which language is best suited for a legislator to persuade a people to submit to his laws are places in which there is the least need for laws. The following conjecture may serve to resolve the difficulty. It may be that, whenever conditions changed in ways that made life so hard that laws became necessary, language had been established for so long and had become so settled that its persuasive, melodious quality did not give way. It also may be that, when some legislators persuaded southern peoples to consent to their laws, those laws were not, strictly speaking, necessary for the purpose of self-preservation. Indeed, it may be that for a people to consent to laws on the basis of persuasion rather than conviction is precisely for them do so on the basis of some motive other than self-

¹³⁴ Here, we set aside the question of whether it would in fact be in *everyone's* interest to suffer *every* privation and bear *every* burden imposed by the law. Our point is that, even if it were, the people would not, in Rousseau's view, be intelligent enough to recognize this.

preservation. On this view, the people confronted by the legislator would not be searching for his guidance or inclined to submit to laws of any kind. They may not even have established a social contract. On this view, it would be incumbent on the legislator to persuade the people not merely to submit to his laws in particular but also, and more fundamentally, to submit to law as such and thus radically to transform their very way of life.

III. THE RHETORICAL SUBSTANCE OF THE LEGISLATOR'S TEACHING

We turn now to the substance of the legislator's persuasive rhetoric, to his teaching. In doing so, we turn to an important aspect of Rousseau's account of the legislator that has received scant attention from scholars. What does the legislator say to the people when he appeals to their passions and imaginations? To what passions does he appeal? What images does he conjure in their imaginations? And how does all this incline them to submit to his laws? How does it begin to endow them with, to use Rousseau's term from Book II Chapter VII of the *Social Contract*, a "social spirit"? As we noted above, Rousseau's brief elaboration on the means by which legislators have gone about persuading peoples to consent to their laws in Book II Chapter VII of the *Social Contract* suggests that the thrust of the legislator's teaching is that his laws come not from him but from God or the gods. Immediately after concluding that the legislator must have recourse to persuasion, rather than force or conviction, in order for his laws to take effect, Rousseau explains:

Here, then, is what has forced in all times the fathers of nations to have recourse to the intervention of heaven and to honor the Gods with their own wisdom; so that peoples, submitting to the laws of the State as to those of nature, and recognizing the same power in the formation of man as in that of the city, might obey with freedom and bear with docility the yoke of public felicity. This sublime reason, which rises above the reach of vulgar men, is the one for which the legislator puts decisions in the mouth of the immortals, in order to lead by divine authority those whom human prudence could not move. (*SC* 2.7 / *ÆC* 3: 383-84 / *CW* 4: 156-57)

What the legislator persuades the people of, then, is not the prudence of his laws, which is beyond their ken, but the divinity of their origin. There is a great deal to be examined in this passage. In what follows, we determine what it means to submit voluntarily to authority, what the people believe about divinity and authority prior to their encounter with the legislator, what the legislator teaches the people about divinity and authority, and, finally, how the legislator persuades the people that he comes to them as an emissary of divine authority.

A. Submission to Authority

We begin with the question of how exactly the belief that the legislator's laws come from a god or the gods rather than from the legislator himself or any mere man for that matter will move the people to submit to those laws voluntarily. In characterizing the legislator's appeal to the divine as an appeal to authority, as distinguished from force, Rousseau implies that this belief will cause them to submit to those laws out of a sense of obligation. Given the distinction between authority and force that Rousseau has heretofore maintained in the *Social Contract*, a distinction which is fundamental to his principles of political right, he would seem to mean for us to distinguish this spirit of submission from the inevitable acquiescence of the weak to the strong.¹³⁵ While it may be the case that the god or gods to which the legislator appeals is or are believed by the people to be stronger than they are, Rousseau's characterization of that appeal as an appeal to authority, rather than to force, implies that it is not so much a belief that submission is necessary as a belief that submission is obligatory that moves the people to submit.¹³⁶

¹³⁵ See especially *SC* 1.3.

¹³⁶ *Pace* Trachtenberg, *Making Citizens*, 240. Consider, in this connection, Rousseau's implicit endorsement of Diderot's distinction between being "awed by" and having "fear of" God in the *First Discourse* (*FD* / *CEC* 3: 24 / *CW* 2: 18). (In translating "*craindre*" as "to be awed by," we, like Bush, Masters, and Kelly in the *Collected Writings*, depart from contemporary French usage, according to which "*craindre*" would be translated as "to fear." This is required if any sense is to be made of the distinction Diderot and, by extension, Rousseau are drawing between "*craindre*" and "*avoir peur*," which means "to have fear." See the editorial note in the *Œuvres Complètes*: *CEC* 3: 1253n3.)

Accordingly, Rousseau's indication that the people will submit to the legislator's laws as they do to "[the laws] of nature" and recognize "the same power in the formation of man as in that of the city" implies that the people do not conceive of the laws of nature or the formation of mankind as the work of blind necessity or arbitrary will. It implies that the people conceive of those things as the work of an authoritative will.¹³⁷ However, even if the people are persuaded that the legislator's laws come from the same authoritative source as the laws of nature, there still would be an important difference between the spirit in which they submit to the legislator's laws and the spirit in which they submit to the laws of nature. It goes without saying that subjection to the laws of nature is involuntary. Strictly speaking, human beings do not submit to the laws of nature. They simply are subject to them. Of course, this is not and cannot be true in the case of the legislator's laws, which, it goes without saying, are not necessities. In being persuaded that the legislator's laws come from the same divine authority as the laws of nature, the people come to believe not that it is somehow physically necessary for them to submit to those laws but rather that it is morally necessary for them to do so. While they have, and recognize that they have, the capacity to disobey those laws, they come to believe they have an obligation to obey them.¹³⁸

But would the people, given their moral limits, have any conception of obligation or authority? Would their sense of obligation, such as it is, be powerful enough to overcome their natural aversion to suffering the privations and bearing the burdens imposed by law? We will take up these questions at length in the next section. For now, we note that Rousseau's

¹³⁷ Some scholars have been led by Rousseau's comparison of the people's conception of the legislator's laws to their conception of the laws of nature to conclude that the people will experience their subjection to the former as the prepubescent Emile experiences necessity (Grant, *Hypocrisy and Integrity*, 126, 137; Garsten, *Saving Persuasion*, 81-83). But the prepubescent Emile's experience of necessity, his "dependence on things," does not entail the thought that the laws of nature express the will of divine authority or structure a beneficent cosmos (*E 2 / ŒC 4*: 311-17 / *CW 13*: 216-21). The more apt point of comparison to the people's conception of the laws of nature is, as we will discuss below, that of the Savoyard Vicar and, by extension, the mature Emile.

¹³⁸ It is not the case, then, that the people conceive of their accepting the legislator's laws "as tantamount to accepting the law of gravity" (Grant, *Hypocrisy and Illusion*, 137).

characterization of the spirit in which the people submit to the legislator's laws suggests that it is not exclusively a sense of obligation that moves them to submit to those laws. When he states that the people bear those laws "with docility," he characterizes them as "the yoke of public felicity." Thus, he suggests that the people's opinion that they are obligated to obey divine authority carries with it the opinion that obeying that authority will redound to their happiness. Recall the superhuman qualities that, at the beginning of Book II Chapter VII, Rousseau identified as necessary for legislation: seeing all the human passions without experiencing any of them, knowing human nature thoroughly without partaking of it at all, being willing to attend to the happiness of human beings without depending on them for one's own happiness. Taken together, these qualities would make the being that possessed them able and willing to devise and give laws to human beings that would, if obeyed, make them happy. Is this not at least a part of why the possession of these qualities would render such a being authoritative? Our line of thought suggests that the essential qualities of authority are such that, if human beings were free to give or refuse consent to the rule of a being that they recognized as possessing those qualities, they would give their consent. This aspect of authority helps to explain the motivating force of the opinion that one is obligated to obey authority. And it helps to show the sense in which human beings who obey on the basis of such an opinion can be thought to do so freely.

Nevertheless, it remains the case that, if the legislator's appeal to divine authority is effective, the people will not believe that they may rightly refuse consent to the laws that he presents to them. Here we confront one of the principal paradoxes of Rousseau's teaching on the legislator. The legislator elicits the people's consent to his laws by persuading them that they have no right to give or refuse consent to those laws because they derive their legitimacy not from the consent of those subject to them but from the authority of the one or ones who made them. He persuades them that legislative authority does not inhere in but transcends

their wills. Hence, when the people are persuaded by the legislator to submit to his laws, they do not believe that, in doing so, they are consenting to those laws in such a way as to legitimate them. Thus, there are two distinct but related matters about which the legislator deceives them. First, he deceives them that his laws come from a god or gods when, in fact, they come from him. Second, he deceives them, if only implicitly, that they are not rightfully in a position to give or refuse consent to his laws when, in fact, they are in such a position. This means that legislators who persuade peoples to submit to their laws by appealing to divine authority, i.e., “the fathers of nations,” cannot approach the people as the Decemvirs approached the Romans and tell them that they must consent to their laws in order for those laws to become legitimate.¹³⁹

In this light, it may appear that the legislator’s persuasive appeal to divine authority violates the social contract and, therewith, Rousseau’s principles of political right. Two considerations argue against such a conclusion, however. First, there is reason to doubt that the legislator’s subjection of the people to his laws is, in fact, preceded by the establishment of a social contract among them. It is true that the movement of the *Social Contract* suggests that it is—Rousseau’s account of the legislator’s subjection of the people to his laws is preceded by his account of the social contract. But the establishment of the social contract, as Rousseau describes it in Book I of the *Social Contract*, is, as we emphasized in Chapter 1, not historical but hypothetical. In none of Rousseau’s writings is there any suggestion that a rightly conceived social contract has ever been established prior to a people’s subjection to law.¹⁴⁰ This would suggest that, strictly speaking, there is no sovereignty or legislative authority for the people to exercise or for the legislator to usurp. It suggests that, as a matter of right, the

¹³⁹ Gildin, *Rousseau’s “Social Contract”*, 73.

¹⁴⁰ In the first draft of the *Social Contract*, Rousseau explicitly speculates that none has been established before this (*GM* 1.5 / *ÆC* 3: 297 / *CW* 4: 88-89). For an account of the rhetorical reasons that drove Rousseau to omit this speculation from the published version, see Gildin, *Rousseau’s “Social Contract”*, 36-41. See also Riley, “A Possible Explanation,” 107.

people and the legislator remain in the state of nature, where there is no proscription against deception. Second, because human beings who have not been subjected to law or undergone civic education are, as we have explained, unlikely to vote in accord with the general will over and against their respective private wills, there is no reason to think that submitting the legislator's laws to the people for a vote would serve to determine whether they conformed to the general will. If the general will is somehow present in the people at this stage of their development, its voice is so faint relative to that of their private wills as to be mute. What the legislator would hear from the people if he were to ask them to consent to his laws is not the voice of the general will.

This is not to suggest that the means by which the legislator establishes his laws is unproblematic. If the reason that the legislator cannot be blamed for violating Rousseau's principles of political right is that those principles are not yet in effect, the question remains whether or how they can be brought into effect. Inasmuch as the legislator's persuasive appeal to divine authority is a necessary precondition for subjecting the people to a civic education that will give voice to the general will, it is an important step toward bringing those principles into effect. It even begins that civic education by habituating the people to subordinate their respective private wills to the law. But, precisely in doing this, it gives rise to a new obstacle to the realization of the principles of political right. According to those principles, it is only in his capacity as a subject, and not in his capacity as a member of the sovereign, that the citizen is to subordinate his private will to the law. In the latter capacity, the citizen is to subordinate his private will to the general will, as distinguished from the law. Inasmuch as the legislator's persuasive appeal to divine authority fosters the belief that his laws derive their legitimacy from a will that transcends the general will, it threatens to keep citizens from becoming fully self-

legislating.¹⁴¹ Rousseau subtly alerts us to this danger by including Moses and Mohammed among the legislators who established laws by way of persuasive appeals to divine authority. Neither of their peoples ever broke free of the transcendent authority of God to which they appealed in first subjecting their peoples to law.¹⁴² Accordingly, we do not find Rousseau speaking of the Jews or Muslims as he speaks of the Spartans and the Romans. How and to what extent this obstacle can be overcome, or was overcome in Sparta and Rome, are important questions that we will address when we turn from the preliminary stage of civic education to civic education, proper, in the next chapter.

However problematic appealing to divine authority may be as a means to the eventual establishment of Rousseau's principles of political right, it is far less problematic than the use of force.¹⁴³ And it is important that we recognize that the use of force is the only viable alternative.¹⁴⁴ For the sake of clarity, let us assume that the people would indeed benefit from being subjected to the laws in question and that the legislator is indeed concerned to benefit them. There are multiple ways in which the benefits of these laws to the people would, in Rousseau's view, be diminished if the legislator imposed them by force. First, given man's natural tendency to resist subjection, which arises from the natural love of freedom that man shares with other animals, any attempt to impose laws by force on people who retain that natural love of freedom would come at a great cost to the lives and goods, not to mention the freedom, of the very people whose lives, goods, and freedom those laws were designed to

¹⁴¹ See Johnston, *Encountering Tragedy*, 55. Garsten associates Rousseau's identification of persuasion as the appropriate mode of rhetoric for republican politics with "the project of internalizing the sovereign perspective and creating the autonomous individual" (*Saving Persuasion*, 80). While this may be true, it is important to recognize, as we do here, that what the legislator persuades the people of does not immediately promote this project.

¹⁴² On Moses' limits in this regard, see Harvey, "Exemplarity and the Origins of Legislation," 229.

¹⁴³ For this reason, we do not agree entirely with Strauss's argument that "Rousseau's doctrine of the legislator is meant to clarify the fundamental problem of civil society rather than to suggest a practical solution" (*Natural Right and History*, 288). See also Meier, "Right of Politics," 145 and Starobinski, *Jean-Jacques Rousseau*, 30. It strikes us as more accurate to say that Rousseau's doctrine of the legislator is meant to clarify the fundamental problem of civil society *and* to suggest the best way of ameliorating that problem.

¹⁴⁴ Kelly, "To Persuade without Convincing," 333-34.

preserve.¹⁴⁵ Second, given this tendency, and given the instability of the relative forces of human beings,¹⁴⁶ laws thus imposed would always be at risk of being overthrown and thus of failing to achieve their goals. Third, given that being deprived of freedom tends to deprive human beings of their natural love of freedom and thus to make them slavish,¹⁴⁷ the durable imposition of laws by force would make them poor guardians of the laws and leave them vulnerable to would-be despots in the future. All this is to say that, in addition to being inconsistent with the principles of political right, subjecting human beings to law by force defeats the very purpose of law.

The same cannot be said of subjecting human beings to law by deception, at least not by the deception entailed in the legislator's appeal to divine authority. This is partly and most obviously because it, by contrast with subjecting human beings to law by force, does not entail harming or threatening to harm those one is trying to subject. Of course, this may be partly because an element of the legislator's appeal to divine authority is that there is a god or there are gods that will visit harm on those who do not obey his or their laws. But, as we argued above, Rousseau's suggestion is that the fear of such harm is not the people's sole or primary motive in obeying laws that they have been persuaded come from a god or gods. Rousseau's suggestion is that it is primarily the people's deference to the divine as authoritative combined with a hope for happiness that moves them to voluntarily obey the laws and thereby makes it unnecessary for the legislator to harm or threaten to harm them. Hence, if or inasmuch as their obedience is animated by a fear of harm from God or the gods, that fear is a fear of just

¹⁴⁵ See, again, Rousseau's argument against the view that, at the origins of political communities, peoples voluntarily submitted unreservedly to despots (*SD* / *ÆC* 3: 180-82 / *CW* 3: 56-57).

¹⁴⁶ Rousseau finds evidence of this problem in the attempts that slave-masters and despots make to legitimate themselves as authorities by appealing to the specious principle of might makes right. Such attempts to obtain voluntary obedience out of a sense of obligation in their subjects serve as evidence of the vulnerability of rule established by force alone (*SC* 1.3). For an instance of this problem in Spartan history, see *PF* 12.1 / *ÆC* 3: 540-41 / *CW* 4: 61-62. See O'Hagan, *Rousseau*, 95.

¹⁴⁷ See Rousseau's critique of Aristotle's argument that there are slaves by nature (*SC* 1.2 / *ÆC* 3: 353 / *CW* 4: 133).

punishment. This is to say that, even if fear of harm is one of the people's motives in obeying the laws, their obedience is not for that reason equivalent to acquiescing out of mere necessity to one superior in strength. This is important because it implies that obedience elicited by appeals to divine authority, by contrast with obedience elicited by force, will not necessarily habituate men to submitting to the stronger, render them slavish, or diminish their love of freedom.

Not only does the legislator's appeal to divine authority not have such adverse effects on the people's freedom, it also has an effect favorable to their freedom. Although that appeal obviously limits the people's freedom by effectively subjecting them to his will as manifest in his laws, it also helps to prevent their freedom from being further limited by ambitious men who might try to rule them by claiming authority for themselves. In attributing authority to divinity, the legislator teaches, whether implicitly or explicitly, that the qualities that a being must have in order to possess authority, e.g., seeing all the human passions without experiencing any of them, knowing human nature thoroughly without partaking of it at all, being willing to attend to the happiness of human beings without depending on them for one's own happiness, are superhuman. And, in teaching this, he gives the people reason to reject claims to authority by men, who, as merely human beings, lack the qualities that would justify such claims. The legislator's teaching of divine authority strengthens man's natural resistance to submitting to the will of another man by thus supplementing his pre-rational love of freedom with a rational understanding of a principle of political right.

B. The Necessity of Altering the People's Ideas of Divinity and Authority

The question arises whether, or in what ways and to what extent, the belief in divine authority that moves the people to submit to the legislator's laws is a precondition or an effect

of the legislator's persuasive teaching.¹⁴⁸ Rousseau does not indicate anything about the origins of this belief in Book II Chapter VII of the *Social Contract*. The implication of the passage quoted above is that the people's belief in an authoritative god or authoritative gods precedes and thus is not the effect of the legislator's teaching. It is a resource available to him. This is suggested also by the examples of legislators to which Rousseau refers in the chapter, i.e., Lycurgus, Calvin, Moses, and Mohammed. Yet the latter three of these examples suggest that legislators tend not only to appeal to but also to modify the people's conception of God or the gods. In light of these examples, Rousseau's legislator would seem to be a religious as well as political innovator.

We find support later in the *Social Contract* for the view that, prior to being subjected to human law, men believed that they were subject to divine authority. Book IV Chapter VIII, "On Civil Religion," begins with the observation that "[m]en at first did not have any Kings other than Gods, or any Government other than Theocracy" (*SC* 4.8 / *ÆC* 3: 460 / *CW* 4: 216).¹⁴⁹ In the same vein, Rousseau observes in the *Emile* that "before force was established, Gods were the magistrates of the human race." In elaborating on this observation, he adds that, at that time, men made all their contracts with one another before the gods (*E* 4 / *ÆC* 4: 646 / *CW* 13: 490). Thus, he implies that if peoples did indeed establish social contracts prior to being given laws by legislators, they did so in the belief that these contracts would be enforced by gods. Such a belief substituted for the social contract's provision for forcibly constraining parties to obey the laws. It is important to note that Rousseau here seems to suggest that it was not only fear of punishment from the gods but also, and more importantly,

¹⁴⁸ This question has received little attention, let alone examination, in the scholarly literature. The scholars who have addressed it tend to assume without argument that the people's belief in divine authority is entirely a precondition and not at all an effect of the legislator's work. See Dent, *Rousseau*, 215; Harvey, "Exemplarity and the Origins of Legislation," 221-23; Johnston, *Encountering Tragedy*, 54; and Trachtenberg, *Making Citizens*, 142-43, 239-40.

¹⁴⁹ Gildin takes this theocracy to be the form of government that the legislator establishes when he first subjects the people to law (*Rousseau's "Social Contract"*, 72).

a sense of duty to the gods that moved men to fulfill their contractual obligations. Thus, the account suggests that men believed that they were subject to the gods not merely by force but by right, that the gods exercised authority over them. And it suggests that they respected this authority. There are reasons at least to wonder whether human beings would have held such a view of God or the gods prior to being taught by a legislator, however.¹⁵⁰ We need to consider, in this connection, how Rousseau understands the historical development of the ideas of divinity and authority, neither of which is natural in his view.

Rousseau refrains from giving an account of the historical development of religion in the *Second Discourse*. Two implications related to religion beg for such an account, however. First, Rousseau implies that man was originally and thus is by nature an atheist.¹⁵¹ Second, he implies that, when a conventional right to property was posited at the origin of civil society, at least among the ancient Greeks, it was proclaimed to have come from the “legislatrix”-goddess Ceres (*SD / ŒC* 3: 173 / *CW* 3: 51). Evidently, a belief in gods had arisen among the ancient Greeks and was appealed to in order to sanctify and thus to strengthen the right to property. But how had human beings come to acquire such a belief?

Rousseau gives an answer to this question in the context of a discussion of how, or, more accurately, how not, to educate children in religion in Book IV of the *Emile*. He speculates that human beings inferred from “[t]he sentiment of [their] action on other bodies” that other bodies acted on them similarly, i.e., voluntarily. “Thus,” Rousseau explains, “man

¹⁵⁰ There are rhetorical reasons that would explain why Rousseau gives the impression that human beings believed that they were subject to divine authority, properly understood, prior to being educated by the legislator. In Book IV Chapter VIII of the *Social Contract*, Rousseau is claiming that human beings were at first subject only to divine authority partly as a way of emphasizing that at first human beings were *not* subject to human authority. In Book IV of the *Emile*, he is pointing to the ancients’ sense of obligation to divine authority in order to show that, when it comes to governing human beings, there is an alternative to the use of “force” or “interest” that prevails in modernity.

¹⁵¹ This is implied in various ways in the *Second Discourse*, perhaps most obviously by the assertion that “in our primitive state, in the true state of nature...each man in particular [regards] himself as the only Spectator who observes him, as the only being in the universe that takes an interest in him, as the only judge of his own merit” (*SD / ŒC* 3: 219n15 / *CW* 3: 91n12).

began by animating all the beings whose action he sensed.” Due to his feeling of weakness relative to these beings and his ignorance of the extent of their power, he took their power to be unlimited. Man’s first experience of the divine, then, was one of fear before willful, forceful beings. “During the first ages, men, frightened by everything, saw nothing dead in nature” (*E* 4 / *ÆC* 4: 552 / *CW* 13: 413).

We would be mistaken to take this as Rousseau’s final or complete word on the origins of religion, however. The fearful ignorance here identified as a necessary condition for the emergence of religion is not, according to the *Second Discourse*, characteristic of human life during the *first* ages. In the *Second Discourse*, Rousseau concedes that man in the state of nature is “frightened by all new Spectacles presented to him every time he can neither distinguish the Physical good and evil to be expected from them, nor compare his forces with the danger that he has to run.” But, contrary to the apparent implication of his account of the origins of religion in the *Emile*, he insists that such occasions are “rare in the state of Nature, where all things work in so uniform a manner, and where the face of the Earth is not subject to these brusque and continual changes that are caused in it by the passions and the inconstancy of assembled Peoples” (*SD* / *ÆC* 3: 136 / *CW* 3: 21-22). Given his familiarity with most of the objects that surround him and his recognition of his superiority or invulnerability to most of those objects, man in the state of nature does not often find himself in the condition of fearful ignorance that might make him into an animist.

It is worth noting here that the pre-pubescent Emile is educated in such a way that, partly for the same reasons, he, too, does not find himself in such a condition. Accordingly, as Rousseau implies just a few pages after giving his account of the origins of religion, the pubescent Emile is not a religious believer of any kind. Rousseau is so ambiguous about the age at or way in which Emile or any “cultivated human mind [*esprit*]” would “naturally” even begin to contemplate the “mysteries” of religion as to raise the question whether the natural

course for Emile or any such mind would not end precisely where it began, namely, in atheism. Of course, Emile does not remain an atheist. But this is because, and perhaps only because, the tutor is compelled by the unnatural acceleration of “the progress of the passions” effected by society to similarly accelerate “the progress of [Emile’s] enlightenment” lest the natural “equilibrium” between his passions and enlightenment be “broken” (*E* 4 / *ÆC* 4: 557 / *CW* 13: 417). This indication that Emile’s religious education is a diversion from the natural progress of enlightenment serves to qualify the sense in which his piety is natural.

Now, in thus calling into question the seriousness of Rousseau’s suggestion in Book IV of the *Emile* that human beings “began” as or were in “the first ages” animists, we do not mean to dismiss that account of the origins of religion entirely. We mean simply to reject its implication that religion emerged in the most primitive, and thus the most natural, human condition. The passage from the *Second Discourse* to which we referred above suggests that fearful ignorance and therewith animism would have arisen when the passions and inconstancies of assembled peoples began to subject the face of the Earth to brusque and continual changes. This suggests that religion would have emerged in the last stage of the state of nature, or, in nascent Society, prior to the division of labor and establishment of property that followed the discovery of metallurgy and agriculture. For it was at this stage that, as we have seen, human beings acquired unnatural passions such as romantic love and *amour-propre* and assembled into peoples. Inasmuch as these developments were partly the effect, in Rousseau’s telling, of meteorological and geological accidents, they were caused by literal changes to the face of the Earth. They proceeded to cause figurative changes to the face of the Earth by radically altering human life on Earth. And it was another literal change to the face of the Earth, namely, the eruption of a volcano, that, Rousseau conjectures, made possible the discovery of metallurgy and therewith the whole chain of events that gave rise to the state

of war and, finally, to the need for civil society, i.e., another literal change to the face of the Earth (*SD / ŒC* 3: 168-72 / *CW* 3: 46-49).

Although Rousseau does not explicitly include religion among humanity's acquisitions in its movement from the pure state of nature to nascent society, he does so implicitly by indicating that this latest stage of the state of nature is the "point" at which "almost all" of the "Savages" have been "found" (*SD / ŒC* 3: 171 / *CW* 3: 48). For the "Savages" encountered by Rousseau's fellow Europeans in Asia, Africa, and the Americas were not atheistic but religious. Indeed, they tended toward precisely the animism that Rousseau identifies in the *Emile* as the most primitive form of religion among human beings. Now, of course, one can wonder why Rousseau excludes religion from his account of nascent society in the *Second Discourse* if, as we are suggesting, he thinks that it is present there. We contend that the inclusion of primitive animism in his account of nascent society would, given its falsehood and, more importantly, its unhappy precondition—fearful ignorance—complicate and qualify Rousseau's encomium to this stage of human history as "the happiest and most durable epoch" and thus undermine the most important rhetorical purpose of this account, i.e., condemning civilization (*SD / ŒC* 3: 171 / *CW* 3: 48).

All this is to say that pre-political peoples would tend, in Rousseau's view, to believe in gods that are willful, superhumanly powerful, and manifest in various material objects. This, then, is the conception of the divine that a legislator would likely confront in a people that has not been subject to law or undergone civic education. Note that gods thus conceived could not on the basis of Rousseau's principles of political right be said to rule human beings as authorities or by right. Gods thus conceived could be said to rule human beings merely by force. This is to say that the legislator could not appeal to such gods as authorities *per se* in order to obtain the people's consent to his laws. What our examination of Rousseau's understanding of the origins of religion reveals, then, is that, in appealing to divine authority,

the legislator must introduce a new conception of the gods if the people are to recognize them as genuinely authoritative.

Whether the people properly understand the concept of authority prior to their encounter with the legislator is ambiguous. In Book I Chapter II of the *Social Contract*, Rousseau implies that human beings have experience of a certain kind of authority by nature. He argues that children are naturally bound to their fathers as long as they are incapable of preserving themselves on their own. Out of the child's natural neediness and the father's natural love of and capacity to care for his child arise subjection and authority, albeit temporary. Does the experience of beneficial subjection to loving and capable fathers habituate human beings to recognize and dutifully obey authority? Does this experience help to make the legislator's appeal to divine authority possible and effective?

Before we can answer these questions, we need to consider elements of Rousseau's argument in the *Second Discourse* that contradict or complicate his account of paternal authority in the *Social Contract*.¹⁵² Rousseau makes clear in the *Second Discourse* that, contrary to his suggestion in the *Social Contract*, there is no natural basis for paternal authority. Given that, in the pure state of nature, men and women part ways after engaging in sexual intercourse, fathers do not by nature know, let alone love or care for, their children. Caring for children is the exclusive province of mothers in the pure state of nature (*SD* / *ÆC* III: 146-47, 214-18nXII / *CW* III: 30, 86-90n10). We would be mistaken to conclude that children are naturally subject to maternal authority, however. For moral relations, such as that between authority and subject, are altogether unknown to human beings, children and adults alike, in the pure state of nature (*SD* / *ÆC* 3: 152 / *CW* 3: 34). The child's experience of dependence on his caring mother does not entail the opinion that she is an authority he is obliged to obey. He does as

¹⁵² For a more extensive discussion of the question of the naturalness of the family than we can give here, see Masters, *Political Philosophy of Rousseau*, 125-32.

she wills partly because his weakness and dependence keep him from doing otherwise and partly because doing as she wills tends to redound to his benefit. Rousseau's account of family life in the pure state of nature thus indicates, contrary to his account of paternal authority in the *Social Contract*, that the experience of dependence on a loving and caring parent is not sufficient for the emergence of the idea of authority.¹⁵³ The idea of authority was not yet present even when human beings came to dwell as families in huts and fathers did finally come to know and love their children. For the “*only* bonds” of the family, at this stage of human history, were “reciprocal affection and freedom” (emphasis added) (*SD / ŒC* 3: 168 / *CW* 3: 46).

As we discussed in the last chapter, moral ideas related to the idea of authority emerged as human beings began to esteem one another. Ideas of merit and beauty emerged with romantic love. This was followed by the emergence of the unnatural passion *amour-propre*, which led human beings to esteem themselves more highly than others and to desire that others do the same. They not only desired the esteem of others but also believed that they had a right to it. Accordingly, they became indignant and sought vengeance whenever they felt slighted by others (*SD / ŒC* 3: 170 / *CW* 3: 47-48). It stands to reason that the idea of authority would have emerged as a corollary to the ideas of right and duty that thus emerged with *amour-propre*. But inasmuch as, as Rousseau insists, human beings still retained their natural independence even at this stage in their history, the emergence of these moral ideas related to

¹⁵³ The question arises why does Rousseau treat the patriarchal family as natural in the *Social Contract* if, as we have argued, he does not think that it is natural. Rousseau's intention in Book I Chapters II-V is to refute a variety of arguments that oppose his thesis that the only basis for legitimate authority and subjection among human beings is convention or consent. One of those arguments is that, inasmuch as the patriarchal family is natural, there is a basis in nature for such authority and subjection. Our surmise is that, for rhetorical purposes, Rousseau is content to leave the premise, i.e., that the patriarchal family is natural, unchallenged and limit himself to challenging the conclusion. Hence, he argues that, inasmuch as the natural authority of fathers is predicated on the incapacity of their children to preserve themselves on their own, the naturalness of the patriarchal family does not mean that there is a basis in nature for legitimate authority or subjection that is not temporary. Since his intention in these chapters does not compel him to present his subversive and controversial view of the family, he refrains from doing so.

the idea of authority did not coincide with any experience of subjection to authority. Then again, if, as we conjectured above, it was at this stage of human history that the idea of divinity emerged, they may, for all their freedom from human authority, have believed that they were subject to the authority of the gods in which they had lately come to believe.

While there is, in this light, reason to think that the idea of divine authority would not have been totally foreign to the people prior to their encounter with the legislator, there is also reason to think that they would not have conceived of divine authority correctly, or as Rousseau does. It is worth noting in this connection Rousseau's contemptuous characterization of the religion of "the multitude," as distinguished from that of "the wise," as "always" involving "Gods as senseless as itself to which it sacrifices superficial goods in order to give itself over in their honor to a thousand horrible and destructive passions" in the *Geneva Manuscript* (*GM* 1.2 / *ÆC* 3: 285 / *CW* 4: 79). If the men of nascent society, who, following their acquisition of *amour-propre* and ideas of right and duty, had become "bloodthirsty and cruel," were pious, it is likely that their piety would have had this character (*SD* / *ÆC* 3: 170 / *CW* 3: 48). One imagines a savage possessed of *amour-propre* indignant at having been denied his due esteem bent on exacting vengeance, believing that a wrathful god stands behind him. According to Rousseau's account of the origin of religion in the *Emile*, belief in gods began with the imputation of a faculty that human beings experienced in themselves, namely, the will, to all the beings that acted on them. It may be that the next step in the historical development in this belief was the imputation of the moral passions that human beings had begun to experience in themselves to the gods. Note that what is distinctive about divinity, thus conceived, is the possession not of superhuman intellectual and moral qualities that might, on the basis of Rousseau's principles of political right, give them authority over human beings but rather of superhuman force that would not, on the basis of those principles, give them such authority. If the idea of authority arose and was associated with the

idea of divinity that would seem to have arisen in nascent society, then, it would be necessary for the legislator to correct the people's ideas not only of divinity but also of authority. Otherwise, his persuasion of the people that his laws come from the gods would be tantamount to an appeal to divine force rather than divine authority, properly understood. As such, it would, much like recourse to human force, be detrimental to the people's love of freedom and therewith to the prospects of their preserving freedom under law.

What we have come to see in uncovering the ideas of divinity and authority that a legislator would confront in a people is that the legislator's teaching entails not merely appealing to but altering the people's preexisting idea of divine authority. Inasmuch as the alteration the legislator effects is a correction of an erroneous idea adverse to freedom, there is an important way in which he, in delivering that teaching, enlightens and promotes the freedom of the people even as, in other, more obvious ways, he deceives them and limits their freedom.

C. The Legislator's Teaching of Divine Authority

Rousseau gives no account of what the legislator might teach about divinity and authority in the *Social Contract* or any of his other works for that matter. There is an implicit indication of an important element of the legislator's teaching in Book II Chapter VII of the *Social Contract*, however. It stands to reason that the legislator would teach that the superhuman qualities identified as necessary for legislation at the beginning of Book II Chapter VII are essential to authority as such and inhere in whatever god or gods he claims to be the author or authors of his laws. He would teach that the possession of authority is predicated on seeing all the passions without experiencing any of them, knowing human nature without partaking of it, and being willing to attend to the happiness of human beings without depending on them for one's own happiness. He would teach that, inasmuch as these qualities are superhuman,

no man possesses such authority. But he would also teach that the god or gods in which the people already believe possesses or possess these qualities and therewith authority. Having been taught these lessons, the people would be ready to obey the laws that the legislator presents to them as the work of the gods.

We can gain more insight into the legislator's teaching by considering the teaching on divine authority that the Savoyard Vicar gives in his Profession of Faith. The legislator has often, and rightly, been compared to other figures of *de facto* authority in Rousseau's corpus, e.g., Emile's tutor and Wolmar, the *paterfamilias* in *Julie*.¹⁵⁴ The Savoyard Vicar is, for understandable reasons, not one of them. But there are certain important and unnoticed ways in which the Savoyard Vicar is an analogous figure to the legislator. Most importantly for our purposes, both the legislator and the Vicar deliver teachings on divine authority with a view to getting their pupils voluntarily to subject themselves to law of some kind. Whereas, in the case of the legislator, it is the positive law that the legislator himself devises and presents to his pupils as revealed and divine, in the case of the Vicar, it is the moral law that he hears in his conscience and believes his pupil, too, would hear if he were to listen. The rhetoric that the Vicar adopts to this end is, like that of the legislator, persuasive rather than convincing. Indeed, he is tellingly compared by his pupil to "the divine Orpheus singing the first hymns and teaching men the worship of the Gods" (*E* 4 / *ÆC* 4: 606 / *CW* 13: 458). The comparison, which calls to mind the *Essay on the Origin of Languages* and its account of the use by ancient legislators of persuasively musical southern languages in founding states and religions, speaks at once to the similarity and difference between the Vicar and the legislator. The Vicar, like the legislator, adopts a persuasively musical rhetoric in educating his pupil in religion and morality, but, unlike the legislator, he does not, in doing this, also educate his pupil for

¹⁵⁴ See Crocker, *Rousseau's "Social Contract"*; Grant, *Hypocrisy and Integrity*, 125-39; Melzer, *Natural Goodness of Man*, 233-52; and Shklar, *Men and Citizens*, 127-64.

citizenship. To the extent that he gives his pupil a political education, it is to prepare him to live as a pious and moral man under conditions in which civic life is impossible. The Vicar, or, more accurately, Rousseau as author of the Vicar's Profession of Faith, is properly understood as a successor to the legislator. He provides an apolitical moral and religious education aimed at recovering in a new form something of the natural freedom and therewith the natural goodness of life for men in societies that cannot be transformed into legitimate republics. Rousseau gives a hint of his ambition to succeed the legislator in this way when he predicts that the Profession of Faith of the Savoyard Vicar "may one day make a revolution among men, if good sense and good faith are ever reborn among them" (R 3 / *ÆC* 1: 1018/ *CW* 8: 23).

There is reason to think that, despite the important differences between the teachings of the Vicar and the legislator, there is some similarity between the ideas of divine authority they propound. We note, for one thing, that the superhuman qualities identified as necessary for legislation in Book II Chapter VII of the *Social Contract* and that we speculated the legislator would ascribe to God or the gods belong to the Vicar's god. The Vicar explains that his idea of "God" combines "the ideas of intelligence, of power, of will," and therefore also "of goodness." The Vicar infers the existence of a being that combines these qualities from the order that he observes in nature. It is scarcely conceivable to him that this order could have arisen from anything other than an intelligent and powerful will. His god, then, is the author of the universe, which the Vicar sees as an ordered whole, or a cosmos (*E* 4 / *ÆC* 4: 580-81 / *CW* 13: 437-38). Although Rousseau discloses little about the idea of God or the gods that the legislator would impart to the people, his indication that the legislator's appeal to divine authority would lead them to submit to his laws as they do to the laws of nature implies that he, like the Vicar, would teach that God is the author, or that the gods are the authors, of the cosmos.

For the Vicar, the most important feature of the cosmos is that mankind is at its center and its peak. He reasons:

I find myself incontestably in the first rank by my species. For, by my will and by the instruments that are in my power for executing it, I have more force for acting on all the bodies that surround me, or for yielding to or eluding their action as I please, than any of them has for acting on me against my will by physical impulsion alone; and, by my intelligence, I am the only one that can inspect the whole. (*E* 4 / *ÆC* 4: 582 / *CW* 13: 438)

Thus, the Vicar finds that human beings excel all the other beings in the three qualities that he ascribes to divinity and that he identifies as the source of goodness, namely, will, power, and intelligence. God has formed man, and man alone, in his own image. Rousseau's indication that the legislator's appeal to divine authority would lead the people to recognize the same power in the formation of man and of the city suggests that this aspect of the Vicar's god may also be an aspect of the legislator's god or gods.

The belief that God has conferred an extraordinary benefit on human beings by placing them in the first rank in the cosmos is crucial to the Vicar's willingness to recognize and obey him as an authority. The Vicar explains that the recognition of God's beneficence moves him to be grateful to, to love, and to honor him. He frankly characterizes his "worship" of God as "a natural consequence of self-love, of honoring what protects us, and of loving what wishes us well" (*E* 4 / *ÆC* 4: 583 / *CW* 13: 439). Here, the Vicar echoes the tutor who, earlier in Book IV of the *Emile*, identified "gratitude" as the "natural sentiment" arising from self-love to which one can appeal in order to get one's pupil to recognize one as an "authority" (*E* 4 / *ÆC* 4: 519-22 / *CW* 13: 386-88). The similarity between the Vicar's grateful obedience to divine authority and Emile's grateful obedience to tutelary authority extends further. For the tutor indicates that it is Emile's recognition not merely that he has benefitted from the tutor's guidance but also that, because of the superiority of his tutor to other tutors, he has been made better than other pupils that makes him grateful. In both cases, then, the unnatural

passion *amour-propre* plays an important role in producing gratitude out of the natural passion self-love. There is reason to think that the role played by *amour-propre* in each case is not incidental. *Amour-propre* would tend to make human beings reluctant to recognize that they have been benefitted by superiors. For, as we have seen, to be possessed of *amour-propre* is to believe that one is superior and to desire that others esteem one accordingly.¹⁵⁵ Human beings' reluctance to recognize this would be lessened if they believed that they had been benefitted in a way that made them superior to others. For, then, the wound to their *amour-propre* would be succored by a simultaneous flattery of their *amour-propre*. In order to overcome the obstacle that *amour-propre* poses to the grateful recognition of authority, it is necessary that the experience not be altogether debasing.

The recurring identification of gratitude born of self-love and *amour-propre* as the passion underlying obedience to authority in the *Emile* suggests that the legislator's persuasive rhetoric would evoke images of God or gods that provoked this passion among the people. Given Rousseau's account of the origin of religious belief, doing this would involve getting the people to reimagine the gods and their relation to the gods. As we discussed above, it was the experience of vulnerability to apparently malign and disordered external forces that, in Rousseau's view, gave rise to belief in gods. It would be part of the legislator's task to teach the people that the gods are not merely powerful and willful but also intelligent and good by pointing to the order of nature and identifying the gods as the authors of that order.

It would also be part of the legislator's task to draw the people's attention to their superior status relative to other beings in the cosmos and to attribute their superiority to the god or gods that formed them. In doing this, the legislator would partly be appealing to the pride that, as we discussed in Chapter 2, human beings felt when they became aware of their

¹⁵⁵ Recall that, as we noted in Chapter 2, Rousseau writes that, in the face of "a happy man," our "*amour-propre*...suffers in making us feel that this man has no need of us" (*E* 4 / *CEC* 4: 503 / *CW* 13: 373).

“superiority over the other animals” (*SD* / *ÆC* 3: 165-66 / *CW* 3: 44). In appealing to this sentiment, the legislator, like the Vicar, would attach to it the idea that their superiority was due to their formation by God or the gods. It is likely that the legislator would differ from the Vicar in teaching the people that God or the gods made them superior not only to non-human beings by dint of their humanity but also to other human beings by dint of their particular national characteristics. In this way, fostering patriotic pride, which, as we will see, is an important function of the institutions and practices of civic education prescribed by the legislator’s laws, is likely a part of civic education at its earliest stage.

While gratitude is an important part of the Vicar’s recognition of God as an authority, it is not his only or even most important motive for obeying God, which, for him, means obeying the laws that God has written on his heart, or conscience. Hope for happiness, specifically the happiness that comes from the consciousness that one deserves to be happy on account one’s virtue, is the Vicar’s principal motive (*E* 4 / *ÆC* 4: 602-606 / *CW* 13: 455-58). Rousseau’s indication that, when the people have been persuaded by the legislator to submit to his laws, they will bear those laws docilely as “the yoke of public felicity” implies that their obedience to divine authority, too, will be animated by a hope for happiness (*SC* 2.7 / *ÆC* 3: 383 / *CW* 4: 157). The obedience that the Vicar or the people give to divine authority in gratitude for past benefactions is understood by him or them as a sacrifice of his or their good or goods only initially, not ultimately. For their obedience is animated not only by gratitude for past benefactions but also by hope for future benefactions.

It follows that an important part of the legislator’s teaching would be that happiness is promised to the people if they obey God’s or the gods’ laws. Appealing to the hope for happiness by evoking images of this happiness would be an important part of his persuasive rhetoric. However, Rousseau indicates nothing in Book II Chapter VII of the *Social Contract* about the happiness that the people would hope to achieve by submitting to the ostensibly

divine laws given to them by the legislator other than that it is somehow public. One possibility, which is suggested by Rousseau's principles of political right as elaborated in the *Social Contract*, is that it is the happiness that each citizen derives, or ostensibly derives, from the preservation of his life, goods, and freedom. The legislator would teach the people that they will ultimately benefit from submitting to the laws because they have been devised by God or the gods with a view to the preservation of the people's lives, goods, and freedom. On this view, the legislator's persuasive appeal to divine authority would not involve a reorientation of the needs and desires by which human beings are naturally motivated. He would follow Rousseau in taking men as they are by nature. For as much as the legislator's teaching would differ in style and substance from Rousseau's teaching in the *Social Contract*, it would not differ with respect to the ultimate ends of politics, which would remain the ultimate ends of nature. However, two passages, one on the way to move peoples to action in the *Constitution for Corsica* and another on the effects of Mohammed's persuasive rhetoric in the *Essay on the Origin of Languages*, argue against this view and suggest that the happiness held out by the legislator appeals to the unnatural passion *amour-propre* more than to the natural passion self-love.

The *Constitution for Corsica* concludes with an important statement on the two psychic "instruments with which one governs men," namely, "fear and hope." Rousseau devotes more attention to hope, which he considers more effective at rousing men to action than fear. "[I]n order to awaken the activity of a nation," Rousseau reasons, "it is necessary to present it with great desires, great hopes, and great positive motives for acting." The objects of great hope that ought to be held out by one seeking to "to form the body of a nation" are "independence and power." Rousseau recommends these two objects on the grounds that, as we saw in Chapter 2, they are the sort of "truly estimable goods" that a people can take collective pride in possessing together. This suggests that the legislator would promise the people that, in

obeying the laws that have been ostensibly handed down to him from God or the gods, they will collectively achieve independence and power. One might think that such a promise would be meant to appeal primarily to their self-love, or, more specifically their concern to preserve their lives, goods, and freedom. In fact, it is meant to appeal primarily to their “pride” (*CC* / *ÆC* 3: 937-38 / *CW* 11: 153-54). This means that, even though the objects of hope held out by the legislator would tend to be conducive to self-preservation, the legislator would, in holding out those objects, be appealing primarily not to this natural concern, the concern around which Rousseau orients politics in the *Social Contract*, but to an unnatural concern with esteem. This is important partly because it would give citizens a motive to do their parts for the independence and power of the nation in those cases in which that required them to risk their lives, e.g., in war.

The predominance of *amour-propre* over self-love among the passions to which the legislator appeals is even more evident in Rousseau’s characterization of the effect of Mohammed’s persuasive rhetoric in the *Essay on the Origin of Languages*. Given Rousseau’s inclusion of Mohammed among the four historical legislators to whom he refers in Book II Chapter VII of the *Social Contract*, his description of Mohammed’s persuasive rhetoric can be taken to shed light on the persuasive rhetoric of the legislator as such. Rousseau describes the effect of Mohammed’s persuasive rhetoric in the context of the contrast that he draws between northern and southern languages in Chapter XI. As we discussed above, southern languages, such as Mohammed’s Arabic, are better suited, in Rousseau’s view, to “the ministers of the Gods proclaiming the sacred mysteries, the wise giving laws to peoples, and leaders leading the multitude” than northern languages. He specifies that the rhetorical power of these languages can be appreciated only by being heard and not by being read. He offers the following revealing illustration:

Someone who can read a little Arabic and smiles in leafing through the Koran would, if he had heard Mohammed proclaim in person in that eloquent, cadenced language, with that sonorous and persuasive voice that seduced the ear before the heart and incessantly animated his phrases with the accent of enthusiasm, have prostrated himself on the ground while crying: great Prophet, Envoy of God, lead us to glory, to martyrdom; we want to conquer or die for you. (*EOL* 11 / *ÆC* 5: 409-10 / *CW* 7: 317)

The passage suggests that, far from appealing to self-love with a promise of self-preservation, the legislator's persuasive appeal to divine authority appeals to *amour-propre* with a promise of glory achieved by risking, if not giving, one's life for God or the gods. Note that the one who has listened to Mohammed speaks in the first-person plural rather than the first-person singular. The listener partly forgets himself not only in the sense that he becomes eager to risk or even give his life in obedience to God but also in the sense that he imagines doing this not individually but collectively with God's other followers.

While Mohammed's rhetoric, like the rhetoric recommended by Rousseau in the *Constitution for Corsica*, appeals to *amour-propre*, it does so in a different way. The listener and his fellow Muslims may take pride in their collective power and independence and they may hope to win glory partly for the possession of these qualities. But the strong and clear implication of Rousseau's description of the effect of Mohammed's rhetoric on the listener is that it is the devotion to God that he and his fellow Muslims show in their eagerness to risk their lives for him in which they take pride and for which they hope to win glory. In this respect, the happiness for which the Muslim hopes bears some similarity to the happiness for which the Vicar hopes. The Vicar explains that, because he is not merely an ensouled being but also an embodied being and because his care for his bodily preservation inclines him to seek his private good over and against the general good, virtuously obeying god's law as dictated by his conscience, which demands that he seek the general good over and against his private good, is a struggle. But the difficulty of this struggle gives his "virtue" its "glory" and gives him "good witness of [himself]," and, in so doing, raises his "happiness" to "the most sublime

degree” (*E* 4 / *ÆC* 4: 603 / *CW* 13: 456). In this light, it seems that the difficulty of struggling against the inclination to preserve his body in obeying God and his law is what makes Mohammed’s followers glorious. Now, inasmuch as their obedience to God and his law would testify to their power over and independence from the inclination to preserve their bodies, the happiness for which they hope may ultimately arise partly from pride in and glory for power and independence. Thus, the way that Mohammed appeals to *amour-propre* is not as different from the way that Rousseau recommends in the *Constitution for Corsica* as it initially seemed.

Both Rousseau’s recommendation in the *Constitution for Corsica* and his description of the effect of Mohammed’s persuasive rhetoric suggest that the people’s motivation in obeying the laws presented to them by the legislator differ radically from the motivation that Rousseau ascribes to the hypothetical parties to the social contract in Book I Chapter VI. These passages thus suggest that the practical realization of the principles of political right, which Rousseau discovers by taking men as they are by nature, depends upon transforming men contrary to nature, partly by fostering their unnatural *amour-propre* at the expense of their natural self-love and partly by getting them to reimagine themselves as parts of wholes rather than as individual wholes unto themselves. The extent and character of this transformation, which we have only just begun to see, will become clearer when we turn, in the next chapter, to the institutions and practices of civic education provided for by the legislator in his laws.

We have attempted to determine what the legislator would teach the people about divine authority in order to determine how the legislator would persuade them that they are obliged to submit to his laws. But what we have determined about the legislator’s teaching about divine authority calls into question in what way it is a sense of obligation *per se* that moves the people to submit to the legislator’s laws. It has become clear that, in Rousseau’s view, the belief that one is obliged to obey an authority is inextricably connected to the belief that obedience to that authority will ultimately make one happy, even or especially if it is

experienced as a burden. The Vicar and the Muslim convert both consciously hope for a happiness that will redeem the burdens of obedience to God's law. What Rousseau envisions by obedience to authority does not therefore entail transcending oneself or one's concern with one's own good, at least not in the final analysis. In this way, his vision of obedience to authority is consistent with his insistence on the invincible power of self-love in the human psyche. An important implication of this is, as we suggested above, that to submit to a law out of a sense of obligation is almost tantamount to willing that law oneself. Thus, the inextricable connection between the sense of obligation and hope for happiness in Rousseau's thought helps to explain how obligatory obedience can be understood as free obedience.

D. The Great Soul of the Legislator as Proof of his Divine Mission

One aspect of the legislator's persuasive appeal to divine authority remains for us to discuss, namely, the means by which he persuades the people that his laws come from God or the gods. Rousseau identifies two means of doing this in Book II Chapter VII of the *Social Contract*. The first is for the legislator to demonstrate the greatness of his soul. The second is for him to perform ostensible miracles. Rousseau emphatically favors the former: "The great soul of the Legislator is the true miracle that should prove his mission" (*SC* 2.7 / *ÆC* 3: 384 / *CW* 4: 157). Rousseau's brief account of the greatness of the legislator's soul in Book II Chapter VII suggests that this quality consists primarily in wisdom and genius. His argument for the superiority of demonstrating the greatness of one's soul to performing ostensible miracles, which we will examine below, is that it will make the state that one is establishing more durable. He asserts that "only wisdom will make [the bond among the people] durable" and refers to the "great and powerful genius that presides over lasting establishments" (*SC* 2.7 / *ÆC* 3: 384 / *CW* 4: 157).

Wisdom and genius are both forms of intellectual excellence, but they are not identical. As one of the four cardinal virtues, wisdom has a moral dimension that distinguishes it from genius, which Rousseau identifies as a “personal qualit[y]” not a “virtue” (*VH* / *ÆC* 2: 1264 / *CW* 4: 2). More than mere intelligence, genius entails a quasi-divine creativity. Later in the *Social Contract*, Rousseau defines “true genius,” which he distinguishes from “the genius of imitation,” as “that which creates and makes everything from nothing” (*SC* 2.8 / *ÆC* 3: 386 / *CW* 4: 158). Rousseau’s definition of genius in his *Dictionary of Music* and his attribution of genius to the hero, whom he distinguishes from the wise man, in his *Discourse on the Virtue Most Necessary for a Hero* similarly suggest that genius entails creativity and a capacity to impose one’s will on the world. “The *Genius* of the Musician submits the entire Universe to his Art” (*DM* / *ÆC* 5: 837 / *CW* 406). The musical genius depicts many, if not all, phenomena through his art and, in doing so, provokes many, if not all, the passions in his listeners. Thus, he creates a kind of universe in the imagination, which elicits deeply felt, impassioned reactions from his audience. The hero does something similar through political or martial action. The legislator, whose creative political action involves musical rhetoric, combines something of the genius of the musician with that of the hero.

There are multiple important similarities, in addition to the possession of genius, between the hero of the *Discourse on the Virtue Most Necessary for a Hero* and the legislator of Book II Chapter VII of the *Social Contract*.¹⁵⁶ Indeed, Rousseau refers to Lycurgus and Solon as heroes (*VH* / *ÆC* 2: 1267-68 / *CW* 4: 7). And he credits the hero, like the legislator, with having “a great soul” (*VH* / *ÆC* 2: 1263 / *CW* 4: 2). The virtue that Rousseau identifies as most necessary for a hero, “strength of soul,” sheds light on, and may be equivalent to, greatness of soul. Rousseau defines strength of soul as “the ability always to act forcefully”

¹⁵⁶ In looking to the *Discourse on the Virtue Most Necessary for a Hero* for insight into the legislator, we follow Kelly, *Rousseau as Author*, 83-88 and Masters, *Political Philosophy of Rousseau*, 367.

against others as well as against his own inclinations.¹⁵⁷ The strong-souled man can always act forcefully as his psychic strength enables him to overcome the “petty present interests which make us forget more important and more distant things.” Overcoming those interests, he resolutely follows the course of action that he, keeping those more important and more distant things in mind, has determined to be best. On account of its capacity “to distinguish the beautiful from the specious, reality from appearance” and “to fix itself to its object with that firmness which removes illusions and surmounts the greatest obstacles,” “all is great and generous in a strong soul.” For the object of the strong-souled hero is, like that of the great-souled legislator, glory, which he, like the legislator, achieves by “working for the happiness of others.” In pursuit of this object, the strong-souled hero is indomitable. Capable of acting gloriously in any circumstance, however adverse, he even transcends the vicissitudes of “fortune” (*VH* / *ÆC* 2: 1273-74 / *CW* 4: 10). Even if he cannot direct events entirely according to his will, he can do so in such a way or to such an extent that he always achieves his object.

In light of all this, the greatness of soul that the legislator must demonstrate in order to persuade the people of the divinity of his laws appears to be constituted by precisely the qualities that the legislator must actually possess in order to devise and establish those laws. Of course, the legislator cannot rely on the excellence of his laws for evidence of the greatness of his soul with the people. For the conclusion that the people are meant to draw from the greatness of his soul is precisely that he is *not* the author of the laws that he has given them. Hence, the legislator will have to demonstrate the greatness of his soul in other ways, through extraordinary speeches and deeds that testify to the greatness of his soul.

¹⁵⁷ The slight difference in nuance between “forcefully” and “strongly” leads us to use the former in translating “*fortement*.” But since we use “strength of soul” rather than “force of soul” in translating “*la force de l’âme*,” this choice obscures the close etymological connection that appears in the original French. In order to make this clear, we note here that the sentence could be rendered “Force of soul...consists in the ability always to act forcefully” or “Strength of soul...consists in the ability always to act strongly.”

It is significant that both musical genius and heroic strength of soul are godlike qualities.¹⁵⁸ Both are creative. Both enable one to move human beings or things according to one's will, and thus to do great and impressive things. If or inasmuch as the great-souled legislator possesses these qualities, he may appear to transcend necessities that ordinarily constrain human action. Given this, the great soul of the legislator may indeed appear to be a kind of miracle. If the legislator's soul, as revealed in his speeches and deeds, appears superhumanly extraordinary to the people, then they may well believe that he is favored or supported by God or the gods and, furthermore, that his laws come from God or the gods. It is in this way that the greatness of the legislator's soul can, as Rousseau puts it, serve as "the true miracle that [proves] his mission."

In this connection, it is worth considering an account of the characteristics by which God makes revelation recognizable to men that Rousseau gives in the *Letters Written from the Mountain*.¹⁵⁹ Rousseau's intention in the Third Letter is to defend himself against the charge that his doubts about the miracles attributed to Jesus means that he rejects revelation and is not a Christian. To this end, he argues that, inasmuch as miracles do not constitute the only possible proof of revelation and inasmuch as he accepts the alternative proofs, he does accept revelation and is a Christian (*LWM* 3 / *ÆC* 3: 729-30/ *CW* 9: 168). Rousseau begins from the moral premise that "[w]hen God gives men a Revelation that all are obliged to believe, it is necessary that he establish it on proofs that are good for all and, as a consequence, are as diverse as the manners of seeing of those who must adopt them." He reduces this variety of human perspectives to three—that of "the wise," that of "the good," and that of "the people"—and identifies three alternative proofs, one suitable to each perspective—the moral and intellectual soundness of the doctrine contained in the revelation, the moral and

¹⁵⁸ On the god-like character of the legislator, see Scott, "Politics as the Imitation of the Divine," 496-97; Shklar *Men and Citizens*, 154-61; and Viroli, *Jean-Jacques Rousseau*, 188-89.

¹⁵⁹ Kelly, *Rousseau as Author*, 65-66.

intellectual character of the man proclaiming the revelation, and miracles performed by the man proclaiming the revelation (*LWM* 3 / *CEC* 3: 727-29 / *CW* 9: 166-67).

This threefold classification partly conforms to and partly diverges from distinctions that Rousseau draws in Book II Chapter VII of the *Social Contract*. Here, as in the *Social Contract*, Rousseau emphatically distinguishes the people from the wise. Recall that the necessity of making a persuasive appeal to divine authority arises from the ignorance of the people. It follows that the legislator does not attempt to prove his divine mission by demonstrating the moral or intellectual soundness of his laws. That the legislator should do so by demonstrating the greatness of his soul is not clearly supported by the threefold classification, however. For that classification indicates that miracles are more persuasive with the people than moral or intellectual qualities. Because the people are not good, they are unlikely to recognize or to be moved by the moral and intellectual qualities of the legislator. They are far more likely to recognize and be moved by apparent miracles, which are immediately perceived by the senses and which can therefore make impressions without being reflected on. For “the people” are “incapable of ordered reasonings, of slow and sure observations” and are “in all things slaves of the senses” (*LWM* 3 / *CEC* 3: 728-29 / *CW* 9: 167).

The apparent tension between the threefold classification in the *Letters Written from the Mountain* and the argument of Book II Chapter VII of the *Social Contract* is not irresolvable, however. When one considers the latter carefully, one finds that Rousseau is not as critical of the use of false miracles as he initially seems. Strictly speaking, his position is that the performance of false miracles ought not to be the *only* means by which the legislator persuades the people of his divine mission. He does not argue that it ought not to have *any* part in this. On the contrary, he implies that it at least may have some part in this. For he identifies Moses and Mohammed, both of whom ostensibly performed miracles, as examples of legislators whose establishments endured because of their great souls. Rousseau even directs our

attention to this fact by including the “[engraving of] stone tablets” and the “[training of] a bird to speak in his ear” among the false miracles that he claims “any man” can perform (*SC* 2.7 / *ÆC* 3: 384 / *CW* 4: 157).¹⁶⁰ The other false miracles to which Rousseau refers here—buying an oracle and pretending to have a secret relationship with a divinity—were performed by Lycurgus and Numa, respectively.¹⁶¹ This is to say that Rousseau does not give a single example of a great-souled legislator who founded an enduring political community who did not ostensibly perform miracles in order to persuade the people of his divine mission.¹⁶² Rousseau’s threefold classification in the *Letters Written from the Mountain* would suggest that this is because there is no example of such a legislator. The people are so limited—morally and intellectually—that no legislator could establish his laws without taking recourse to performing false miracles.

What are we to make of Rousseau’s insistence that the legislator ought to prove his divine mission principally by demonstrating the greatness of his soul in light of his suggestion that the people are unlikely to recognize or be moved by this? The qualities that constitute the greatness of the legislator’s soul may not be entirely the same as the qualities that the good would recognize as proof of a divine mission. The latter include a set of moral virtues—“sanctity,” “veracity,” “justice,” “pure and spotless *mœurs*,” “virtues inaccessible to the human

¹⁶⁰ The reference to engraving stone tablets is, of course, a debunking reference to Moses’ handing down of the Ten Commandments. According to Jacobus de Voragine’s *Golden Legend*, an extremely popular medieval history of the Christian saints and their miracles, Mohammed trained a dove to stick its beak in his ear and then pretended that, when it would do this, it was communicating messages to him from God (756). We know that Rousseau was familiar with this work, and presumably this account of Mohammed, from a reference to it in the *Reveries* (*R* 6 / *ÆC* 1: 1058 / *CW* 8: 55).

¹⁶¹ There is disagreement among the classical sources over whether Lycurgus presented his laws as having been authored or merely sanctioned by the god Apollo. In any case, all attest to his having consulted the Delphic oracle before giving his laws to the Spartans. See Herodotus, *The Histories*, 1.65; Plato, *Laws*, 624a, 632d; Plutarch, “Lycurgus,” V.3; Plutarch, “Numa,” IV.7-8; Xenophon, *The Regime of the Lacedaemonians*, 8.5. Only in Plutarch’s *Lives* do we find speculation that this, like Numa’s claim of having a secret relationship with a divinity, was disingenuous (“Numa,” IV.7-8.). On Numa, see Livy, *The History of Rome from its Foundations*, 1.19 and Machiavelli, *Discourses on Livy*, 1.11 p. 34.

¹⁶² See Harvey, “Exemplarity and the Origins of Legislation,” 233-36. This perceptive discussion is marred only by Harvey’s inexplicable association of training a bird to talk in one’s ear with Socrates rather than Mohammed.

passions”—and intellectual qualities—“understanding,” “reason,” “mind,” “knowledge,” and “prudence” (*LWM* 3 / *ÆC* 3: 728 / *CW* 9: 167). Rousseau’s association of wisdom and genius with the legislator would suggest that his greatness of soul does entail the latter, intellectual qualities. It is not clear that it entails the former, moral qualities, however.¹⁶³ Rousseau does not attribute any moral virtue to the legislator other than wisdom, which is also an intellectual virtue. Three reasons suggest that this is intentional, that the greatness of the legislator’s soul does not consist principally in its morality. First, the heroic strength of soul that, as we speculated above may be equivalent to the greatness of the legislator’s soul, is an amoral virtue. It can substitute for the moral virtues, that is, it can prompt one who is “neither courageous, nor just, nor wise, nor moderate by inclination” to undertake actions that one who is would take. But it is not itself a moral virtue, in part because the strong-souled hero’s ultimate object in undertaking those actions is achieving glory for himself (*VH* / *ÆC* 2: 1273-74 / *CW* 4: 10).

Second, despite Rousseau’s insistence that the legislator has no right to establish his laws by force, the examples of legislators in history that he gives suggest that the successful establishment of laws may inevitably, if not rightfully, involve the use of force.¹⁶⁴ Although he identifies the peaceful Numa as “the true founder of Rome,” he concedes that the violent Romulus “laid” Rome’s “first foundations” (*GP* 2 / *ÆC* 3: 957-58 / *CW* 11: 172-73). In the *Discourse on the Virtue Most Necessary for a Hero*, he speaks of the heroic legislator who “first *constrains* men to bear the yoke of laws in order to subject them to the authority of reason in the end” (emphasis added) (*VH* / *ÆC* 2: 1264 / *CW* 4: 2). And he implies that “gentleness” is a defect in a legislator when he attributes Jesus’ failure to “raise up his people again, to make

¹⁶³ Pace Harvey, “Exemplarity and the Origins of Legislation,” 240. See Kelly, *Rousseau as Author*, 83-88 and Masters, *Political Philosophy of Rousseau*, 367.

¹⁶⁴ See Masters, *Political Philosophy of Rousseau*, 367.

them once again a free people and worthy of being so” partly to his possession of this moral virtue (*LF / ŒC* 4: 1146 / *CW* 8: 269-70).¹⁶⁵

Third, given that the people whom the legislator must persuade have not yet undergone any kind of moral education, it is especially unlikely that they would be impressed by the greatness of the legislator’s soul if it consisted in the sort of moral virtues identified in the *Letters Written from the Mountain*. But if the greatness of the legislator’s soul manifested itself in the amoral power and independence that, as we discussed above, Rousseau suggests human beings come to esteem early in their development, it may indeed impress the people. All this is to say that the greatness of the legislator’s soul is likely to make a greater impression on the people than the moral qualities to which Rousseau refers in the *Letters Written from the Mountain*.

Even if the legislator’s great soul does not persuade many of the people when he first proposes his laws, it remains important that he have, and appear to have, such a soul. For, Rousseau suggests, the laws of a legislator who lacks such a soul and who gets the people to submit to his laws merely by performing ostensible miracles will not long endure. The question arises how does the greatness of the legislator’s soul contribute to his laws’ durability? Of course, it stands to reason that laws devised by a great soul would be better and, for that reason, more durable than laws devised by a poor soul. But this is not all that Rousseau has in mind here. His thought is also that the people’s memory of the legislator’s great soul will do more than their memory of his ostensible miracles to perpetuate his laws. One reason for this is that the persuasive power that Rousseau attributes to ostensible miracles derives largely from their effects on the senses of those who witness them. This means that their persuasive power tends to diminish with the passage of time. This tendency is compounded by two contrary problems. On one hand, ostensible miracles are, as Rousseau himself emphasizes in the *Letters*

¹⁶⁵ Rousseau claims that this “noble project” was Jesus’ Plan A, as it were, and that the transpolitical “revolution” in religion and morality that he succeeded in effecting was only his Plan B (*LF / ŒC* 4: 1146 / *CW* 8: 269-70). For an illuminating account of Rousseau’s understanding of Jesus, see Kelly, *Rousseau’s Exemplary Life*, 57-75.

Written from the Mountain, susceptible to doubt. On the other hand, they are, as Kelly points out, susceptible to being superseded by ostensible miracles performed later.¹⁶⁶ The persuasive power of a great soul depends less upon its being witnessed through the senses. What is more, it tends to be amplified as it is remembered and passed down. The image of the legislator's great soul and the passions it arouses may, in addition to persuading the people to submit to his laws in the first place, serve to perpetuate them after his departure from the scene, partly by reminding the people of their divine origin and partly by giving them a hero to emulate.¹⁶⁷

IV. THE FREEDOM OF THE CITIZEN REVISITED

Now that we understand what is entailed in the legislator's persuasive appeal to divine authority, we return to the problem to which the legislator was introduced as a solution. This is the problem that arises in Book II Chapter VI of the *Social Contract* where Rousseau turns from elaborating principles of political right to elaborating maxims of politics, the prudential guidelines by which the principles of political right might be put into practice. The problem is, as we explained in Chapter 1, that the bearers of legislative authority, i.e., the people, are by nature unable and unwilling to exercise that authority prudently or rightly, i.e., by enacting laws that effectively preserve the lives, goods, and freedom of them all. What Rousseau recommends as a solution to this problem is for an extraordinary individual, the legislator, to give the people laws that do this. The laws that the legislator gives them do this partly by establishing institutions and practices of civic education that, as we will see in the next chapter, will make them dutiful citizens. In getting the people to accept the gift of his laws, the legislator's persuasive appeal to divine authority is a precondition for this solution. But, inasmuch as the people undergo a kind of civic education in being persuaded by the legislator

¹⁶⁶ *Rousseau as Author*, 65.

¹⁶⁷ See Kelly, *Rousseau as Author*, 65-66, 89-92.

to submit to his laws, his appeal to divine authority is not merely a precondition to but also a preliminary stage of a civic education that continues after the laws have been established.

The questions arise in what ways and to what extent the legislator's persuasive appeal to divine authority prefigures the civic education provided for in his laws. We raise this question with some trepidation. For what we have learned about this preliminary stage of civic education casts doubt on the freedom of the citizen. It suggests that, in moving from the state of nature to the civil state, man is less free than Rousseau suggests in his hypothetical account of that transition in Book I Chapter VIII of the *Social Contract*. It is clarifying to consider the condition of the man who has just been persuaded by the legislator to submit to his laws but who has not yet undergone the civic education prescribed in those laws, a man we might call the nascent citizen, in light of the conditions that Rousseau attributes to natural man and the mature citizen in Book I Chapter VIII.¹⁶⁸

In submitting to the legislator's laws, the nascent citizen surrenders his natural freedom, his freedom to do whatever he is capable of. He does so freely in the sense that his submission to the legislator's laws is voluntary. He is, and recognizes that he is, capable of not submitting to those laws, but still chooses to submit to them. The difficulty is that what leads him to make this choice is a sense of obligation to a divine will that transcends the general will. This is a difficulty most obviously because it means that his choice is predicated on a delusion. He is not, in fact, obligated to submit to the legislator's laws because those laws do not, in fact, come from an authoritative divine will. Even more importantly, it means that, while the nascent citizen obeys the legislator's laws with freedom, he does not thereby engage in, or conceive of himself as engaging in, an act of self-legislation.¹⁶⁹ The law that he freely obeys is

¹⁶⁸ Our distinction between the nascent citizen and the mature citizen is consistent with Johnston's observation that, "[g]iven that the skills and capacities of citizens take time to develop, there will be an indeterminate interval between the departure of the Legislator and the full-blown emergence of the citizen" (*Encountering Tragedy*, 50).

¹⁶⁹ Given this, it is at least not obvious that the problem that arises with the legislator's appeal to divine authority might, as Riley suggests, be solved by the principle that the laws given by the legislator can

not quite a law that he prescribes for himself, which means that he does not quite possess the moral freedom that Rousseau tentatively attributes to the mature citizen. Given this, the legislator's laws cannot, strictly speaking, be taken as expressions of the general will even if the people have voluntarily submitted to them. And this means that the nascent citizen's freedom is not limited exclusively by the general will as the mature citizen's freedom is.

If the mature citizen is to have the freedom that Rousseau attributes to him in Book I Chapter VIII of the *Social Contract*, civic education proper must be more than a mere continuation of its preliminary stage. It must, among other things, somehow transform the people's sense of obligation to the transcendent authority of God or the gods into a sense of obligation to the immanent authority of their own general will. Do the institutions and practices of civic education for which the legislator provides in his laws enable citizens ultimately to legislate according to the general will and to obey the laws that they enact in a way that is truly free? Or do they merely preserve the illusion of freedom fostered in the preliminary stage of civic education? In answering these questions, our examination of Rousseau's writings on civic education promises to clarify the character and extent of the freedom and happiness of civic life.

subsequently be altered, abolished, or added to by the citizens ("Possible Explanation of Rousseau's General Will, 117). Citizens must somehow come to adopt this principle.

Chapter 4: Citizenship as Patriotism

We turn, at last, to civic education proper. By contrast with the preliminary stage of civic education, which, as we have seen, is effected by the legislator directly, over a circumscribed period, i.e., the founding, civic education proper is effected by the legislator indirectly, through institutions and practices for which he provides in his laws but which are administered by magistrates, indefinitely, or for as long as the state perdures.¹⁷⁰ While public schooling of the young makes up an important part of civic education—indeed it is “the most important business of the state” (*DPE* / *ÆC* 3: 261 / *CW* 3: 156)—it is by no means the whole of it. Civic education is conceived by Rousseau broadly, to include all manner of institutions and practices that form *mœurs*, customs, opinions in ways that generalize citizens’ wills and thus lead them voluntarily to fulfill their duties under the social contract. They range from instruction in the laws, mock government, ceremonies honoring national heroes, historical dramas, and athletic competitions, to song and dance. No less important than the characteristics of these institutions and practices is their ubiquity. For the most profound purport of civic education is to make the fatherland so pervasive in the lives of citizens that it becomes, in various ways, the whole of their existence. We will argue that, because they do this, certain institutions and practices of civic education ought to be understood not merely or even most importantly as means to dutiful citizenship, the realization of principles of political right, and the legitimation of human subjection, but as the ends of these things.

¹⁷⁰ Putterman’s recurring suggestion that the legislator’s work of civic education ceases with the founding, or upon the legislator’s departure from the state, does not adequately account for these institutions or practices or for the permanent necessity of generalizing citizens’ wills to which they are a response (“Rousseau on Agenda Setting”). As Strauss writes, “the transformation of natural man into a citizen is a problem coeval with society itself, and therefore society has a continuous need for at least an equivalent to the mysterious and awe-inspiring action of the legislator. For society can be healthy only if the opinions and sentiments engendered by society overcome and, as it were, annihilate the natural sentiments” (*Natural Right and History*, 287). See also Cullen, *Freedom in Rousseau’s Political Philosophy*, 100, 102.

I. THE UNITY AND COHERENCE OF ROUSSEAUIAN CIVIC EDUCATION

Before turning to the substance of Rousseau's conception of civic education proper, there is a preliminary question to which we would do well to attend. Are there grounds on which to speak of *one* Rousseauian civic education? Or is it not the case that there are *many* Rousseauian civic educations, which differ as widely as the peoples for whom they are designed? If, as Rousseau emphasizes, laws and forms of government ought to be adapted to the particular characteristics and conditions of peoples and ought therefore to differ from state to state,¹⁷¹ ought not the institutions and practices of civic education to be similarly adapted and therefore similarly to differ from state to state? The answer to this last question is yes. Indeed, it appears undeniable in light of the differences among Rousseau's civic educational recommendations to the Poles, Corsicans, and Genevans. It may be partly for this reason that most of the scholarship on civic education in Rousseau's thought has treated these recommendations distinctly.¹⁷²

Nevertheless, we would submit that, owing to the universality of its ultimate end—the generalization of citizens' wills—and of the nature of the human beings that undergo it— independent individuals with private wills—Rousseauian civic education has an essential character that is unified and coherent. In every instance, it works to denature human beings, or, to be more precise, to generalize their naturally private wills, principally by fostering patriotism among them. In the *Discourse on Political Economy*, the one sustained thematic account of civic education in Rousseau's corpus that is not written with a view to a particular people, “love of the fatherland” is identified as “the most efficacious” “means” of teaching “citizens” to be “good” or “virtuous,” or of making their “private will[s]...conform in everything to the

¹⁷¹ *LD* / *ŒC* 5: 60-61 / *CW* 10: 299; *SC* 2.8, 3.8 / *ŒC* 3: 384-85, 414-19 / *CW* 4: 157, 181-85.

¹⁷² See, for instance, Hanley, “Enlightened Nation Building,” “From Geneva to Glasgow”; Schaeffer, “Attending to Time and Place,” “Realism, Rhetoric, and the Possibility of Reform”; and Smith, “Nationalism, Virtue, and the Spirit of Liberty,” “Nature, Nation-Building, and the Seasons of Justice.” For a rare book-length treatment of Rousseauian civic education as a unified whole, see Trachtenberg, *Making Citizens*.

general will” (*DPE* / *ÆC* 3: 254 / *CW* 3: 150-51). And in the *Government of Poland*, Rousseau identifies the principal task of “education” as “[giving] national form to souls, and so [directing] their opinions and their tastes that they become patriots by inclination, by passion, and by necessity” (*GP* 4 / *ÆC* 3: 966 / *CW* 11: 179).¹⁷³ In the *Government of Poland*, we find evidence of the essential unity and coherence of Rousseauian civic education not only in its resonance with the *Discourse on Political Economy* but also in its identification of a “spirit” that guided civic education in antiquity and that ought similarly to guide it in modernity (*GP* 2-4). Now, this is not to deny that Rousseau’s descriptions of civic education among the Jews, Spartans, and Romans indicate that ancient civic education was not simply or altogether monolithic. Nor is it to overlook the ways in which civic education in Poland or in any modern state will necessarily differ from civic education in antiquity. It is rather to argue that, for all the ways in which Rousseauian civic education varies from people to people, it has a certain essential character that is unvarying. And we would add that this essential character is best exemplified by the civic education of Lycurgus’ Sparta.¹⁷⁴ What follows in this chapter is meant in part as a demonstration of this argument. In this section, we mean to offer no more than an indication of, and preliminary justification for, the approach we will be taking.

Implicit in our approach is a dissent from the spirit of much of the more recent scholarship on Rousseau’s writings on civic education. As we noted in the Introduction, a number of scholars have recently argued that Rousseauian civic education does not consist simply or altogether in the radical psychic transformation that Rousseau associates with the denaturing institutions of Lycurgus’ Sparta. Ryan Patrick Hanley, in particular, has made this argument on the grounds that Rousseau adapts his civic educational recommendations to the

¹⁷³ Here, like Kelly and Bush in their translation (*CW* 11: 254n20) and Gourevitch in his (*Social Contract*, 313n4.1), we follow editions prior to the Pléiade, in reading “*la forme nationale*” rather than “*la force nationale*.” See, for example, Vaughan’s edition: *Political Writings* Vol. 2, 437.

¹⁷⁴ See *E* 1 / *ÆC* 4: 249-50 / *CW* 13: 164-65; *GP* 2 / *ÆC* 3: 957 / *CW* 11: 172; *SD* / *ÆC* 3: 187-88 / *CW* 4: 62.

differing characteristics of the Poles, Corsicans, and Genevans, some of which are specific to them as modern peoples and thus different from Lycurgus' Spartans. He contends:

[S]o far from denaturing or transforming citizens, wise legislators meet them where they stand...[S]o far from revealing Rousseau as an advocate of political denaturing or the recovery of supposed ancient disinterestedness, [the *Government of Poland* and the *Constitution for Corsica*] suggest a more prudential approach to legislation. In each essay, Rousseau crafts solutions to the problems of existing regimes by appealing to and encouraging passions and prejudices endemic to those regimes.¹⁷⁵

Our difference with Hanley ultimately depends upon our understanding of the solutions that Rousseau crafts in these works, which we will elaborate later. For now, we limit ourselves to questioning his opposition of legislators' meeting citizens where they are to their denaturing them. Legislators of course meet citizens where they are—*at first*. That legislators should do this is not evidence that, in appealing to citizens' passions, they do not mean ultimately to transform citizens into something different. Furthermore, that Rousseau should recommend the "redirection" of "amour-propre...to the promotion of the common good" rather than its "eradication" does not count as evidence that his recommendations to the Poles and Corsicans are not denaturing.¹⁷⁶ For *amour-propre*, as such, is not a natural passion and *amour-propre*, as redirected, is, as we will see, particularly unnatural. Nor, for that matter, is this passion peculiar to modern society and thus alien to Lycurgus' Sparta, as Hanley implies.¹⁷⁷

We concede that Rousseau's writings for the Genevans contain some statements that seem to support Hanley's contention that Sparta "only serves as a standard to judge the distance of modernity's departure from antiquity" and that "[a]s a guide to solving modern problems it is worthless."¹⁷⁸ In the *Letters Written from the Mountain*, Rousseau asserts, "ancient Peoples are no longer a model for the moderns; they are too foreign to them in every regard."

¹⁷⁵ "Enlightened Nation Building," 226.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid., 229; "From Geneva to Glasgow," 186.

¹⁷⁸ "From Geneva to Glasgow," 186.

He proceeds to admonish the Genevans against imagining themselves to be “Romans...Spartans...[or] even Athenians.” For they, by contrast with the ancients, are so “occupied with their private interests, their work, their trafficking, and their gain” that “freedom” for them is “only a means of acquiring without obstacle and of possessing in safety” (*LWM* 9 / *ÆC* 3: 881 / *CW* 9: 292-93). Considered in isolation, this statement seems simply and emphatically to support Hanley’s position. But, considered as part of the argument in which it appears and in relation to the *Letter to D’Alembert*, it does not. The *Letters Written from the Mountain* is an avowedly polemical work. In it, Rousseau is contrasting the Genevans with the ancients in order to rebut his antagonist’s argument that empowering the Genevan citizens’ assembly to supervise the magistrates’ execution of the laws will result in the fall of the republic, as the empowerment of the Tribune allegedly did in Rome. The preoccupation with private life that characterizes the Genevans, as distinguished from the Romans and the ancients generally, will prevent them from abusing this power, Rousseau argues. While, on some level, Rousseau accepts that the Genevans will remain so preoccupied, he does not, as the statement quoted above might seem to suggest, do so without reservation. Indeed, the upshot of Rousseau’s account of Genevan political history in the *Letters Written from the Mountain* is that the private-spiritedness that distinguishes the Genevans from the ancients has kept them from vigorously defending the laws and from vindicating their rights and thus has brought them to the brink of subjugation.¹⁷⁹ Hence, one cannot come away from the *Letters Written from the Mountain* simply, if at all, reassured that republicanism is viable in the absence of Spartan-style, denaturing civic education.

That Rousseau does not recommend the institution of such an education in the *Letters Written from the Mountain* can be explained by the limited scope of this work. In Rousseau’s

¹⁷⁹ Thus, it is entirely consistent with Rousseau’s warnings against the evils of private-spiritedness in his critique of legislative representation in Book III Chapter XV of the *Social Contract*.

other major writing for the Genevans, the *Letter to D'Alembert*, he *does* look to Sparta as a model for civic education even as he recognizes the great distance that will always separate Geneva from it. As in the *Letters Written from the Mountain*, Rousseau notes that the Genevans' private-spiritedness distinguishes them from the Spartans. Whereas the Spartans were so public-spirited that they could establish a theater without threatening their republic, the Genevans are not. Hence, Rousseau warns the Genevans against doing so (*LD / ŒC* 5: 61 / *CW* 10: 300). Note that, while Rousseau begins by recognizing the Genevans' lack of public-spiritedness relative to the Spartans, his warning to them is animated by a concern to keep his countrymen from becoming *less* like the Spartans than they already are. In the same vein, Rousseau praises an informal Genevan institution, recreational and civic associations called "circles," on the grounds that this institution "still preserve[s] among us some image of ancient *mœurs*" (*LD / ŒC* 5: 96 / *CW* 10: 328). Finally, when, at the conclusion of the *Letter*, he turns to suggesting entertainments that would not weaken but strengthen civic virtue, he commends the Spartan festival as "the example that we ought to follow" and the "model of [the festivals] that I would like to see among us" (*LD / ŒC* 5: 122, 123 / *CW* 10: 349, 350). Given all this, Rousseau's writings for the Genevans are of a piece with the *Government of Poland*. They similarly lend support to our characterization of Rousseauian civic education as being essentially unified around the end of denaturing citizens, or of generalizing their wills, as in Lycurgus' Sparta.¹⁸⁰

Of the writings in which Rousseau offers practical political recommendations to modern states, the *Constitution for Corsica* would seem to present the best evidence against this characterization of Rousseauian civic education. For the model of citizenship held out in this work is that of the largely independent yeoman whose public-spiritedness is derivative of a

¹⁸⁰ For the reasons given in this paragraph, we conclude that Sparta is the much more important civic educational model for the Genevans than rustic Neufchatel. In this, we differ from Marks (*Perfection and Disharmony*, 78-79).

private-spirited attachment to agricultural life. Rousseau encourages the Corsicans to emulate this model without offering much in the way of recommendations for civic education of any kind, let alone the radically denaturing Spartan kind. Thus, he seems to imply that the latter is unnecessary for citizenship, at least in certain cases. And, to the extent that Corsica is identified in the *Social Contract* as the *only* European country “capable of legislation,” the case of Corsica might even seem to be somehow superior to those in which such civic education is in some measure necessary, e.g., Poland and Geneva (*SC* 2.10 / *ÆC* 3: 391 / *CW* 4: 162). Given this, the *Constitution for Corsica* gives Marks grounds on which to contend that the life of Rousseau’s citizen is modeled on the partly natural, partly unnatural savage of nascent society more than on the radically denatured citizen of Lycurgus’ Sparta.¹⁸¹ We will examine the case of Corsica in the next section. For now, we limit ourselves to indicating the relation of this work to Rousseau’s other writings on civic education. Although, as we have already seen, the *Constitution for Corsica* throws light on important aspects of the psychology that informs Rousseauian civic education, it does not, by contrast with the *Discourse on Political Economy*, *Government of Poland*, and the *Letter to D’Alembert*, contain an account of the institutions and practices that compose that civic education. For, as we have begun to suggest, it contemplates conditions under which such institutions and practices are not immediately necessary. Now, to the extent that our argument is not only that Rousseauian civic education has a certain Spartan character but also that it is necessary for citizenship, we admit that this complicates our argument. Our discussion of patriotism in the next section will give us occasion to explain how it complicates our argument without contradicting it.

The fostering of patriotism is, as we noted above, the principal means by which citizens’ wills are denatured or generalized in Rousseauian civic education. Indeed, as Marc Plattner observes, “Rousseau’s positive political teaching manifestly puts very great—one

¹⁸¹ Marks, *Perfection and Disharmony*, 74-82, esp. 77-78.

might even say unprecedented—emphasis on the importance and desirability of patriotism.”¹⁸² The shift from the preliminary stage of civic education to civic education proper entails an important shift in the way that citizens are taught to conceive of their duty to obey the law. In civic education proper, the pious obedience to divine will that was fostered in the preliminary stage of civic education is recast as patriotic obedience to the law. Our leading concern in this chapter is to explain what patriotism is, how it is cultivated through the institutions and practices of civic education, and how it serves to make citizens virtuous by generalizing their wills. We will conclude by considering the character that civic life takes on, generally and particularly with respect to religion, as a result of citizens’ education to patriotism.

II. LOVE OF THE FATHERLAND AS LOVE OF THE LAW

Before defining patriotism, we must define the fatherland, the object of the patriot’s love. This task is complicated, at the outset, by differences in French and English etymology and compounded by the peculiar conceptual significance of the fatherland in Rousseau’s thought. Although the English word “patriotism,” like the French cognate “*le patriotisme*,” comes from the Latin word for fatherland, “*patria*,” it tends today to be taken to refer to a benign love of country, as distinguished from a malign love of fatherland. Because Rousseau draws an important conceptual distinction between “*la patrie*” (fatherland) and “*le pays*” (country), “*le patriotisme*” (patriotism), as he uses it, must be taken to be synonymous with “*l’amour de la patrie*” (love of fatherland) as distinguished from “*l’amour du pays*” (love of country). Accordingly, in alternatively using “patriotism” and “love of fatherland,” we will be referring to the same concept. In quoting Rousseau, we will consistently translate “*le patriotisme*” as “patriotism” and “*l’amour de la patrie*” as “love of the fatherland.”

¹⁸² “Rousseau and the Origins of Nationalism,” 189.

Rousseau's distinction between fatherland and country serves as a good point of departure for our inquiry into his conception of patriotism. In Book V of the *Emile*, Emile receives an education in political theory largely consistent with the *Social Contract*. In the course of giving this education, the tutor distinguishes the "fatherland" from the "country." He draws this distinction in responding to an objection that he anticipates from Emile, namely, that he—Emile—is not subject to "the duties of the Citizen" that the tutor has delineated, since he has no fatherland to which he could owe those duties. Without denying the premise that Emile lacks a fatherland—a premise that comports with an earlier observation of Rousseau's that fatherlands have ceased to exist in modernity (*E* 1 / *ÆC* 4: 250 / *CW* 13: 165)—the tutor admonishes him that he "at least has a country" and has "lived tranquilly" under "a government and the simulacra of laws" and that he therefore is subject to the duties of the Citizen. The tutor's admonition implies that the distinctive feature of the fatherland is the rule of laws, properly understood as acts of the "general will," and thus the observation of the "social contract" (*E* 5 / *ÆC* 4: 858 / *CW* 13: 667). A fatherland is, in a word, a republic, which, for Rousseau, is identical to a legitimate state (*SC* 2.6 / *ÆC* 3: 379-80 / *CW* 4: 153).

In this light, we see that, for Rousseau, love of the fatherland is connected, indeed, connected essentially, to republicanism.¹⁸³ It is not, however, identical to the love of republicanism. The patriotic citizen does not love *republicanism* or *republics* so much as he loves *his republic*. For he conceives of his republic not merely as a republic but as his fatherland. What

¹⁸³ This is the most important reason that Rousseauian patriotism should not be conflated with nationalism. Nationalism of a certain kind, i.e., that which consists in citizens' identifying with one another partly on the basis of shared national characteristics, is, as we will see, an important psychic *element* of Rousseauian patriotism. But it is not, contrary to Smith's apparent suggestion, the whole or even the most important part of it ("Nationalism, Virtue, and the Spirit of Liberty," 435). Rousseauian nationalism differs from blood-and-soil nationalism in the sense that this civic identification is not rooted fundamentally in blood or soil and also in the sense that it is subordinate to patriotism and therewith to republicanism. O'Hagan, too, distinguishes Rousseauian patriotism from "blood and soil" nationalism on the grounds that it is "mediated by recognition of the normative demands of just, self-imposed laws" (*Rousseau*, 161). On the senses in which Rousseau is and is not a proponent of "nationalism," see Melzer, *Natural Goodness of Man*, 195-97 and Plattner, "Rousseau and the Origins of Nationalism."

does it mean for the citizen to conceive of and love his republic in this way? How does his doing this make him a better citizen?

The connection between patriotism and republicanism suggested by Emile's political education is confirmed by Rousseau's identification of the patriot with "the true republican" in the *Government of Poland*. His corresponding identification of the love of the fatherland with the love "of the laws and of freedom" presents a certain ambiguity, however (*GP* 4 / *ÆC* 3: 966 / *CW* 11: 179). How does the citizen's love of the laws relate to his love of freedom? How, in his mind and heart, do the laws relate to freedom? We would do well to reflect on these questions before taking up the question of what it means to identify the laws and freedom with a fatherland. Two alternative possibilities, which differ in their consistency with the principles of political right, or with true republicanism, come to mind. First, and more consistent with those principles, is the possibility that what the patriotic citizen loves most fundamentally is freedom, moral and civil. On this view, the patriotic citizen's love of the laws is derivative of his love of freedom. He loves the laws because they express his general will and protect him against personal dependence. To the extent that they express his general will, and thus express his opinions about what ought to be commanded and forbidden, he loves them for their substance. But more important, more lovable, than their substance is their source and form. What the patriotic citizen most loves, on this view, is the rule of law as such, as distinguished from the rule of the particular laws that have been promulgated.

A second possibility is that what the patriotic citizen loves most fundamentally are the particular laws that have been promulgated. On this view, the fact that the patriotic citizen might himself will the promulgated laws, the fact that they thus might express his will, is not why he loves them. It may be, as in the case of the nascent citizen at the end of the preliminary stage of civic education, that he loves them on the grounds that they express the authoritative will of God or the gods. Or it may be that he loves them because he has been otherwise

persuaded or convinced of the goodness of what they command and forbid. In any case, his love of the laws would not, as on the first view, be derivative of a more fundamental love of moral freedom. For he would not conceive of the laws as expressions of the general will, or thus of his will, even though he would, of course, will them himself if he were to have occasion to do so.

This possibility is less consistent with the principles of political right inasmuch as it would mean that patriotism, like the legislator's appeal to divine authority, would effectively keep citizens from exercising their right, as members of the sovereign, to alter, abolish, or perhaps even add to the promulgated laws. In view of Rousseau's identification of patriotism with *true* republicanism, this would seem to argue for the former possibility. Yet Rousseau's choice to speak of the laws as distinct from freedom and, relatedly, of the laws instead of law as such makes us hesitate to dismiss the latter possibility. Now, in contemplating this possibility, we are compelled to account for the love of freedom that is ascribed to the patriotic citizen. If he does not conceive of or love the laws as expressions of his freedom, in what way does he conceive of and love freedom? Here we would appeal to a modified definition of civil freedom: freedom as limited only by the positive laws, which, as in the ordinary—as distinguished from distinctively Rousseauian—conception, need not necessary express the general will. Even if the patriotic citizen does not conceive of the laws as expressions of the general will, it stands to reason that he would experience obedience to them differently, specifically, as free, or at least as more free, than he would experience obedience to the arbitrary private will of another. This is not only because he loves the laws and therefore would be inclined to obey them but also because the formal character of law is such as to protect those subject to it from many, if not all, kinds of subjugation. Thus, a patriotic love of the

particular laws that have been promulgated can conform partly, if not entirely, with a truly republican love of freedom.¹⁸⁴

Which of these alternatives Rousseau has in mind will become clearer once we establish what it means for the citizen to conceive of and love his republic as his fatherland. To this end, we would do well first to explain what this does not mean. Especially if we consider the grounds on which Rousseau argues for republicanism in the *Social Contract*, we might be led to think that the patriotic citizen loves the laws simply because they protect his life, goods, and, especially, his freedom or, relatedly, because they are just. Now, it is true that the laws, *qua* laws, do these things.¹⁸⁵ And it is also true that their doing these things is part of what makes them lovable. If it were not, Rousseau would not be at pains, as he is in the *Discourse on Political Economy*, to convince magistrates that citizens will never love their fatherland “if they [do] not enjoy...civil safety there,” or if “their goods, their life, or their freedom [are] at the discretion of powerful men, without its being possible or permitted for them to dare invoke the laws,” or, relatedly, if their rights are not respected (*DPE* / *ÆC* 3: 255-59 / *CW* 3: 152-54).¹⁸⁶ In the same spirit, Rousseau argues that the promotion of patriotism among “serfs and commoners” in Poland depends upon “an exact observation of justice” toward them by nobles (*GP* 13 / *ÆC* 3: 1024 / *CW* 11: 226). Just as one cannot count on children to love their fathers if they abuse them, one cannot count on citizens to love their

¹⁸⁴ The extent of the conformity of this way of conceiving the relation of law to freedom to Rousseau’s republicanism can be seen in his treatment of these things in the *Letters Written from the Mountain*. See especially *LWM* 8 / *ÆC* 3: 841-43 / *CW* 9: 260-61.

¹⁸⁵ The immediately preceding discussion makes clear that the way in, or extent to, which the laws do these things depends in part upon what exactly is meant by laws.

¹⁸⁶ We are reminded here again of the important passage in the *Second Discourse* in which Rousseau contends that the peoples who first established government did so “in order to defend themselves against oppression, and to protect their *goods*, their *freedoms*, and their *lives*, which are, so to speak, the constituent elements of their being” and that “in relations between one man and another, the worst thing that can happen to one [is] to see oneself at the *discretion* of another” (emphasis added) (*SD* / *ÆC* 3: 180-81 / *CW* 56).

fatherlands, or, put differently, to love their countries as their fatherlands, if they abuse them.¹⁸⁷

While the justice inherent in the laws, or the laws' efficacy in securing citizens' lives, goods, and freedom, is, for this reason, a necessary condition for patriotism, it is not sufficient. Rousseau makes this clear in the first chapter of the *Government of Poland*. Having insisted that that “[t]here will never be a good and solid constitution other than the one in which the law reigns over the hearts of citizens,” he addresses himself to the question of how the law can be made to do this. For now, we limit ourselves to his explanation of how it *cannot*:

[H]ow to reach hearts? It is this that our institutors, who never see anything but force and punishments, hardly think of, and it is to this that material rewards would perhaps not lead any better; justice, even of the greatest integrity, does not lead there because justice, like health, is a good that one enjoys without feeling it, that inspires no enthusiasm, and the value of which one feels only after having lost it. (*GP* 1 / *CEC* 3: 935 / *CW* 11: 171)

One simple consideration shows rather obviously that patriotism, as Rousseau conceives it, cannot consist merely or primarily in either the love of justice or the love of one's life, goods, and freedom. To the extent that law, by definition, serves as the instantiation of justice and the means to the protection of citizens' lives, goods, and freedom, love of it would follow from its mere existence. And the necessity of civic education, apart from the necessity of enlightening citizens about the good done by law, would be obviated.¹⁸⁸ Given this, Rousseau's insistence that the execution and preservation of law necessitates a civic education that fosters a love of the laws in the form of patriotism itself testifies to the insufficiency of the love of justice or the love of one's life, goods, and freedom. As a corollary, we can say that the law

¹⁸⁷ Marks makes much of this in his reinterpretation of Rousseauian citizenship (*Perfection and Disharmony*, 81). He is correct to infer from this that the extent to which Rousseau's citizens are transformed from naturally whole individuals into artificial parts of their political communities is limited. In emphasizing the denaturing character of Rousseauian civic education, we would not go so far as to suggest that such a transformation could ever be complete.

¹⁸⁸ In such a case, civic education could consist simply of delivering and substantiating such encomia to law as one finds Rousseau himself deliver in the *Discourse on Political Economy* (*DPE* / *CEC* 3: 247-49 / *CW* 3: 145-46) or in Book II Chapter VI of the *Social Contract* (*SC* 2.6 / *CEC* 3: 378-80 / *CW* 4: 152-53).

will exist or endure, provide for justice, and secure citizens' lives, goods, and freedom only if citizens' love of it encompasses more than the love of these things. The basic thought can also be expressed this way: Rousseau's argument for the necessity of educating citizens to patriotism is predicated on his judgment that the motives and outlook of the parties to the social contract in his hypothetical analysis cannot, in practice, be relied upon as the psychic basis for citizenship.¹⁸⁹ It follows from this that what Rousseau has in mind by patriotism must entail more than loving the laws merely as means to the preservation of individual lives, goods, and freedom.¹⁹⁰

We discover, in synthesizing Rousseau's various characterizations of civic education together with his reflections on patriotism in the revealing fragment "On the Fatherland," that the patriotic citizen loves the laws, or his fatherland, not as means to the protection of his existence but rather as the very source of his existence, or at least of its worth. In "On the Fatherland," Rousseau ponders the cause of "the affection that links us to our native country, to the fatherland properly so called." Two facts strike him. The intensity with which human beings feel this affection varies—both over time in the same place and from place to place at the same time. But it does not vary according to the degree to or facility with which inhabitants are able to preserve themselves or fulfill their appetites for well-being. From these facts, he concludes: "What one loves in one's country, what one properly calls the fatherland, is not therefore what relates to our appetites and the habits that arise from them; it is not simply

¹⁸⁹ On this point, we are in agreement with Cohen (*Rousseau*, 95-96).

¹⁹⁰ In our view, the characterization of the psychic basis of Rousseauian citizenship given by Smith in his interpretation of the *Government of Poland* goes astray partly because it does not adequately account for this thought. According to Smith, the civic education that Rousseau recommends to the Poles and associates with the ancients fosters a love of collective freedom principally by appealing to citizens' concern to preserve their freedom as individuals ("Nationalism, Virtue, and the Spirit of Liberty," esp. 422). By our lights, Smith understands Rousseauian civic education principally to entail a permanent fostering of the self-regarding passions that, in Rousseau's hypothetical analysis, give rise to the social contract. The soundness of our critique of Smith depends ultimately upon the soundness of our alternative understanding of the elements of civic education, which we will indicate in what follows. We limit ourselves here, then, to noting the basic character of our disagreement.

place; it is not simply things. The object of this love is closer to us” (PF 11.1 / *ÆC* 3: 535-36 / *CW* 4: 58).

The next section of the fragment, in which Rousseau identifies the object of the patriot’s love, bears quoting in full.

If citizens draw from her [the fatherland]¹⁹¹ all that can give value to their own existence—wise Laws, simple *mœurs*, necessities, peace, freedom, and the esteem of other peoples—their zeal for such a tender mother will be ignited. They will know no other true life than the one that they take from her, no other true happiness than to use that life in her service; and they will count among its benefits the honor of spilling all their blood for her defense if needed. (PF 11.2 / *ÆC* 3: 536 / *CW* 4: 58)

Here we are presented with a concise but rich articulation of the patriotic outlook inculcated in citizens through civic education. Over the course of the remainder of this chapter, we will explicate this statement, alongside passages from other works in which Rousseau dilates on patriotism and civic education, with a view to elaborating this outlook and identifying the means by which it is to be inculcated.

We note at the outset that the statement might be taken to contradict our argument that the patriot understands the fatherland to consist principally in the laws and, accordingly, loves the fatherland principally for its laws. For the laws comprise only one of the many aspects of the fatherland that give value to the citizen’s existence. We would submit, however, that this apparent contradiction can be resolved in a way that serves rather to clarify our argument. To the extent that the fatherland is constituted as a fatherland by the laws, every aspect of it that gives value to citizens’ existences is an effect of the laws. Indeed, each of the aspects identified in the statement can be attributed partly, if not wholly, to the laws. Rousseau’s placement of the laws first in the list of these aspects may be intended to reflect this. Regardless, the conclusion we draw from our consideration of this statement in light of the

¹⁹¹ In context, the antecedent is clearly the fatherland, which, oddly, is a feminine noun in French. If it were not for the maternal characterization of the fatherland that follows, the feminine pronoun “*elle*” would be more appropriately, and less confusingly, translated “it.” For more of this gender-bending, see *DPE* / *ÆC* 3: 258 / *CW* 3: 153.

passages we treated above is this: To be a patriot is to love the laws, specifically, as the essential cause of a fatherland that gives value to his existence. Various aspects of the fatherland other than the laws contribute to the value of the citizen's existence. And the citizen loves the fatherland partly on account of those things. But, to the extent that all aspects of the fatherland can ultimately be attributed to the laws, there is an important sense in which the love of it can be understood as love of the laws.

There are grounds for reflection on this question in the alternative varieties of patriotism exemplified in Rousseau's writings by the Spartans, Romans, and old Swiss. Rousseau's fragmentary writings contain intriguing reflections on the similarities and differences between the ways that the Spartans and Romans conceived of and loved their respective fatherlands.¹⁹² While Rousseau attributes "the same enthusiasm for the fatherland" to the Spartans and Romans (PF 12.1 / *ÆC* 3: 539 / *CW* 4: 61), he indicates that their conceptions of their fatherlands were not identical: "Always ready to die for his country, a Spartan loved his Fatherland so tenderly that he would have sacrificed freedom itself in order to save it. But the Romans never imagined that the Fatherland could outlive freedom or even glory" (PF 12.3 / *ÆC* 3: 543 / *CW* 4: 63). The examples of the Spartans and the Romans thus show that different peoples love the different elements that make up the fatherland in different relative measures. Rousseau's formulation here suggests that the Romans' unwillingness to sacrifice freedom for the fatherland testifies less to a lack of patriotism than to an identification of the fatherland with freedom. Given their conception of their fatherland, Romans would consider it impossible to save Rome by sacrificing freedom, or glory, for that matter. For to sacrifice either of the latter would be to sacrifice the former.

¹⁹² Kelly has helpfully offered a corrective to the tendency to conflate Rousseau's Spartans and Romans. In what follows, we seek to build on, and partly to challenge, his illuminating account of their similarities and differences. See *Rousseau as Author*, 33, 122-25.

The question arises, if the fatherland for the Romans was, above all, their freedom and glory, what was the fatherland, above all, for the Spartans. For which of the elements of the fatherland identified in the passage quoted above would the Spartan have been willing to sacrifice his life and even freedom? Rousseau's consistent emphasis on the Spartans' love of the laws implies that the fatherland for them was above all its laws. Kelly attributes the difference that Rousseau sees in Spartan and Roman conceptions of the fatherland to the difference in the relative statuses of laws and *mœurs* in Sparta and Rome.¹⁹³ Whereas, in Sparta, the laws determined *mœurs*, in Rome, *mœurs* determined the laws.¹⁹⁴ In this regard, the differing circumstances and characters of the Spartan and Roman foundings prove to be of decisive importance. The receiving of laws was more important in the foundation of the Spartan republic than in the foundation of the Roman republic. In his fragmentary "History of Lacedaemonia," Rousseau explains that, immediately prior to being given laws by Lycurgus, the Spartans had fallen into a state of anarchy, the evils of which put them in need of law.

The Kings preferred to take from the Law a certain and moderate authority than to have a precarious one, absolute in appearance but without any power in effect; and the people, preferring impartial Laws to wicked or useless kings, found themselves only too happy to renounce the power of offending another in order no longer to be offended oneself. (PF 13 / *ŒC* 3: 548 / *CW* 4: 67)¹⁹⁵

This receptivity to the rule of law was subsequently reinforced by the educational features of the particular laws given by Lycurgus, which resulted in the Spartans' coming to love these laws as the fundamental cause of a fatherland that gave value to their existence. In the

¹⁹³ *Rousseau as Author*, 33, 122-25.

¹⁹⁴ *DPE* / *ŒC* 3: 261-62 / *CW* 3: 156-57; PF 3.20, 5.3 / *ŒC* 3: 488, 503 / *CW* 4: 26, 36; *SD* / *ŒC* 3: 187-88 / *CW* 4: 62.

¹⁹⁵ It is worth noting that the grounds on which the Spartans desired to be subject to law resemble the second, less truly republican way of conceiving of and loving the laws that we sketched above. For it does not appear to entail any notion that the laws express the general will or that legislation entails the exercise of moral freedom. It is also worth noting that, while this way of conceiving of and loving the laws admits of the notion that the laws express, and derive their legitimacy from, authoritative divine will, the Spartans' desire to be subject to law on these grounds raises the possibility that Lycurgus' appeal to this notion was not simply or altogether necessary in order to get the Spartans to submit to his laws.

Government of Poland, Rousseau indicates that the establishment of laws was much less important because much less necessary in the founding of Rome than in the founding of Sparta. He explains:

It was Numa who rendered [Romulus' imperfect work] solid and durable in uniting [the Romans] in an indissoluble body, in transforming them into Citizens, less by laws, of which their rustic poverty had hardly any need yet, than by mild institutions that attached them to one another and all to their soil in finally rendering their city sacred by apparently frivolous and superstitious rites. (*GP* 2 / *ÆC* 3: 957-58 / *CW* 11: 172-73)¹⁹⁶

Because of the Romans' history, a body of particular promulgated laws—in a word, a constitution—did not become as fundamental to their conception or love of their fatherland as it was to the Spartans'.

Kelly contends that this made the Romans freer than the Spartans in Rousseau's judgment. We would agree in one part and disagree in another. The Romans were freer than the Spartans in the sense that their patriotism permitted them more fully to exercise their right to alter, abolish, and add to the promulgated laws than the Spartans' patriotism enabled them to do. Recall, in this connection, Rousseau's account of the Decemvirs' obtaining the Romans' consent to new laws in keeping with the principles of political right (*SC* 2.7 / *ÆC* 3: 382-383 / *CW* 4: 156). There is no comparable episode in Spartan history, at least not in Rousseau's presentation of that history. Roman patriotism was more truly republican in the sense that it enabled citizens to become legislators themselves in a way that Spartan patriotism did not. However, this is not the sense in which Kelly argues that Roman patriotism made the Romans freer than the Spartans. He argues that it made them more vigorous in protecting the laws against violation by the government. He is quite right to note that the examples of citizens who do this that Rousseau cites in his writings are Romans rather than Spartans. And he is

¹⁹⁶ This complicates Rousseau's characterization of the Romans' patriotism as "innate" in the *Discourse on Political Economy* (*DPE* / *ÆC* 3: 262 / *CW* 157). For it suggests that it had to be *made* innate artificially by Numa.

quite right to infer from this that Roman patriotism contributed to civil freedom.¹⁹⁷ But we would emphasize that the absence of examples of Spartans' protecting the laws against violation by the government does not necessarily imply that they were any less vigorous in their protection of the laws. Indeed, we would suggest that it implies, rather, that Spartan patriotism made it less necessary for citizens to show such vigor. The centrality of the love of the laws to the Spartans' conception and love of the fatherland meant that Sparta had fewer Brutuses and Catos than Rome because it had fewer Tarquins and Caesars than Rome. If or insofar as Rousseau regards the violation of promulgated laws, understood in the ordinary sense articulated above, by the government as a greater danger to freedom than the failure of citizens to exercise their right to alter, abolish, or add to such laws in accord with the general will, an argument for the superiority of Spartan to Roman patriotism then can be made in terms of freedom.

The foregoing exposes a tension between two aspects of republican freedom that tends, in practice, to be insoluble. The freedom from subjection to the arbitrary private wills of others depends upon the vigorous protection of promulgated law above all against violation by the government. And this is served by, and may even depend upon, a love of the particular laws that have been promulgated. Yet the love of these laws will tend to keep citizens from fully exercising their right to legislate in accord with the general will as members of the sovereign, that is, free of constraint by the promulgated laws. Under the conditions under which the necessity of establishing laws is particularly great, e.g., those that prevailed in Sparta prior to Lycurgus' legislation, it will also be necessary to promote a conception of the fatherland in which the established laws are more fundamental. To the extent that this will inhibit citizens from fully exercising their rights, republicanism might be thought to flourish more fully under the alternative conditions of the Romans. But the vulnerability of the laws to

¹⁹⁷ *Rousseau as Author*, 123-25.

governmental violation in Rome prevents us from concluding that, under such conditions, it will flourish more fully in every way. In advancing this argument, we mean to throw Rousseau's praise of Spartan patriotism in a new light—a light that reflects both his principled republicanism and his moderate recognition of the practical obstacles to the complete achievement of republicanism—without denying the radicalism of the civic education that he judges to be necessary for its promotion.¹⁹⁸

Regardless of Rousseau's relative estimation of Spartan and Roman republicanism, his consistent association of civic education principally with Lycurgus' Sparta suggests that the patriotism to be fostered through civic education is more Spartan than Roman, i.e., more centered on the love of particular promulgated laws. One way of putting the thought is that, under conditions under which civic education is more necessary, patriotism that consists especially in love of particular promulgated laws is the kind of patriotism that ought to be fostered. The question then is not whether civic education ought to foster Spartan-style or Roman-style patriotism but whether republicanism tends to flourish more fully under conditions under which it depends more upon civic education or under conditions under which it depends less upon civic education.

Our discussion thus far has excluded a third variety of patriotism, which is exemplified by the old Swiss, as described in the *Constitution for Corsica*. In this work, Rousseau recommends measures to the Corsicans that are aimed ultimately at the preservation of their recently-won independence from foreign powers and at the establishment of peaceful freedom under law among themselves. The effect of these measures, taken together, is to attach the Corsicans to their fatherland, and thus to foster a kind of patriotism among them, by attaching them in various ways to an agricultural—as distinguished from commercial—way of life. In

¹⁹⁸ Here, we mean to differ particularly with Trachtenberg who, in our view, is insufficiently sympathetic in his understanding of Rousseau's thought and, for that reason, fails to consider what reasons Rousseau might have for praising this kind of patriotism and this kind of civic education despite their limits, limits of which Trachtenberg assumes Rousseau is unaware (*Making Citizens*, Chap. 6).

recommending these measures to the Corsicans, Rousseau urges them to “follow” the “model” of the old Swiss, that is, the Swiss as they were prior to becoming mercenaries and turning to commerce. Rousseau explains that the old Swiss were “[forcefully] attached to...their fatherland” by their “laborious and independent lives” as farmers and herders. Their patriotism manifested itself in “agreement in resolutions,” “courage in combat,” “constant union,” and thus, we would note, in some of the essential marks of good citizenship. Yet they were “almost without laws” and entirely without education and virtue. Because, as individuals, or rather as families, they were self-sufficient, independent, and good, they had almost no need of laws, education, or virtue in order to live happily among themselves. And because they were so powerfully motivated to preserve the goods that they had in common, namely, their agricultural and pastoral way of life and their independence, they had almost no need of laws or education in order collectively to defend them against foreigners (*CC / ŒC* 3: 914-15 / *CW* 11: 134-35).

What we see in Rousseau’s portrait of the old Swiss are human beings whose private wills so little oppose one another and so little oppose their general will to the common good that it is unnecessary for them to have recourse to such artificial devices as the social contract, law, or civic education. In obvious ways, they could not differ more from the Spartans. Given this, and given that it is the old Swiss, and not the Spartans, that Rousseau commends as models to the Corsicans, there would seem to be grounds to follow Marks in doubting the essentially Spartan character of Rousseauian citizenship.¹⁹⁹ We would readily concede that the old Swiss do serve as kinds of models of Rousseauian citizens. But we would just as readily insist that, in the vast majority of cases, these models can be approximated only through the artificial devices that the old Swiss could do without. We would emphasize, furthermore, that the accidental transformation of the old Swiss into the new Swiss shows that they could do

¹⁹⁹ *Perfection and Disharmony*, 77-78.

without laws and civic education only for so long. Recognizing this, Rousseau recommends that the Corsicans adopt laws that, in various ways, attach them more securely to the way of life that the Swiss ultimately abandoned. We would concede that these laws do not provide for the educational institutions and practices reminiscent of Lycurgus' Sparta that Rousseau recommends to the Poles and Genevans. They provide, rather, for the social, economic, and political conditions under which the patriotism of the old Swiss might flourish among the Corsicans. Much like the example of the old Swiss, then, Rousseau's recommendations to the Corsicans point to the possibility of patriotic citizenship in the absence of Spartan-style civic education. But, also much like this example, these recommendations point to the elusiveness of this possibility. Not only are the conditions under which it might be realized hard to come by, they are also hard to sustain. Indeed, they are ultimately impossible to sustain. For, as Rousseau warns, the successful implementation of his recommendations will eventually result in such an extensive increase in Corsica's population that it will be incapable of maintaining the exclusively agricultural way of life that underlies its patriotism (*CC / ŒC* 3: 906-907 / *CW* 11: 128).²⁰⁰ We would submit that this warning implies that the endurance of citizenship among the Corsicans would require that they ultimately turn to at least a *more* Spartan-style education to patriotism.

III. EDUCATING PATRIOTIC CITIZENS

To the extent that patriotism consists in loving the fatherland as that which gives value to one's existence, it would seem that civic education should entail teaching citizens that their fatherland gives value to their existence. We will see that civic education can, indeed, be conceived in this way. The first building block of civic education, thus conceived, is making it

²⁰⁰ For interpretations of the *Constitution for Corsica* that are especially attentive to this problem, see Schaeffer, "Attending to Time and Place" and Smith, "Nature, Nation-Building, and the Seasons of Justice." Neither draws the conclusion that we do, however.

so that the lives of citizens are pervaded by the fatherland from cradle to grave. Rousseau praises all the “ancient Legislators” for doing this in Chapter II of the *Government of Poland*. But none is presented as having laid this foundation as solidly as Lycurgus, who “ceaselessly showed [the Spartan people] the fatherland in its laws, in its games, in its home, in its loves, in its feasts.” Indeed, Lycurgus “did not leave it a moment of relaxation to be alone by itself; and, from this continual constraint, ennobled by its object, arose in it that ardent love of the fatherland that was always the strongest or rather the only passion of the Spartans, and which made them beings above humanity” (*GP* 2 / *ÆC* 3: 957 / *CW* 11: 173). The importance of thus making the fatherland ubiquitous in the lives of citizens, of what J.S. Maloy dubs the “environmental [principle],”²⁰¹ is suggested by the fact that, of the three ancient peoples Rousseau describes in this chapter, i.e., the Jews, the Spartans, and the Romans, only the Spartans are explicitly characterized as patriotic. Of course, this is by no means to suggest that the Jews and Romans were unpatriotic, or that Moses and Numa did not also take care to suffuse their peoples’ lives with the fatherland. It is rather to suggest that the more citizens’ lives are suffused with the fatherland, the more patriotic they will become. Hence, the Spartans best exemplify patriotism.

Accordingly, we find that, when Rousseau turns to offering recommendations for educating the Poles to patriotism, he urges that “[a] child upon opening its eyes ought to see the fatherland and until death ought to see nothing but it.” Rousseau’s characterization of the patriotism that will result from this closely resembles the outlook articulated in the fragment “On the Fatherland.” Speaking of the citizen whose life has always been pervaded by the fatherland, Rousseau contends, “[The love of the fatherland] makes up his whole existence; he sees only the fatherland, he lives only for it; as soon as he is alone, he is nothing: as soon as he has no more fatherland, he is no longer, and if he is not dead, he is worse than dead”

²⁰¹ “Very Order of Things,” 245.

(*GP* 4 / *ÆC* 3: 966 / *CW* 11: 179).²⁰² Note the implicit premise that constant exposure to the fatherland will produce love of the fatherland, indeed, a love of the fatherland that is so consuming that it somehow becomes life itself. The question arises how does mere exposure, even constant exposure, to the fatherland produce such love. Or, rather, in what ways must citizens be constantly exposed to the fatherland if they are to come to love it in this way?

A. Learning Patriotism

First, the fatherland is presented, in various ways, to citizens as an object of knowledge and esteem. To the very limited extent that book-learning in schools plays a role in Rousseau's conception of civic education, it is meant to do this.²⁰³ As part of his recommendation that the Poles be given a "national education," Rousseau writes:

I wish that, in learning to read, [the Pole] might read things about his country; that, at ten years, he might be familiar with all its products, at twelve, all the provinces, all the roads, all the cities; that, at fifteen, he might know all its history, at sixteen all the laws; that there not have been in all of Poland either a beautiful action or an illustrious man with which his memory and heart are not full, and about which he cannot give an account at a moment's notice. (*GP* 4 / *ÆC* 3: 966 / *CW* 11: 180)

Note that citizens are not to learn about their fatherland in a spirit of academic detachment. They are to learn not only what their fatherland is, but also, and just as if not more importantly, that it is estimable and lovable. Passages elsewhere in the *Government of Poland* and in Rousseau's other works suggest that, of the subjects delineated here, the laws and history are the most important. One of the reasons for their importance is that knowledge of them is essential to crucial aspects of patriotism.²⁰⁴

²⁰² This generic example of the patriotic citizen also bears a close resemblance to Cato, as described in the *Discourse on Political Economy* (*DPE* / *ÆC* 3: 255 / *CW* 3: 151).

²⁰³ Rousseau's reference to learning how to read in the passage below is the only explicit indication, of which we are aware, that books are to play any role in civic education. Note, however, that this uncharacteristic allowance of reading is later qualified by a characteristic attack on teaching children through books (*GP* 4 / *ÆC* 3: 968 / *CW* 11: 181). Trachtenberg, *Making Citizens*, 234-35.

²⁰⁴ Note that, in keeping with the argument of his *First Discourse*, Rousseau excludes the arts and sciences from the curriculum he recommends. See *FD* / *ÆC* 3: 15-25 / *CW* 2: 12-19.

1. Learning and Loving the Laws

Citizens' education in the laws is, in a way, the most complex aspect of civic education. The character and, even more, the cause of its complexity is obscure in the few passages in which Rousseau treats it, however. We mean to clarify these things by considering these passages in light of the argument made for the necessity of the legislator in Book II Chapter VI of the *Social Contract*. Recall that, as we saw in our examination of this argument in Chapter 1, the problem that necessitates the legislator is twofold—partly moral, partly intellectual. The people cannot be relied upon to will generally or to know what the common good consists in or requires. The task of the legislator, therefore, is to move citizens to will generally and to enlighten them about the common good. As an education to patriotism, civic education proper is, as we have begun and will continue to see in this chapter, addressed principally to the moral dimension of the problem. This is the dimension of the problem that is contemplated in Rousseau's characterizations of civic education as a process of denaturing. For the end of that process is a transformation of the will, as distinguished from the intellect. How does the legislator address the intellectual dimension of the problem? In Book II Chapter VI of the *Social Contract*, Rousseau presents the legislator as a bringer of enlightenment. Is he?

Rousseau presents the legislator as having knowledge of what the common good consists in and requires and as giving the people laws that are informed by this knowledge. If or insofar as this is true, after the legislator has given the people his laws, the common good will be served principally by the execution and preservation of those laws. And if or insofar as the love of the laws inculcated in citizens as part of their education to patriotism will lead them to identify the good of the fatherland with those laws, they will, as an effect of their moral education, come to seek the common good in accordance with, if not necessarily on the basis of, knowledge. We hasten to acknowledge a massive difficulty that keeps us—and, for that matter, Rousseau himself—from regarding this as a perfect solution to the intellectual

problem. The limits inherent in law—and, relatedly, the limits inherent in any merely human lawgiver, no matter how knowledgeable he may be—mean that, especially over time, the common good will not be simply or altogether served by the preservation and execution of the legislator’s laws. The common good will at times require that the legislator’s laws be altered, abolished, or added to.²⁰⁵ At the conclusion of the last chapter and then again in our discussion of patriotism in this chapter, we noted the difficulty that non-rational attachment to particular promulgated laws poses in terms of political legitimacy. Here, we see that it also poses a difficulty in terms of political efficacy. In light of these difficulties, we come to see the importance of the manner in which citizens are to be educated in the laws.

Rousseau’s statements on this important subject are neither numerous nor extensive. We saw above that he suggests that Polish citizens be educated so that they know all the laws by sixteen. In the fragment “On Laws,” Rousseau lays even greater emphasis on the importance of learning the laws than he does in the *Government of Poland*. He writes:

The only study suited to a good People is that of its Laws. It is necessary that it meditate on them incessantly in order to love them, in order to observe them, even in order to correct them with the precautions that a subject of this importance demands, when the need to do so is very pressing and well proven. Every state where there are more laws than the memory of each Citizen can contain is a poorly constituted State, and every man who does not know the laws of his country by heart is a bad Citizen; hence, Lycurgus wished to write only in the hearts of the Spartans. (PF 4.6 / *ÆC* 3: 492 / *CW* 4: 29)

Note that the study of the laws is appropriate not for schoolchildren alone but for citizens at every stage of life. Here, then, is one concrete way that the fatherland is to be made ubiquitous in the lives of citizens; the laws are to be studied *incessantly*. This raises the possibility that, while Polish citizens might know all the laws at sixteen, their study of them will not then be complete. As in the passage quoted above, Rousseau emphasizes that knowledge of the fatherland is to be inculcated so that love of it might be inculcated. The citizen must hold the

²⁰⁵ See Rousseau’s defense of dictatorship in Book IV Chapter VI of the *Social Contract*.

laws in his head in order also to hold them in his heart. That Rousseau should go as far as to identify the study of the laws as the *only* study suited to a good people, which is to say, further than he goes in the *Government of Poland*, underscores the centrality of the particular promulgated laws to citizens' understanding and love of the fatherland.

The education in the laws that is described in this passage is likely to appear to many readers as an exercise in indoctrination, one that would stand in the way of citizens' knowledgeably exercising their right to alter, abolish, or add to the laws as the common good might demand. Yet when one considers it in relation to the preliminary stage of civic education, wherein the laws were presented as expressions of authoritative divine will, it appears rather as a considerable advancement toward their doing this. For it admits that citizens may rightfully alter, abolish, or add to the laws as the common good might demand. That citizens are not to be kept from recognizing this is implicit in the concern to keep them from exercising this right recklessly.

It might be objected that this education in the laws engages the memory and the heart without seriously engaging the mind.²⁰⁶ But Rousseau speaks of citizens' *meditating* on the laws, which at least raises the possibility that their love of the laws will arise at least partly from thoughtful reflection on them. That Rousseau means for citizens' love of the laws to issue, at least partly, from at least some thoughtful reflection on them is made clear in the *Discourse on Political Economy*. There he writes:

The power of the laws depends even more on their own wisdom than on the severity of their ministers, and the public will derives its greatest weight from the reason that dictated it: It is because of this that Plato looked upon it as a very important precaution always to put at the head of edicts a reasoned preamble which shows their justice and utility. (*DPE / ŒC* 3: 249 / *CW* 3: 147)

²⁰⁶ Trachtenberg objects to Rousseau's conception of civic education on these grounds (*Making Citizens*, 231-33, 237, 244). And Shklar holds that "[t]here is, above all, no time for reflection, idleness, and intellectuality in the good society" (*Men and Citizens*, 160).

Here we get an indication of how exactly the laws might be studied by citizens throughout their lives. The convention to which Rousseau here refers is introduced by the Athenian Stranger in Book IV of Plato's *Laws* (719e-24a). Rousseau's praise of this convention is an intriguingly rare instance in which he endorses a rationalizing improvement on classical political practice suggested by classical political theory.²⁰⁷ It suggests that, in his view, the Spartans' education in their laws would have been improved if it had included study of rational arguments in favor of their justice and utility.²⁰⁸ Thus, it suggests that citizens' education in the laws ought to entail a kind of education in principles of political right and maxims of politics. For it implies that citizens' obedience to the laws will arise partly from the rational conviction that the laws are consistent with those principles and those maxims. We are put back in mind of the promise of the heroic legislator who "constrains men to bear the yoke of laws in order to subject them to the authority of reason in the end" (*VH / ŒC* 2: 1264 / *CW* 4: 2).

There is a way in which citizens' reflecting on rational arguments for the justice and utility of the laws opens the door to their exercising their right to alter, abolish, or add to the laws as the common good might demand. For implicit in those arguments is the principle that the legitimacy of the laws is conditional on their justice and utility, that the common good is more fundamental than the particular promulgated laws. The preambles present citizens with considerations that might lead them to alter, abolish, or add to the laws. We would be going too far if we were to suggest that the preambles do more than open the door to this possibility, however. Recall that the grounds on which Rousseau recommends the preambles is that they

²⁰⁷ On the relation of Rousseau's understanding of the proper place of reason in politics to that of the Platonic Socrates, see Orwin, "Rousseau's Socratism."

²⁰⁸ Then again, in the *First Discourse*, he much more characteristically praises Sparta for "its happy ignorance" and "the wisdom of its Laws" (*FD / ŒC* 3: 12 / *CW* 2: 9).

will effectively encourage citizens, in their capacity as subjects, to *obey* the laws.²⁰⁹ It stands to reason that, if or insofar as the preambles do this, they will also effectively discourage citizens, in their capacity as members of the sovereign, at least from altering or abolishing, if not also from adding to, those laws. One might say, then, that the effect of the preambles is to open the door to citizens' exercising their right to legislate anew while at the same time warning them against walking through that door. This is not necessarily problematic in terms of legitimacy or efficacy, however. For, if or insofar as the laws are just and useful and citizens are truly convinced of their justice and utility, citizens' affirmation of the laws would be an act of freedom that effectively promoted the common good.

Now, one might doubt that citizens would, in their reflections on the preambles, be sufficiently dispassionate or critical to arrive at rational convictions or knowledge of the laws' justice and utility. This is hardly the spirit fostered by most of Rousseauian civic education. It is evident from Rousseau's writings in general and on civic education in particular that, in his judgment, the political disadvantages of this spirit outweigh its advantages. The two sides of the task that falls to the legislator are in some tension with one another. For the rational spirit that citizens would have to possess in order truly to know what the common good might consist in or require is in tension with the passionate spirit that they would have to possess in order to will generally. One might, then, think that, in practice, citizens' education in the laws, even as accompanied by rational arguments for their justice and utility, would still amount to a kind of indoctrination.

²⁰⁹ It is worth noting that the preambles articulated by the Athenian Stranger in the *Laws* are not mere apologies for the laws to which they are appended. They also are not obviously designed simply to convince citizens to love the laws. This is, to be sure, part of the Athenian Stranger's intention, but he seems also, and more importantly, to intend to provoke at least some citizens to reflect critically on the laws and ultimately on law as such. Thus, they are not simply meant as a "precaution." There is no direct evidence that, in making recommendations for civic education, Rousseau is animated by such an ulterior philosophic motive. Indeed, we would submit that this is among the most important differences between the Rousseauian and Socratic treatments of civic education. Scholars who do not recognize this important but understated aspect of the latter have been more impressed by its similarity to the former, e.g., Maloy, "Very Order of Things," 258-60.

Yet, even if citizens are indoctrinated in the laws, they are not made simply or altogether thoughtless or docile, as some scholars have suggested.²¹⁰ While citizens' education in the laws might not lead them actively to exercise their right to alter, abolish, or add to the laws, it will lead them actively to enforce and defend the laws over and against those who would violate them. In emphasizing the active dimension of Rousseauian citizenship, Kelly observes that "[f]ocus on the formative role of governments can distract attention from what is, in fact, a constant feature of Rousseau's thought: a radical suspicion of all governments."²¹¹ To be sure, such focus *can* do this. But it need not. For if, in focusing on the formative role of governments, one recognizes that governments form citizens into patriotic lovers of the laws, one will see that, precisely in forming citizens, governments plant the seeds for precisely such a radical suspicion of themselves.

Relatedly, Rousseau speaks favorably of civic educational institutions and practices that entail the exercise and cultivation of the prudence necessary for actively enforcing and defending the laws. Praise for educational institutions wherein the young are given practice in interpreting, applying, and executing the laws recur in Rousseau's writings.²¹² Granted, these institutions are more obviously designed for the education of magistrates than for that of simple citizens. And one of them is limited to a class of hereditary nobility.²¹³ But there is nothing in Rousseau's praise of this institution to suggest that he approves of it *because* of its exclusivity. Rousseau's praise for this institution and for others like it give no reason to doubt that, in a well-ordered republic in which magistracy is open to all citizens, all citizens should

²¹⁰ For scholarship that emphasizes the thoughtlessness and docility of Rousseauian citizenship, see Crocker, *Rousseau's "Social Contract"*; Cullen, *Freedom in Rousseau's Political Philosophy*, esp. 27-30; Johnston, *Encountering Tragedy*; Shklar, *Men and Citizens*, esp. 180-83; and Trachtenberg, *Making Citizens*, 230-46.

²¹¹ *Rousseau as Author*, 121.

²¹² In reference to the Spartans and Xenophon's Old Persians, see *FD* / *ÆC* 3: 24-25n2 / *CW* 2: 18n2. In reference to the Romans, see *E* 4 / *ÆC* 4: 544 / *CW* 13: 406-407. And, in reference to a modern people, the Bernese, see (*GP* 4 / *ÆC* 3: 968-69 / *CW* 11: 181-82). Rousseau recommends the adoption of this Bernese practice to the Poles.

²¹³ This leads Trachtenberg to criticize Rousseau's approval of this institution as inegalitarian (*Making Citizens*, 283n21). Cf. Gourevitch, "Recent Work on Rousseau," 552.

be given practice in the interpretation, application, and execution of the laws. The character and extent of the activity and independent judgment entailed in citizenship is well reflected in the inclusion in Rousseau's civic educational recommendations of institutions that give citizens practice in these things and the exclusion from those recommendations of institutions that might give citizens comparable practice in making laws, e.g., mock legislative assemblies.

Rousseau's praise for Geneva's informal recreational and civic associations, the circles, serves as further evidence that there is a place in his conception of civic education for the exercise and cultivation of the prudence necessary for actively enforcing and defending the laws. The spirit of the circles, which originally was more recreational, became more civic in reaction to certain "civil discords" that beset Geneva. They became the site of cold-blooded deliberations, of "grave and serious discourse" about, among other things, "the fatherland" and "virtue" wherein their members' "mind[s] acquired precision and vigor" and a "tone of sense and reason [were] made to reign" (*LD / ŒC* 5: 90, 96 / *CW* 10: 323-24, 328). Admitting that Rousseau's praise for the circles, thus characterized, is at odds with his thesis that "cognitive development is not the goal of public education at all," Trachtenberg dismisses this praise as the exception that proves the rule.²¹⁴ This dismissal is unsustainable, and this thesis is therefore too extreme, in light of Rousseau's recommendations that reasoned preambles be attached to the laws and that young citizens be given practice in interpreting, applying, and executing the laws. It would be more accurate to say that, while cognitive development is a goal of public education, it is subordinate to the moral development required for the generalization of citizens' wills. Citizens' intellects are to be developed to the point that they become capable of prudently attending to the interpretation, application, and execution of the

²¹⁴ *Making Citizens*, 231-32, 237.

legislator's laws but not to the point that they become capable of engaging in deeply critical reflection on those laws.²¹⁵

2. Honoring, Taking Pride in, and Emulating National Heroes

Educating citizens to patriotism entails suffusing their lives not only with the laws but also with the history of their fatherland. Rousseau indicates the principal intended effect of citizens' education in history at the end of the passage quoted above from the *Government of Poland*: There ought not to "have been in all of Poland either a beautiful action or an illustrious man with which [the Pole's] memory and heart are not full, and about which he cannot give an account at a moment's notice" (*GP* 4 / *ÆC* 3: 966 / *CW* 11: 180). What the citizen is to know thoroughly, and be moved by profoundly, about his fatherland's history are, in a word, its heroes and their heroic deeds.²¹⁶ Every citizen is, as Smith puts it, "to major in the subject of Polish heroism."²¹⁷ Adhering to Rousseau's characterization of patriotism as love of the laws, we can identify multiple distinct but related ways that learning about these parts of history serves to intensify citizens' love of the laws and, crucially, to bring that love into action.

First, the fatherland's heroes and their deeds testify, in different ways, to the goodness of its laws. Let us recall the indispensable contribution to the establishment and the endurance of the laws made by the great soul of the legislator (*SC* 2.7 / *ÆC* 3: 384 / *CW* 4: 157). Whether citizens continue to take the greatness of the legislator's soul as evidence of the divinity of the laws or come to take it as evidence of the human wisdom and genius with which they were in fact devised, knowing of his great soul will inspire love of the laws. Knowledge of citizens

²¹⁵ For a study of Rousseauian civic education that argues for the importance of cultivating independent judgment in citizens, but which, at least in terms of emphasis, goes further in this direction that we do here, see Schaeffer, *Rousseau on Education, Freedom, and Judgment*, Chap. 8.

²¹⁶ In the fragment "History of Lacedaemonia," Rousseau contends, over and against the morally detached spirit of modern historians, that "the principal utility of history" is "to make all good people loved with ardor and all wicked people hated" (*PF* 13 / *ÆC* 3: 545 / *CW* 4: 65). For an extensive treatment of heroism in Rousseau's thought on which we draw amply in what follows, see Kelly, *Rousseau as Author*, Chap. 4.

²¹⁷ "Nationalism, Virtue, and the Spirit of Liberty," 426.

who, following the founding, performed great, and especially sacrificial, deeds in defense of the laws inspires love of the laws by testifying to their goodness in two other ways. First, such knowledge shows that the laws are so good as to have formed such estimable men. Second, it shows that the laws are so good as to have inspired these estimable men to perform great and even sacrificial deeds in their service. The study of history and the study of the laws reinforce one another in fostering patriotism. Persuaded, and to some extent convinced, of the goodness of the laws by their study of them, citizens will esteem those in their history who established and preserved the laws. (Thus, study of the laws helps to guard against a politically problematic tendency, which Rousseau explores in the *Discourse on the Virtue Most Necessary for a Hero*, of human beings to esteem as heroic those who display such beautiful qualities as independence and power in unjust ways.) At the same time, the knowledge that these figures who had estimable qualities apart from patriotism, e.g., power and independence, were formed by and devoted themselves to the laws will cause citizens to esteem the laws still more highly.

The study of the fatherland's heroic history fosters patriotism in another way that is supportive of, but less immediately tied to, citizens' love of the laws. In explaining how patriotism might be fostered in Poland, Rousseau urges, "always begin by giving the Poles a great opinion of themselves and their fatherland." He goes on to recommend that this be done, specifically, by celebrating the Poles who defended the fatherland against Russia (*GP* 3 / *ÆC* 3: 961 / *CW* 11: 175).²¹⁸ This advice is informed by the psychological principle articulated in the *Constitution for Corsica* that members of a people can take pride in their

²¹⁸ Rousseau insists that *all* of Poland's defenders in this episode, "even those who subsequently might have betrayed the common cause," be celebrated (*GP* 3 / *ÆC* 3: 961 / *CW* 11: 175). From this, Smith concludes that the civic education that Rousseau recommends to the Poles "*presents* a soldier's virtues in times of danger as being far more important than other virtues, including justice and even civic attachment itself" ("Nationalism, Virtue, and the Spirit of Liberty," 426). Thus, he suggests, contrary to our argument above, that citizens' education in honoring heroes is in tension with their education in loving the laws. Perhaps, there is something to this. Then again, it stands to reason that these heroes will be honored not only for the soldierly virtues but also for the justice and civic attachment that they displayed *in this episode*. Even eventual traitors will be honored because, in the moment of the fatherland's greatest need, they were just and civically attached.

collective independence and power (*CC* / *ÆC* 3: 938 / *CW* 11: 154). And it is dictated, partly, by the imperative of inducing citizens to conceive of themselves as parts of the whole constituted by their fatherland so that their wills might be generalized. To the extent that presenting the fatherland to citizens as independent and powerful will induce them to conceive of themselves in this way by appealing to their pride, the study of its heroic history will serve to generalize wills. And to the extent that citizens have been persuaded that the good of the whole depends upon the laws, the study of this will thereby foster love of the laws. This is one way in which pride, which might otherwise discourage human beings from obedience to law, can be manipulated to encourage it.

Second, and partly because the study of history thus intensifies citizens' love of the laws, this study will help to bring this love into action. Inculcating knowledge of and esteem for national heroes is one of the ways that a spirit of what Rousseau calls "emulation" is to be fostered in citizens. The spirit of emulation, which Rousseau's recommendations in the *Government of Poland* are particularly designed to foster,²¹⁹ can be understood as a civically salutary form of *amour-propre*, which, when properly directed through civic education, leads citizens voluntarily to fulfill their duties. It is constructed out of the moral ideas according to which human beings esteem themselves and others, e.g., merit and beauty; the desire to be estimable; the desire to be esteemed by, and therefore to seem estimable to, others; and the imagination. Human beings are moved to emulation in the following way. One encounters another whose qualities one esteems and are esteemed by others. Moved by the desires to be similarly estimable and to be esteemed, one imagines that one is that man or at least that one possesses his estimable and esteemed qualities. And one seeks to fulfill those desires by striving to become the man whom one imagines oneself to be.

²¹⁹ It also plays a part in Rousseau's recommendations to the Corsicans (*CC* / *ÆC* 3: 919 / *CW* 11: 138-39).

In the spirit of emulation, we are confronted with a concrete instance of the denaturing entailed in civic education. Tellingly, Emile's study of history is designed precisely to prevent him from having the psychic experience that gives rise to this spirit. After acknowledging, in a gesture to the alternative represented by civic education, that fostering a spirit of emulation through the study of history "has certain advantages that [he does] not deny," Rousseau insists, "as for [his] Emile, if it happens even once that, in these parallels, he should like to be another more than himself, be that other Socrates, be he Cato, all is lost; the man who begins to become a stranger to himself does not take long to forget himself entirely" (*E* 4 / *ÆC* 4: 535 / *CW* 13: 398-99). The effect of self-alienation that Rousseau attributes to this pedagogical practice and here presents as a grave danger for Emile is precisely what recommends it for citizens. In the spirit of emulation, we also find further evidence for our argument that the denaturing entailed in civic education extends the denaturing effects of history. All the unnatural psychic components of this spirit are generated by historical accidents that give rise to or follow from the emergence of nascent society. The task of the civic educator is to select and effectively expose citizens to edifying models of emulation.

Kelly points out that Rousseau's understanding of the psychic dynamic at work in the spirit of emulation and of its promise for civic education comes, at least partly, from his own lifelong experience of reflecting on the heroes of antiquity, which he relates in Book I of the *Confessions* and the fragment "Parallel between the Two Republics of Sparta and Rome."²²⁰ He writes in the latter:

I please myself in turning my eyes to these venerable images of antiquity where I see men elevated by sublime institutions to the highest degree of greatness and virtues that human wisdom might reach. The soul is raised in its turn and courage is inflamed in wandering through these respectable monuments; one participates in some way in the heroic actions of these great men, it seems that the meditation on their greatness communicates a part of it to us, and one could say about their person

²²⁰ Kelly, *Rousseau as Author*, 88-89.

and their speeches what Pythagoras said about the simulacra of the Gods, that they give a new soul to those who approach them in order to collect their oracles. (PF 12.1 / *ÆC* 3: 538 / *CW* 4: 60)

In the *Confessions*, Rousseau indicates more clearly what it means to be given a new soul in this way. He attributes his “free and republican spirit,” his “untamable and proud character,”²²¹ and his “[impatience] with yoke and servitude” to reading Plutarch’s *Lives* and discussing them with his father (*C* 1 / *ÆC* 1: 9 / *CW* 5: 8). Thus, Rousseau knows from experience that the study of heroic figures from history can have morally transformative effects, and, in particular, can foster the vigorous love of freedom necessary for citizenship.

We can identify multiple conditions under which the effectiveness of this study will be enhanced. First, citizens whose heroes come from their own nation’s history will be able more easily to identify with, imagine themselves as, and emulate their heroes than Rousseau. Accordingly, while appeals to the heroes of antiquity are hardly absent from the *Government of Poland*, Rousseau urges the Poles, as we noted above, to look to themselves, specifically, to the Confederates of Bar who, in 1768, “saved the dying fatherland” by resisting would-be Russian despots, for their heroes (*GP* 3 / *ÆC* 3: 961 / *CW* 11: 175).²²² Second, the overwhelming power of public opinion in a well-ordered republic will be such as to prevent citizens from encountering alternative models of emulation by which they might win esteem. Third, citizens will have regular occasion to emulate their heroes in practice, partly in response to political necessity and partly through participation in various communal activities that, as we will discuss below, are designed to prepare citizens to respond to such necessity and to foster patriotism. Fourth, and finally, the formal and informal distribution of honor for virtuous

²²¹ Note that these are the very two same qualities that Rousseau attributes to the men who first established nascent government and who, he argues, could not conceivably have voluntarily submitted to the will of another without reservation (*SD* / *ÆC* 3: 180 / *CW* 3: 56).

²²² Kelly, *Rousseau as Author*, 75, 109; Schaeffer, “Realism, Rhetoric, and the Possibility of Reform,” 394; Trachtenberg, *Making Citizens*, 237.

conduct will give grounds for citizens to hope that, in emulating their heroes, they, too, will be esteemed.

This last consideration brings us to the question of how citizens will be taught about their national heroes. Merely being taught about national heroes gives citizens some ground to hope that, in emulating their heroes, they, too, will be esteemed. For from this they can infer that virtuous citizens are honored partly by the mere fact that they are not forgotten after their deaths. Of course, prudent legislators and magistrates will take care to show citizens that the virtuous are honored by being not merely remembered but admired by the public after their deaths. For this reason, as well as for others, it is not principally through the reading of books as schoolchildren that citizens will learn about their history. Far better are public ceremonies and spectacles in which citizens gather together to celebrate their heroes. For, at such ceremonies and spectacles, citizens witness one another honoring national heroes. Accordingly, Rousseau recommends that the Poles make it a practice to hold such a ceremony in honor of the Confederates of Bar (*GP* 3 / *ÆC* 3: 961 / *CW* 11: 175-76). And he praises the ancient legislators for instituting “spectacles that, in recalling to them the history of their ancestors, their misfortunes, their virtues, their victories, interested their hearts, enflamed them with a lively emulation, and strongly attached them to that fatherland with which they were ceaselessly occupied.” The examples Rousseau goes on to give, i.e., of public recitations of “the poems of Homer” and of public performances of “the tragedies of Aeschylus, of Sophocles, and of Euripides,” make clear that citizens ought to learn their history through, or as, poetry (*GP* 2 / *ÆC* 3: 958 / *CW* 11: 173). Dramatized by poets, history will be more engaging and edifying to citizens.²²³ Imparting scientific knowledge of historical fact is beside

²²³ We note with some surprise that in this chapter in which Sparta is featured as a model of civic education, Rousseau praises Athenian tragedy. This is a rare, albeit implicit, suggestion from Rousseau that more thought can be tolerated, or even encouraged, in a good political community than was tolerated or encouraged in Sparta. And it qualifies the apparently unqualified critique of Athens relative to Sparta in the *First Discourse* (*FD* / *ÆC* 3: 12-13 / *CW* 2: 9). We also note, with less surprise, that Rousseau does not include Athenian comedy in the ancient spectacles that he here endorses.

the point. Rousseau's praise of the civic use to which poetry was put among the ancients, underscores the fact that it is not art as such but rather art, as practiced and promoted among the moderns, that he is attacking in the *First Discourse* and the *Letter to D'Alembert*.²²⁴

On the basis of our discussion in this section, we can identify multiple distinct ways that pride can be appealed to for the promotion of dutiful citizenship. First, we saw that pride can, in encouraging citizens to conceive of themselves as parts of an independent and powerful fatherland, effectively generalize wills. Second, we saw that the desire to take pride in oneself and to be esteemed by one's fellow citizens as a distinct individual can, when guided by edifying models, lead citizens to fulfill their duties under the social contract. Now, to the extent that, in this latter case, it is with a view to winning esteem for themselves as individuals, i.e., as distinguished from their fellows and from the fatherland, that they fulfill their duties, one might doubt their patriotism. Indeed, in the *Government of Poland*, Rousseau recognizes that, should his recommendations be adopted, many Poles will fulfill their duties merely as a means to winning honor for themselves (*GP* 11). His plan for a meritocratic system for advancement in governmental service is meant partly to appeal to such *amour-propre* as it is, especially at first. Rousseau explains: "Not being able to create new citizens at a stroke, one must begin by making use of those that exist; and to offer a new route to their ambition is the means of disposing them to follow it" (*GP* 15 / *ÆC* 3: 1040-41 / *CW* 11: 240).²²⁵

Two considerations serve to qualify the impression given by this statement. First, as Rousseau notes elsewhere, the efficacy of appeals to individual *amour-propre* as means to the promotion of dutiful citizenship is predicated upon there being a certain number of citizens

²²⁴ One finds, upon examination of the Second Part of the *First Discourse*, that Rousseau's critique of the arts is far more limited than his critique of the sciences (*FD* / *ÆC* 3: 17-25 / *CW* 2: 12-19). And, in the *Letter to D'Alembert*, little examination is required to see that, much of Rousseau's case against the introduction of the theater to Geneva consists in showing the moral and civic inferiority of modern French drama to ancient drama (*LD* / *ÆC* 5: 25-53, esp. 31, 48-50 / *CW* 10: 270-93, esp. 275, 289-91). See Kelly, *Rousseau as Author*, 73-74.

²²⁵ Recommendations in this spirit are also present in the *Constitution for Corsica* (*CC* / *ÆC* 3: 919, 925, 934 / *CW* 11: 138-39, 143-44, 151).

who *are* so virtuous as to esteem dutiful citizenship (*GP* 13 / *ÆC* 3: 1022 / *CW* 11: 225). Second, the institutions and practices of civic education that Rousseau recommends—along with the meritocratic system for advancement in governmental service—to the Poles are meant not merely to appeal to but to transform citizens’ *amour-propre*.²²⁶ This is not to say that they will cease in their desire to take pride in themselves or to be esteemed by their fellow citizens as distinct individuals. But it is to say that they will desire these things in a different spirit.²²⁷ It will not be an utterly selfish desire to be esteemed by anyone and everyone that motivates them but the patriotic desire to be esteemed, specifically, by their fellow citizens or their fatherland. Much like the romantic lover’s desire to be loved by his beloved, which arises, in part, from his love of his beloved, this desire arises in part from their esteem *for* their fellow citizens or their fatherland.²²⁸ This points to another distinct but closely related way that presenting the fatherland in an estimable light can foster patriotism by appealing to citizens’ pride. In this case, the citizen’s esteem for his fatherland induces him not to conceive of himself as part of the fatherland but to desire and seek out its esteem through emulation. He does so for himself as an individual, but still he is a patriot. While these kinds of pride can be distinguished from one another analytically, it is surely the case that, in the psyches of actual citizens, they coexist, albeit in different measures.

²²⁶ On the relation between these two parts of what Rousseau recommends to the Poles, see Schaeffer, “Realism, Rhetoric, and the Possibility of Reform.”

²²⁷ On one hand, Hanley’s and Smith’s interpretations do not adequately emphasize this. See, respectively, “Enlightened Nation-Building,” 228-30 and “Nationalism, Virtue, and the Spirit of Liberty” 428-31. On the other hand, Trachtenberg goes too far in suggesting that the citizen’s “*amour-propre*” will “be directed” not at all toward himself “as an individual” but only toward himself “as a member of [his] community” (*Making Citizens*, 133).

²²⁸ In the *Discourse on Political Economy*, “the love of the fatherland” is compared to “that of a mistress.” Rousseau reports that the former is “one hundred times more lively and delightful” than the latter (*DPE* / *ÆC* 3: 255 / *CW* 3: 151). We would suggest that this is because patriotism can stimulate *amour-propre* much more intensely than romantic love. And, as we have seen, Rousseau rates the power of this passion much more highly than the others that make up romantic love.

B. The Civic Festival

The public manner in which citizens are to celebrate national heroes points us to another important way that they are to be exposed to the fatherland and made into patriots. In attending these ceremonies and spectacles, citizens are exposed not only to the heroes who have formed and been formed by the fatherland but also to one another in their unity as a people, specifically, with respect to their opinions about who and what is estimable. Thus, the fatherland is manifest not only *before* citizens in whatever dramas are acted out, songs sung, symbols displayed, or speeches delivered but also *around* them in one another. The fatherland is both being represented to citizens and present in the citizens themselves.

Exposing citizens to the fatherland by exposing them to one another in various communal practices is a crucial part of fostering patriotism. Hence, Rousseau recommends, in addition to the ceremonies and spectacles we have just described, amusements such as singing, dancing, and game-playing, physical exercises, and athletic competitions.²²⁹ These practices are the elements out of which the ultimate institution of civic education—the festival—is composed. In this section, we will show how the festival, which Starobinski has recognized as “one of the key images in Rousseau’s work,”²³⁰ complements citizens’ instruction in the laws and history of their fatherland to foster patriotism. First, we will show how it reinforces the edifying effects of celebrating national heroes by giving citizens occasion and additional encouragement to esteem and emulate qualities essential to obeying, enforcing, and defending the laws of the fatherland, e.g., patriotism, vigor, and docility. Second, we will show how, in engaging citizens in practices by which they can extend and sense their existences through activity, it attaches them to the public life of the fatherland. Third, we will show how it causes citizens to conceive of themselves as parts of the fatherland in an alternative way, namely, by

²²⁹ *DPE* / *CEC* 3: 259-62 / *CW* 3: 154-57; *GP* 2, 3, 4 / *CEC* 3: 958, 962-64, 966-70 / *CW* 11: 173, 176-78, 179-82; *LD* / *CEC* 5: 114-25 / *CW* 10: 343-52.

²³⁰ *Jean-Jacques Rousseau*, 93.

extending their beings, or selves, to, and identifying with, one another. Finally, we will conclude by arguing that, in doing all these things, the festival does not merely serve as an institution of civic education and thus as a means to the promotion of dutiful citizenship, but also and more importantly constitutes the peak of civic life.

1. Pride and Emulation

The cultivation of patriotic pride and emulation through public ceremonies and spectacles honoring national heroes is reinforced in multiple distinct but related ways by other communal practices, above all, athletic competitions, that take place at the festival. Before discussing the educational significance of these particular practices, we would do well to note the close connection, in Rousseau's thought, between *amour-propre* and the festival. The festival is almost as ancient as human society itself. Recall the scenes of the savages of nascent society, at their leisure, singing and dancing together around trees that we encountered in the *Second Discourse* and the *Essay on the Origin of Languages*. In those scenes, we witnessed the first festivals. To recognize this is to detect an important similarity between the relatively natural way of life of savage nascent society, and also, for that matter, of its later iteration in rustic peasant society, and the otherwise unnatural way of life of civil society.²³¹ The full significance of this similarity will come to light gradually over the course of our discussion of the festival. For now, we limit ourselves to the observations that it was romantic love that engendered the primitive festival and that it was in the primitive festival that incipient *amour-propre* finally reached maturity.²³² We see, in this light, that the development of the festival and the development of *amour-propre* are bound up with one another.

²³¹ Shklar, *Men and Citizens*, 110-11; Starobinski, *Jean-Jacques Rousseau*, Chap. 5.

²³² *Amour-propre* is emphasized in the *Second Discourse* whereas romantic love is emphasized in the *Essay on the Origin of Languages*. Compare *SD* / *CEC* 3: 169-70 / *CW* 3: 47 and *EOL* 9 / *CEC* 5: 405-406 / *CW* 7: 315.

So, in recommending the institution of festivals with a view to directing *amour-propre* to civic ends, Rousseau is effectively recommending the restoration or preservation of the stage on which this passion most naturally, and happily, plays. Given that human beings in society take to the festival of their own accord, instituting it is primarily a matter of preventing other forces from opposing this tendency, by, for example, preventing the introduction of alternative entertainments such as the theater to civil society. Indeed, in the *Letter to D'Alembert*, Rousseau suggests that, in a prosperous republic, it suffices simply to erect a pole and gather citizens around it in order for them to give themselves over to singing and dancing (*LD / ŒC* 5: 115 / *CW* 10: 344). The human penchant for the festival is partly a manifestation of the desire to be esteemed by others. Simply by allowing citizens to follow this penchant, the legislator facilitates their subjection to one another's opinions and, in so doing, contributes to the formation of a uniform public opinion. His provision for the celebration of national heroes augments this penchant to the extent that, in giving citizens a great opinion of themselves and their fatherland, it intensifies their desire to be esteemed by their fellows.

But Rousseau recommends that the legislator do more than merely allow citizens to follow their penchant for the festival in pursuit of esteem. He recommends the institution of particular practices that lead citizens to esteem and be esteemed by one another in ways that foster patriotism and other essential civic qualities. In the *Government of Poland*, as well as in the *Letter to D'Alembert*, Rousseau recommends all manner of public games, especially athletic competitions. In one of his "Fragments on Ancient History," Rousseau observes that "the Olympic games" were "one of the means that preserved the love of freedom in Greece for the longest time" (*PF* 14.6 / *ŒC* 3: 550 / *CW* 4: 69). What follows will explain the thought underlying this observation.

There are multiple ways that public athletic competitions reinforce the patriotic pride and spirit of emulation fostered by the study and celebration of national heroes. First, they

intensify the hope of being esteemed, as well as, for that matter, the fear of being disesteemed, by showing citizens that public esteem is regularly attainable during their lives, not only after death. Consider, in this connection, Rousseau's recommendation that the physical education of children take the form of games played before the public, by whose "judgment and acclamation" the "prizes and recompenses of the victors" are to be "distributed." Thus, citizens are to be "[accustomed] early...to living under the eyes of their fellow citizens and of desiring public approbation." The importance of accustoming citizens to this can, as Trachtenberg observes, be seen in Rousseau's insistence that children must always play together and in public and that parents who might educate their children domestically in other matters must send them to participate in public games (*GP* 4 / *ÆC* 3: 968 / *CW* 181).²³³ Second, they present citizens with models to emulate that they can see with their own eyes, and need not imagine, in the form of the honored victors. Thus, they help to accomplish the central civic educational task of forming citizens' opinions about what is estimable. Third, they give citizens regular occasion to practice emulating these models in the hope of being similarly esteemed themselves.²³⁴

Although, in an obvious way, public athletic competitions reinforce citizens' natural conceptions of themselves as individuals, they do so in a way that is relatively safe for civic life. For, even as they divide participants in compelling them to relate to one another as others, as givers of and rivals for an esteem that they desire for themselves as individuals, they bind them to one another by increasing the extent to which they depend on one another for the fulfillment of their desires. At the same time, they support the opinion, especially among spectators but also among participants, that the fatherland is estimable by putting its members'

²³³ *Making Citizens*, 235.

²³⁴ In emphasizing the pride and spirit of emulation fostered by public athletic competitions, we conceive of their principal educational effects rather differently from Smith, who argues that they are designed principally to foster, among the many, who are weak, a sense of vulnerability and dependence on the few, who are strong, and therewith an inclination to obey those few ("Nationalism, Virtue, and the Spirit of Liberty," 426).

excellent qualities on display. In doing this, they reinforce the effects of celebrating national heroes. They can encourage citizens to conceive of themselves as parts of the fatherland by appealing to their pride. And they also can further intensify their desire to be esteemed by the fatherland as individuals.

The qualities in which the victors of athletic games will tend most obviously to excel and which will therefore tend most obviously to be honored and emulated by other citizens are well captured in the formulation “strength and skill [*la force et l’adresse*],” which recurs throughout the discussion of athletic competitions in Chapter III of the *Government of Poland*. Citizens who most excel in physical strength and the capacity, arising from intelligence and coordination, to exercise that strength effectively will tend to be victorious in such athletic competitions as bullfighting, for which Rousseau praises the Spanish, horsemanship, which he recommends to the Poles, and the medieval knight’s tournament, the obsolescence of which he laments (*GP* 3 / *ÆC* 3: 963 / *CW* 11: 177). This applies also to the athletic competitions that Rousseau goes on to recommend for the physical education of schoolchildren (*GP* 4 / *ÆC* 3: 967-68 / *CW* 11: 181). Peoples among whom such competitions are regularly held and who consequently come to emulate these citizens, will make for more effective soldiers and thus better defenders of the fatherland and its laws.

There is another, less obvious but more important, way that the institution of such public athletic competitions makes for better citizens. It fosters the youthful vigor that is, as we discussed in Chapter 2, necessary for the preservation of freedom under law. “It is above all because of the soul,” Rousseau contends, “that the body must be exercised, and this is what our petty wise men are far from seeing.” The painful exertions entailed in athletic competition strengthen the soul along with the body. Specifically, they habituate citizens to foregoing objects of their various appetites for well-being, objects for the sake of which they otherwise might be disinclined to obey, enforce, or defend the laws. Rousseau indicates that his

recommendation that citizens be kept occupied with physical exercises is meant to protect them against the corruption caused by intellectual leisure just as much as, if not more than, that caused by indulgence in sensual pleasures: “[T]he taste for bodily exercises turns one away from a dangerous idleness, effeminate pleasures and the luxury of the *mind*” (emphasis added) (*GP* 3 / *ÆC* 3: 964 / *CW* 11: 177-78).²³⁵ We are put in mind of the *First Discourse*’s attack on scientific and artistic leisure for its degradation of martial vigor (*FD* / *ÆC* 3: 22-24 / *CW* 2: 16-17). All this helps to explain why Rousseau, in insisting on the importance of the physical, as distinguished from the intellectual, education of the young, characterizes this education as “negative” (*GP* 4 / *ÆC* 3: 968 / *CW* 11: 181). It prevents their natural vigor from being corrupted by, among other things, academic study.²³⁶ Now, we should add that public games foster this vigor not only by preventing that vigor from being corrupted or habituating citizens to undertaking strenuous and even painful physical exertions, but also by teaching citizens that having and demonstrating this quality is estimable and publicly esteemed. Seeing that the honored victors of public athletic competitions excel in a spiritual vigor that disposes them to forego well-being will induce citizens to strive to emulate them in this quality.

Recall from our discussion of the qualities that render peoples suitable for legislation in Chapter 2 that vigor must be balanced with docility. As we have begun to see, the former quality figures much more prominently than the latter in Rousseau’s writings on public games. This is partly for the obvious reasons that physical exercises and athletic competitions foster vigor more than docility and that there are other aspects of civic education, e.g., the study of the laws, that do more to foster docility. We would submit that it is also because the tendency of human beings in society, even a well-ordered one, is to become excessively docile. Hence,

²³⁵ Statements such as this lend support to Shklar’s exaggerated contention that there is “no time for reflection, idleness, and intellectuality in the good society” (*Men and Citizens*, 160).

²³⁶ In this hardly unimportant respect, civic education is not simply or altogether denaturing and thus is not, *contra* Shklar (*Ibid.*), simply or altogether opposed to the education elaborated in the *Emile*, the prepubescent stage of which is characterized as “purely negative” (*E* 2 / *ÆC* 4: 323 / *CW* 13: 226).

there is a greater need to foster vigor and a lesser need to foster docility through civic education.

Nevertheless, docility is not totally absent from the qualities fostered by the public games that Rousseau recommends. To desire and depend upon public esteem is, of course, to be docile in an important way. And to play games under public supervision is, of course, to be compelled to play by rules. Hence, “regulation” is one of the things to which children are to become accustomed in their public games. Recall that, as we noted above, these public games are to make up *all* their play. Playing “separately as they fancy” is not to be permitted (*GP* 4 / *EC* 3: 968 / *CW* 11: 181). Note that, if this maxim were followed perfectly—which, it should be acknowledged, would require that children be constantly supervised—children would know no amusement in which they were not subject to rules of some kind.²³⁷ To the habitual inclination to obedience that would arise from this, we can add the force of emulation. If or inasmuch as spectators recognize and honor as victors only those participants who play by the rules, children will come to esteem and emulate the same spirit of obedience to law required of them as citizens. This is another way in which civic education guards against the tendency of human beings to esteem as heroic those who are independent and powerful but not just.

The ingeniousness of educating children for citizenship by having them play games with rules comes to sight when one recognizes that, at the same time as children are habituated and given a desire to play by rules themselves, they are also habituated and given a desire to obey nothing other than regulations that are promulgated and apply equally to all and, furthermore, to enforce rules against those who would disobey them. In this way, subjecting children to rules in the games they play fosters both docility and vigor. It complements their study of the laws by disposing them, by habit, esteem, and emulation, to obey, enforce, and

²³⁷ This maxim might be adduced as evidence against Maloy’s claim that Rousseauian civic education is simply or altogether “mild” in its “character” and “methods” (“Very Order of Things,” 249-50).

defend the laws and thus to fulfill some of the essential duties of citizenship.²³⁸ Note, however, that it does nothing to dispose them to alter, abolish, or add to the laws and thus to exercise one of the essential rights of citizenship. In this way, too, it complements citizens' study of the laws, which, as we have seen, is meant to make citizens reluctant to exercise this right, or, rather, to exercise it principally by affirming established laws. While Rousseau's principles of political right might suggest that this is a limit of public games, the spirit of his writings on civic education suggest, on the contrary, that this, too, is a sign of their genius.

Thus far, we have shown that regular participation in public athletic competitions will foster some of the most important capacities and qualities that citizens need, along with patriotism, in order to obey, enforce, and defend the laws. This is not the only reason that Rousseau favors public athletic competitions for the promotion of a spirit of emulation, however. He does so also on the grounds that they are likely to produce a just consensus concerning the distribution of public honors.

Now, two considerations might seem to argue against the importance of this. First, a just consensus concerning the distribution of honor will emerge almost inevitably in the case of most athletic competitions, which tend to end with clear winners and losers. Second, the tendency, arising from the desire for esteem, to defer to and adopt for oneself the opinions of others about what is estimable results, as we explained in Chapter 2, in relative uniformity of opinion in societies. Neither of these considerations, whether taken on its own or together with the other, suffices to dispense with the problem, however. For, in the first place, if the citizens who are honored in society are those who are victorious in public competitions, it is important that the achievement of victory in those competitions testify to qualities that are estimable. Otherwise, the distribution of public honor would be regarded, at best, with

²³⁸ Scholarly treatments of the children's games that Rousseau recommends to the Poles have not adequately accounted for this aspect of their educational function and thus have tended to overstate the extent to which they are meant to foster docility. See, e.g., Smith "Nationalism, Virtue, and the Spirit of Liberty," 426; Trachtenberg, *Making Citizens*, 235-37.

indifference or, at worst, with indignation. In either case, the hope for public esteem would not be felt intensely enough to inspire the spirit of emulation required for good citizenship. Now, one might appeal to the second consideration and object that most human beings will be moved by the desire for esteem, which, in most, is much more powerful than the desire to be estimable, to accept as estimable whatever qualities are testified to by victory and come to be esteemed. There may be something to this, assuming, that is, that Rousseau is correct in attributing so much more power to the desire to be esteemed than the desire to be estimable. Then again, the former desire, precisely because it is so powerful, can, as we saw in Chapter 2, move human beings indignantly to claim esteem when it has been denied to them. And while Rousseau's description of this phenomenon suggests that human beings need not have strong grounds in order to be moved to make such claims, it stands to reason that the greater the divergence between what is esteemed by the public and what human beings are disposed to find estimable there is, the more frequent and violent the making of such claims will be.

There is reason, then, to think that a just, or seemingly just, consensus concerning the distribution of honors will emerge if the achievement of victory in public competitions testifies to qualities that human beings are disposed to find estimable. When we recall that it was man's consciousness of his strength and skill relative to that of other animals that caused the first movements of pride in him or, relatedly, that "there is nothing more really beautiful than independence and power," we can see that athletic games are particularly well chosen competitions (*SD* / *ÆC* 3: 165-66 / *CW* 3: 43-44; *CC* / *ÆC* 3: 938 / *CW* 11: 154). For the victors in such competitions, and therefore some of the most honored citizens, are likely to be widely regarded as estimable in important respects and therefore deserving of their honors. This points to an important way in which the inclusion of athletic competitions in the festivals that Rousseau recommends for the civil state improves on the festival of nascent society, from

which such competition seems to be absent. It serves to regulate *amour-propre* in a way that guards against the violent and cruel vengeance that this passion produced as soon as it arose.

2. Self-Extension through Activity and Identification

In our discussion of civic education thus far, we have focused on the ways that citizens can be brought to love and seek the good of their fatherlands through institutions and practices that appeal to their *amour-propre*. In this section, we will show how citizens can be brought to do these things through institutions and practices that appeal to their self-love, or, more specifically, to the drive to extend themselves, or their existences, through the activity of their faculties and through identification with one another.²³⁹ Thus, we will show that the psychic basis for dutiful citizenship laid by civic education is made up of a mutually reinforcing combination of pride in oneself, both, as we have now seen, as a part of one's fatherland and as an individual, and self-extension through activity and identification.²⁴⁰

We begin with a brief account of Rousseau's conception of self-extension, as disclosed in the *Emile*. Recall that, in the pure state of nature, human life mainly entails acting with a view to the preservation of one's existence and sensing one's existence at rest and in solitude.²⁴¹ Although Rousseau's famous account of his own experience recovering the sentiment of existence in the *Reveries* suggests that rest, or relative rest, and solitude are essential to it,²⁴² one learns in the *Emile* that human beings can also extend and sense their existences through the activity of their faculties and through identification with others. Indeed, Rousseau here holds that it is in activity that man exists most fully and therefore senses his existence

²³⁹ Here, then, we differ from scholars who have suggested that the citizen is possessed exclusively of *amour-propre*. See, e.g., Cooper, *Rousseau, Nature, and the Problem of the Good Life*, 25; Shklar, *Men and Citizens*, 21. Trachtenberg rightly characterizes patriotism as entailing an "integration of *amour de soi* and *amour-propre*" (*Making Citizens*, 134).

²⁴⁰ For studies that emphasize the psychology of self-extension in Rousseau's thought more broadly, see Cooper, *Rousseau, Nature, and the Problem of the Good Life* and Melzer, *Natural Goodness of Man*.

²⁴¹ See *SD* / *ÆC* 3: 144 / *CW* 3: 28 and *EOL IX* / *ÆC V*: 401n / *CW VII*: 310n.

²⁴² *R 5* / *ÆC* 1: 1045, 1047-48 / *CW* 8: 45, 47-48.

most fully. He sets this down a guiding principle of the education that he elaborates in this work, admonishing parents that it is “not enough” to “think only of preserving [their] child” in the sense of sparing him from death. He writes:

It is less a matter of preventing him from dying than of making him live. To live, that is not to breathe, that is to act; that is to make use of our organs, of our senses, of our faculties, of all the parts of ourselves which give us the sentiment of our existence. The man who has lived the most is not the one who has counted the most years, but the one who has felt life the most. (*E* 1 / *ÆC* 4: 253 / *CW* 13: 167)

This thought informs the subsequent account of “human wisdom or the route to true happiness” given in Book II. It specifically informs Rousseau’s qualification of his argument that happiness consists in, or arises from, an equal proportion of “faculties” to “desires.” Rousseau denies that human wisdom, or the route to true happiness, lies straightforwardly in “diminishing our desires” on the grounds that, “if they were beneath our power, a part of our faculties would remain idle, and we would not enjoy our whole being” (*E* 2 / *ÆC* 4: 303-304 / *CW* 13: 211). Thus, Rousseau implies that man senses his existence not only *after* he has acted to preserve it but also *in* acting to preserve it. The imperative arising from man’s love of his existence, and the sentiment of his existence, to exercise all his faculties drives him to engage in activity even when he wants for nothing. Hence, when man is in a state of psychic strength, that is, when his faculties outstrip his desires, he is driven to engage in activity simply to extend his being, as it were. Seemingly any activity can, in principle, satisfy this drive to self-extension. As children develop, for example, they are driven to change the things around them, at first more destructively and then more constructively (*E* 1 / *ÆC* 4: 289 / *CW* 13: 197). Eventually, the imperative can take the form of thought (*E* 3 / *ÆC* 4: / *CW* 13: 312).

This drive to self-extension can also take the form of identification with others. The psychology of this form of self-extension is more complicated and more significant for the promotion of patriotism. It will, accordingly, take up most of our attention in this section. But, before turning to this other form of self-extension, we note that many of the communal

practices that make up the festival, especially physical exercises and athletic competitions, serve as a civically salutary outlet for the drive to self-extension through activity. In addition to appealing to citizens' *amour-propre* in the ways that we described above, athletic competitions engage citizens by enabling them to exercise their faculties and, in so doing, to extend and sense their existences. This element of Rousseau's psychology figures much less prominently in his writings on civic education than pride and identification, but it is not altogether absent from them. Rousseau points to it when he argues for educating children through physical exercises on the grounds that such exercises will "please them in satisfying their bodies' need to act while they are growing" (*GP* 4 / *ÆC* 3: 968 / *CW* 11: 181). Understanding the drive to self-extension through activity thus helps us to understand how citizens can be voluntarily engaged in communal practices that foster patriotic pride, patriotic identification, and other qualities essential to good citizenship. While appealing to this aspect of the human psyche thus tends to foster patriotism indirectly, it can also do so directly by fostering a love of the common life of the fatherland. Citizens will love the fatherland for the common life it affords them partly on the grounds that, in that life, it gives them occasion to act in ways that enable them to extend and sense their beings.

As we have indicated, the drive to self-extension can also lead human beings to identify with one another. In order to understand the psychology of identification, we turn once again to Emile's pubescent education and romantic love. The motivating force of romantic love, as Rousseau conceives it, does not derive exclusively from sexual need. It derives also from the drive to self-extension. In the pubescent youth, "a superabundance of life seeks to extend itself outward." This explains how the tutor is able temporarily to substitute friendship for romantic love when Emile reaches puberty (*E* 4 / *ÆC* 4: 502 / *CW* 13: 371). If his desire for another were born exclusively of his sexuality, then it could not be satisfied, even temporarily, by friendship. A man extends his being to his friend in identifying himself with, or in, his friend.

When he encounters another with whom he can identify, i.e., one who seems similar to him in some way, he pours the being that is overflowing in him into that other. Having thus extended his existence to his friend, he loves his friend as he loves himself and loves their friendship because he, among other things, senses his existence through it. Emile's education in friendship, thus conceived, serves as the foundation for his education in humanity and justice. Rousseau makes the moral and political significance of self-extension clear at the culmination of his treatment of this education:

when the strength of an expansive soul makes me identify myself with my fellow [*semblable*] and I feel that I am, so to speak, in him, it is in order not to suffer that I do not want him to suffer; I interest myself in him for the love of myself, and the reason for the precept is in Nature herself, which inspires in me the desire for my well-being in whatever place I feel myself exist...Love of men derived from love of self is the principle of human justice.²⁴³ (*E* 4 / *ÆC* 4: 523n / *CW* 13: 389n)

It is not surprising, then, that strengthening citizens' souls and inducing them to extend their beings to, and identify with, one another should make up an important part of civic education.

The way that Emile, whose soul is strengthened over the course of his prepubescent education, is induced to identify with others is by being exposed to human suffering. It is as a fellow sufferer that Emile identifies with his fellow man. Compassion is the basis of his friendship, his humanity, and his justice. One is struck, in turning from the *Emile* to Rousseau's writings on civic education, then, that the communal practices recommended there do not obviously involve fostering compassion by exposing citizens to one another as sufferers.²⁴⁴ One can, upon reflection, see that some of these practices, e.g., physical exercises and athletic

²⁴³ See, in the same vein, Rousseau's account of natural right in the Preface to the *Second Discourse* (*SD* / *ÆC* 3: 126 / *CW* 3: 15) and his description of self-love, as distinguished from *amour-propre*, in the same work (*SD* / *ÆC* 3: 219nXV / *CW* 3: 91n12). One can also see how self-extension gives rise to humanity in Rousseau's final reflections on himself in the *Reveries*, e.g., *R* 7 / *ÆC* 1: 1056 / *CW* 8: 54. The Savoyard Vicar explains God's justice along these lines (*E* 4 / *ÆC* 4: 588-89 / *CW* 13: 444).

²⁴⁴ Smith sees one of the agricultural practices that Rousseau recommends to the Corsicans as being designed to foster compassion ("Nature, Nation-Building, and the Seasons of Justice," 45-46). It may well be designed to do this. But, then—if this practice can be regarded as an element of civic education—we would say that it is the exception that proves the rule.

competitions, do involve various kinds of suffering. Participating in them may, then, foster identification in the form of compassion. But Rousseau never indicates that they are meant to do this. What is more, he so emphasizes, as we will see below, the joy that citizens are to take in practices that make up the festival as to cast doubt on this speculation. How, then, will the communal practices of the festival foster identification among citizens?

Rousseau asserts it as a maxim that “*It is not in the human heart to put itself in the place of people who are happier than we, but only in those who are more pitiable.*” But, in his explanation of this maxim, he admits:

One is touched by the happiness of certain conditions, for example, of the rustic and pastoral life. The charm of seeing these good people happy is not poisoned with envy, one truly interests oneself in them. Why is that? Because one feels that one is master of descending to that condition of peace and innocence and of enjoying the same felicity. (*E 4 / ŒC 4: 506 / CW 13: 375*)

The happiness of others keeps us from identifying with them only insofar as we think that we cannot share in that happiness. While civic life is distinct from the rustic and pastoral life to which Rousseau here refers,²⁴⁵ the happiness of both lives, specifically, the happiness taken in the festival, is, as we will explain below, inclusive. Therefore, it, too, can serve as a basis on which citizens might identify with one another. (Of course, the happiness of civic life is inclusive only for citizens and is exclusive for all others.)

What is more, the citizen’s experience of identifying with a happy comrade can, like the pitier’s experience of identifying with a sufferer, appeal to his *amour-propre*. Although compassion depends upon the pitier’s having experienced suffering in the past and therefore upon his not being simply or altogether strong, one cannot pity another while one is suffering. Inasmuch as compassion therefore involves being conscious of one’s relative strength, it appeals to *amour-propre* (*E 4 / ŒC 4: 503-504 / CW 13: 373*). When a citizen encounters other

²⁴⁵ For examples of this life and its happiness, see Rousseau’s descriptions of Clarens (*J 5.7*), Neufchatel (*LD / ŒC 5: 55-57 / CW 10: 295-96*), and Corsica and old Switzerland (*CC / ŒC 3: 913-16 / CW 11: 133-35*).

citizens who are partaking in a happiness that he, too, can partake in because he, too, is a part of the fatherland, his experience of identification with them, too, will be appealing to his *amour-propre*.²⁴⁶ In this way, patriotic pride and patriotic identification are mutually reinforcing.

In addition to making identification with their comrades more pleasant by thus appealing to their *amour-propre*, signs of national distinctiveness make it more likely that citizens will identify with one another—and not with foreigners—in the first place. Note that while we have “a natural repugnance to seeing any sensitive being perish or suffer,” we feel it “principally” toward “our fellows [*semblables*]” (*SD / ŒC* 3: 126 / *CW* 3: 15). Although Rousseau is referring to pity when he offers this observation, it stands to reason that the principle is true of all forms of identification. Human beings will more readily identify with one another, whether in their misery or their happiness, to the extent that they are similar to one another. A distinct but related condition favorable to identification is the frequency with which human beings encounter one another. Although identification works through the faculty of imagination, it is activated by the senses. “Existence is,” as Melzer writes, “somehow given and received primarily through the eyes.”²⁴⁷ All things being equal, we are more likely to identify with one who is present to our senses than one who is not. And we are still more likely to do so with one who is present to our senses frequently.

These are among the considerations that inform Rousseau’s preference for small, distinctly homogeneous, and closed political communities. To the extent that all citizens in such communities habitually see one another and can easily see themselves in one another, patriotic identification is more likely to flourish in them. Rousseau praises the smallness of Geneva partly on the grounds that it makes possible “that sweet habit of seeing and knowing

²⁴⁶ For an example of this, see Rousseau’s description of his father’s proudly patriotic reaction to the experience of witnessing his fellow citizens’ joyfully identifying with one another, and of identifying with them himself (*LD / ŒC* 5: 123-24n / *CW* 10: 351n).

²⁴⁷ *Natural Goodness of Man*, 194.

one another” that “[makes] love of the Fatherland love of Citizens rather than that of the land” (*SD* / *ÆC* 3: 112 / *CW* 3: 3-4).²⁴⁸ And, in the *Government of Poland*, he admonishes the Poles, over and over again, to preserve and augment their national distinctiveness.²⁴⁹ It is no accident, then, that the one ancient people that is explicitly described in Chapter II of the *Government of Poland* as being united by “bonds of fraternity,” i.e., the Jews, is also the people whose legislator is most emphatically described as giving his people “*mœurs* and usages incompatible with those of other nations” and “particular rites and ceremonies,” i.e., Moses (*GP* 2 / *ÆC* 3: 956-57 / *CW* 11: 172). In artificially enhancing the distinctiveness of the Jews’ *mœurs*, Moses increased their similarity to one another and their dissimilarity to Gentiles in a way that made them more apt to identify closely with one another.

It is striking that all the conditions favorable to identification that we have delineated—nationally distinctive homogeneity, a small population distributed over a small territory, and the inclusive happiness of rustic and pastoral life—obtain in nascent society.²⁵⁰ These are some of the characteristics of peoples that retain “the simplicity of nature” that make those peoples especially suitable to receiving legislation (*SC* 2.10 / *ÆC* 3: 391 / *CW* 4: 162). In recognizing this, we recognize again that the task of the legislator is partly to preserve or restore certain aspects of the state of nature, albeit in its final and thus least natural stage. Rousseau makes this explicit in a fragment on Corsica, in which he observes that “[t]he Corsicans are almost still in the natural and healthy state” and advises that “much art” will be required “to keep them there” (*CC* / *ÆC* 3: 950 / *CW* 11: 164). And, in the text, he urges

²⁴⁸ See also *DPE* / *ÆC* 3: 254-55 / *CW* 3: 151. Note the partly explicit, partly implicit critique of blood-and-soil nationalism contained in this statement. Patriotism ought not to be based on love of the soil. And the fraternity that it ought to be based on ought to arise from habitual encounters rather than from kinship.

²⁴⁹ This theme runs throughout Chapters II-IV but is particularly emphasized in Chapter III. See also *CC* / *ÆC* 3: 913 / *CW* 11: 133.

²⁵⁰ Note that these conditions tend not to obtain, at least not all together or to a high degree, in most modern nation-states. Along with Rousseau’s insistence on patriotism’s essential connection to republicanism, this consideration casts doubt on the extent to which Rousseau might have hoped for a revival of citizenship on the basis of nationalism. See note 183 above.

them to “return to [their] primitive state” (*CC* / *ÆC* 3: 915 / *CW* 11: 125). This helps to explain Rousseau’s singling out of Corsica as “the one country [in Europe] capable of legislation” immediately after he summarizes the qualities that a people must have in order to be so capable in the *Social Contract*. The quality that Rousseau explicitly attributes to the Corsicans when he does this is the vigor with which they had lately recovered and defended their freedom. Given that Rousseau attributes this same quality to the Poles and, largely for that reason, evinces hope for them, too, the question arises why does he not identify Poland, too, as a European country capable of legislation. We would suggest that it is largely, though not entirely, because the relatively natural conditions characteristic of nascent society that are favorable to identification do not obtain in Poland to the same degree as they obtain in Corsica.²⁵¹ This difference is reflected in Rousseau’s emphasis on the promotion of patriotic pride in his educational recommendations to the Poles. To the extent that conditions there do not favor identification, pride must be relied upon for the promotion of patriotism.²⁵²

Given the conditions that we have identified as favorable to identification, we can understand why Rousseau insists upon the importance of holding regular festivals in his writings on civic education. For the festival brings all citizens together, reminds them of their similarities, and gives them occasion to share in a common happiness.²⁵³ We need now to clarify the source of this common happiness. We acknowledge at the outset that, inasmuch as festivals are made up in no small part of athletic competitions, the happiness to be found in them is not simply or altogether inclusive.²⁵⁴ But, while the citizens who win these

²⁵¹ Smith speculates that, between the time that Rousseau wrote the *Social Contract* and the time that he wrote the *Government of Poland*, he had “become much less pessimistic about modern man’s prospects” (“Nationalism, Virtue, and the Spirit of Liberty,” 410). We accept that the Poles’ defense of their freedom made Rousseau less pessimistic about this, or, to be more precise, we accept that this effectively exempted the Poles from Rousseau’s general pessimism about modern man’s prospects.

²⁵² For a comparison between Corsica and Poland that puts greater weight on their similarities, see Plattner, “Rousseau and the Origins of Nationalism,” 191-92.

²⁵³ On equality in the festival, see Starobinski, *Jean-Jacques Rousseau*, 97-104, esp. 100.

²⁵⁴ This is an important premise in Smith’s alternative account of the educational effects of public athletic competitions with which we took issue above. See note 234 above.

competitions will be happier than the others, the others will not be unhappy. The spectators will be amused in watching the competitions. And the sight of their fellow citizens displaying excellent qualities will give them grounds to take collective pride in their fatherland. As for the participants, all will be pleased to exercise their faculties, and thus to extend their beings through activity.²⁵⁵ The other elements of the festival that we have so far discussed—ceremonies and dramatic spectacles celebrating national heroes—serve as another source of collective pride. And dramatic spectacles serve as a source of common entertainment.

Rousseau's discussion republican entertainments in the *Letter to D'Alembert* suggests that the common happiness of the festival is to be found especially in the simple song and dance that have been at the heart of the festival since its origin in nascent society. For song and dance are, implicitly or explicitly, at the heart of the festival that Rousseau recommends to the Genevans as an alternative spectacle to the theater, a festival that he fondly recounts having witnessed in Geneva as a child, and the practice that he identifies as best exemplifying the Spartan festival, i.e., the model festival (*LD / ŒC* 5: / *CW* 10: 344, 351n, 350-52). In our treatment of the primitive festival so far, we have emphasized the close connection between song and dance and *amour-propre*. While the concern with esteem is hardly absent from Rousseau's description of festive singing and dancing in the *Letter to D'Alembert*, it is, as we will now explain, accompanied by a common happiness that is at once a cause and an effect of identification.

Let us consider the festival that Rousseau recommends to the Genevans as an alternative spectacle to the theater. He writes:

What! Must there be no Spectacle in a Republic? On the contrary, there must be many of them! It is in Republics that they were born; it is in their midst that one sees them shine with a truly festive air. To what peoples is it better suited to assemble often and to form among themselves sweet bonds of pleasure and of joy than to

²⁵⁵ For a discussion of the way that happiness through activity will foster identification in Corsica, see Smith, "Nature, Nation-Building, and the Seasons of Justice," 43-45, 46.

those who have so many reasons to love one another and to remain ever united?
(*LD / ŒC* 5: 114 / *CW* 10: 345)

At this point in the passage, it is not yet clear that the spectacle that Rousseau is recommending to the Genevans is the festival. But this will become clear as the passage continues. We begin here to be confronted with an important ambiguity, to which we will return below, namely, whether the festival is properly understood as an institution of civic education and, thus, as a necessary condition for republicanism or rather as felicitous outcome of republicanism. Our concern with civic education has led us, thus far, to approach it as the former. We have emphasized passages, especially from the *Government of Poland*, in which it is presented in this way. But the festival here comes to sight as an outcome of republicanism at least as much as a condition of it. The festival is possible in well-ordered republics because citizens have reasons for loving one another and remaining ever united—the most basic being that their lives, goods, and freedom are commonly preserved in such republics. Yet the passage also suggests, in keeping with Rousseau’s insistence that the justice and utility of the laws are not themselves sufficient to produce love of the laws, or patriotism, that it is at the festival that they finally come to love and unite with one another most fully. It is at the festival that the sweet bonds of pleasure and joy are formed. Why? What does the festival add to citizens’ preexisting reasons for loving and uniting with one another?

Rousseau continues:

But what finally will be the objects of these spectacles? What will be shown in them? Nothing, if you please. With freedom, wherever the crowd prevails, well-being prevails there also. Plant a stake crowned with flowers in the middle of a square, gather the people there, and you will have a festival. Do better still: make the Spectators a Spectacle; make them actors themselves; do it in such a way that each sees and loves himself in the others so that all might be better united. (*LD / ŒC* 5: 115 / *CW* 10: 344)

Here, it becomes clear that the spectacle that Rousseau is recommending is the festival. The description evokes the primitive festival of nascent society, as described in the *Second Discourse*

and the *Essay on the Origin of Languages*, as well as the rustic festival at Clarens, as described in *Julie*.²⁵⁶ Thus, it strongly implies that what citizens will do once they are gathered together around a stake is sing and dance. This is supported by Rousseau's suggestion that the citizens will themselves constitute the spectacle. They will watch one another sing and dance while they sing and dance themselves.²⁵⁷ Thus, it resonates with Rousseau's subsequent descriptions of the Genevan festival that he witnessed as a child and the Spartan festival, in both of which song, or, more broadly, music, and dance feature prominently.²⁵⁸

It is noteworthy, however, that Rousseau refrains from explicitly stating that they will sing and dance or, for that matter, do anything other than watch one another. We would submit that he thus abstracts from their activity in order to focus our attention on their identification with one another and to suggest that this is itself an important source of the happiness of the festival.²⁵⁹ They may be singing and dancing together, but the important thing to be recognized is that, in doing so, they are extending their beings to one another and giving themselves over to the sentiment of their communal existence. Precisely because of its abstractness, this description brings to light a dimension of the festival that is left in the dark in the descriptions of the primitive festival of nascent society. For, as we have seen, those descriptions emphasize that the festival-goers are moved in their singing and dancing by romantic love and *amour-propre*. Now, surely, these motives would not be absent from the festival that Rousseau envisions for the Genevans. Indeed, both are present and important in

²⁵⁶ See, respectively, *SD* / *ÆC* 3: 169 / *CW* 3: 47; *EOL* 9 / *ÆC* 5: 406 / *CW* 7: 314; *J* 5.7 / *ÆC* 2: 609-611 / *CW* 6: 499. In recognizing the similarity between the festival that Rousseau recommends to the Genevans and the festival at Clarens, we follow Starobinski (*Jean-Jacques Rousseau*, 94-97). Starobinski's brilliant account of the festival—in *Julie* particularly and in Rousseau's writings generally—to which we refer throughout this section, should be consulted.

²⁵⁷ Starobinski, *Jean-Jacques Rousseau*, 96-97.

²⁵⁸ In the Genevan festival that Rousseau witnessed as a child, only some of the citizens were both actors and spectators. Others, such as Rousseau himself, were only the latter.

²⁵⁹ In reference to the festival at Clarens in *Julie*, Starobinski observes, “[h]ere people are not happy because they have come to a [festival]; rather the [festival] is the visible manifestation of the joy they feel in being together” (*Jean-Jacques Rousseau*, 92-93).

the more concrete descriptions of the Genevan festival that Rousseau witnessed as a child and the Spartan festival to which we have been referring. Taken together, Rousseau's various descriptions of the festival suggest that what the activity of singing and dancing entails psychically is some combination of romantic love, *amour-propre*, and self-extension, not only, we should add, through identification but also through activity. Here, we mean to suggest that even just this part of the festival, not to mention the festival as a whole, engages a range of psychic forces conducive to citizenship that extends beyond identification.²⁶⁰

It is no accident that Rousseau emphasizes identification to a greater degree in his descriptions of civic festivals than in his descriptions of primitive festivals. To the extent that citizens can, partly because of other elements of civic education, take pride in themselves as parts of their fatherland, their *amour-propre* is less divisive and therefore does less to oppose their extending their beings to and identifying with one another. In this light, we can see how man's denaturing through civic education, his reconception of himself as a part of a whole, makes it possible for him to experience again, albeit in an artificial way, the natural sentiment of existence to which he might otherwise lose access because of the denaturing he experiences at the hands of history.

The meaning of Rousseau's indications that civic education entails transforming human beings in such a way that they come to depend, or come to feel as though they depend, upon the fatherland for their very existence is clearer in light of the account we have given of the festival. When, through regular participation in the communal practices of the festival, the citizen becomes habituated to extending his existence to his fellows and sensing his existence in the whole that they compose, he comes to "[believe] that he is no longer one but part of the unity and no longer feels except in the whole" (*E* 1 / *ÆC* 4: 249 / *CW* 13: 164). It is partly

²⁶⁰ Scholarly treatments of the festival tend—not without reason—to focus especially on identification and thus to understate some of its more active dimensions. See, e.g., Cullen, *Freedom in Rousseau's Political Philosophy*, 135; Melzer, *Natural Goodness of Man*, 194-95.

in this sense that the man who has undergone civic education and become a citizen “receives...his life and his being” from the “whole” of which he is a part (*SC* 2.7 / *ÆC* 3: 381 / *CW* 4: 155). This is part of why, for the patriotic citizen who loves the fatherland as the source of all that gives value to his existence, life apart from or contrary to the ways of the fatherland is not a “true life” (*PF* 11.2 / *ÆC* 3: 536 / *CW* 4:58). It is a diminished existence. This is not only because he is divided from his fellow citizens, in whom he senses his being, but also because he is deprived of the various activities by which he habitually exercises his faculties and extends and senses his being. He is also deprived of the source of the pride that he takes in himself, not only as a member of the fatherland but also as an individual. In this light we see how communal practices that variously foster pride and self-extension work together to foster patriotism, generalize citizens’ wills, and make virtue reign.

Scholars have insightfully noted a connection between the festival, as characterized in the *Letter to D’Alembert*, and the public person generated by the social contract. Starobinski writes that “[t]he festival expresses, in the ‘existential’ realm of emotion, what the *Social Contract* formulates on the theoretical realm of law.” The dual and reciprocal character of the festival-goers—at once actors and spectators—is analogous to the dual and reciprocal character of citizens—at once participants in sovereignty and subjects.²⁶¹ Cullen and Melzer have gone further than Starobinski, arguing that the festival is not merely an analog to but somehow the realization of the public person. According to Cullen, “[t]he festival accomplishes on the level of feeling what the general will aims at on the level of political right.”²⁶² Melzer, for his part, writes that “[t]he ‘real civil person’ is one, not as a common enterprise but as a festival: a community united by nothing more than *being* together—living and feeling a common existence.”²⁶³

²⁶¹ Starobinski, *Jean-Jacques Rousseau*, 96-97.

²⁶² Cullen, *Freedom in Rousseau’s Political Philosophy*, 135.

²⁶³ Melzer, *Natural Goodness of Man*, 195.

Modifying Cullen's formulation, we would say that the festival accomplishes on the level of feeling what the social contract—as distinguished from the general will—aims at on the level of political right: It brings forth a public person, the existence of which is the necessary and sufficient condition for the existence of the general will. There is an important difference in its genesis, however. In Rousseau's analysis of the social contract, the public person is, as we explained in Chapter 1, born from the convergence of individuals' private wills in relation to a common object, namely, the preservation of their lives, goods, and freedom. Thus, the public person emerges, in this analysis, as a means to private ends which happen to coincide. Viewed in light of the social contract, then, the public person does appear—to draw on Melzer's formulation—as a common enterprise, specifically, as the collective pursuit of collective preservation. The public person appears rather differently in light of the festival because, in the festival, existence is not being preserved. Rather, having been preserved, it is being felt.

The complexity of the status of the festival in Rousseau's political thought is this: In accomplishing on the level of feeling what the social contract aims at on the level of right, that is, in generating a public person on the level of feeling, the festival is at once a means to the end of the social contract and itself the end of the social contract. This will become clearer in light of the ideal image of the legislative assembly portrayed in Book IV Chapter I of the *Social Contract*:

As long as several assembled men consider themselves as a single body, they have only a single will, which relates to their common preservation, and to the general well-being. Then all the springs of the State are vigorous and simple, its maxims are clear and luminous, it has no intertwined, contradictory interests, the common good appears everywhere as evident, and requires only good sense in order to be perceived...A State governed in this way needs very few Laws, and, to the extent that it becomes necessary to promulgate new ones, this necessity is universally seen. The first who proposes them does nothing but say what all have already felt, and there is no question of either tactics or eloquence to have passed into law what each

has already resolved to do as soon as he is sure that the others will do as he does. (*SC* 4.1 / *ÆC* 3: 437 / *CW* 4: 198)

To the extent that citizens' conceiving of themselves as one body is a sufficient condition for the expression of the general will through legislation, and to the extent that the festival leads citizens to do this by giving them the sense of being one body, the festival serves as a crucial institution of civic education and thus as a means to the end of the social contract. In addition to inclining citizens to legislate in accord with the general will, the patriotism fostered in the festival inclines them to obey, enforce, and defend the laws. Loving one another as themselves and loving their communal existence, they will be inclined to obey, enforce, and defend laws that, as they conceive them, express their communal will to the preservation of their communal existence. It is telling, in this connection, that Rousseau should locate this image of the ideal legislative assembly in a relatively natural rustic condition.²⁶⁴ It is a "[troop] of peasants" that he sees thus "regulating affairs of State under an oak and always conducting themselves wisely." In appealing to this condition, and, by extension, to nascent society, where the festival originated, Rousseau gestures toward the connection between the identification induced in the festival and that required for legislation. Indeed, especially given his indication that these peasants are "among the happiest people of the world," one imagines them having turned to lawmaking from singing and dancing around their oak, festival turned legislative assembly (*SC* 4.1 / *ÆC* 3: 437 / *CW* 4: 198).

The complexity of the festival becomes clear in light of Rousseau's indication that the peasant-citizens he describes rarely engage in the legislative activity for which their festivals effectively educate them. Because of the happy conditions in which they find themselves, conditions of which their festivals are at once a cause and an effect, they rarely confront the problems that would compel them to engage in such activity. Here, we see that the realization

²⁶⁴ On similarities between "the society of Clarens" and "the society of the *Social Contract*," see Starobinski, *Jean-Jacques Rousseau*, 85.

of the public person in the festival obviates the necessity underlying the social contract, albeit only partly or temporarily. One might then say that the festival is not so much a means to the solution to the fundamental problem as the solution to that problem. Or rather it is both.²⁶⁵ The festival contributes to the solution to this problem by at once lessening the necessity of legislation and disposing citizens to meet that necessity in accordance with right when they do face it.

Note that the festival disposes them to do this in a way that obviates the necessity for the self-mastery that Rousseau tentatively ascribes to the citizen in Book I Chapter VIII of the *Social Contract*. For, in leading him to sense his existence in and conceive of himself as a part of the whole that he constitutes with his fellow citizens, the festival effectively redirects his inclinations from their natural object, i.e., his private good, to the common good. Thus denatured, he has no inclinations to master in order to fulfill his duties. If civic education were to entail the fostering of patriotic identification exclusively, it would be more accurate to say that it makes goodness reign than to say that it makes virtue reign.²⁶⁶

Now, as we have seen, civic education does not entail this exclusively. For, of course, it is impossible to induce citizens to sense their existences in or conceive of themselves as parts of the whole completely or permanently.²⁶⁷ Yet it is not at all clear from our study of Rousseau's civic educational writings that, on those occasions on which citizens do not sense their existences in or conceive of themselves as parts of the whole, citizens will legislate in accord with the general will or obey, enforce, or defend the laws by exercising moral freedom. Our study has suggested that, on those occasions, Rousseau envisions citizens' doing these

²⁶⁵ In a similar vein, O'Hagan observes that good *mœurs* are good not only as means but also as ends (Rousseau, 155).

²⁶⁶ It is worth noting, in this connection, that Rousseau's definition of virtue in the *Discourse on Political Economy* as "only" the "conformity of the private will to the general" does not determine whether this conformity entails citizens' mastering their inclinations to their private goods or whether it entails citizens' inclinations' being redirected from their private goods to the general good (*DPE / CEC* 3: 252 / *CW* 3: 149).

²⁶⁷ *SW / CEC* 3: 68 / *CW* 11: 68.

things out of a passionate desire to take pride in themselves and to be esteemed by their fellow citizens. To put the point somewhat differently, Rousseauian civic education, as we have come to understand it, aims to limit the occasions on which citizens have no passionate inclination to fulfill their duties, that is, occasions on which the fulfillment of their duties depends upon their exercising moral freedom.²⁶⁸ It remains for us now to discuss one last civic educational measure that Rousseau recommends to this end: civil religion.

IV. CIVIL RELIGION

Thus far, our examination of civic education has shown how, in Rousseau's view, citizens can be taught to fulfill their duties under the social contract—especially to obey, enforce, and defend the laws—voluntarily, and even enthusiastically, by being taught to love their fatherland. Let us now conclude that examination with a consideration of civil religion. In doing so, we return to the question with which we concluded our examination of the preliminary stage of civic education in the last chapter. What becomes of the problematic belief, of which the legislator persuades the people in giving them his laws, that citizens are obligated to enact and obey the laws because those laws express an authoritative divine will, as distinguished from their own general will?

The answer is, in a word, that it disappears. In the second stage of civic education, it is effectively superseded as the basis for dutiful citizenship by patriotism. This is not to say that religious belief disappears altogether from the outlook of the citizen. It is to say, rather, that the religion of the citizen undergoes, or at least is meant to undergo, a transformation in the movement from the first to the second stages of civic education. In this section, we will

²⁶⁸ Marshall has advanced the argument that the statement on moral freedom in Book I Chapter VIII of the *Social Contract* is meant as a rhetorical appeal to pride (“Art d’écrire et pratique politique” Pt. I, 255-61). On this view, the opinion that one has mastered one’s inclinations and passions and lives freely in accord with one’s reason is itself a delusion of pride. Evaluating this intriguing argument would compel us to go far beyond the scope of our study and examine Rousseau’s other writings on moral freedom. Given this, we limit ourselves to the observation that our understanding of Rousseauian civic education is not inconsistent with and might even be taken to support Marshall’s argument.

characterize this transformation and its significance with respect to the limits and possibilities of citizenship by examining Rousseau's account of the civil profession of faith in Book IV Chapter VIII of the *Social Contract*.

Rousseau is so well known for his attack on the irreligious tendency of early modern political philosophy and for his insistence that religion is a necessary part of politics that one is in danger of misunderstanding religion's status in his conception of civic education. This danger can be avoided partly by recognizing some of the differences between the teachings of the first and second stages of civic education. We note at the outset one simple way in which one might expect them to be more similar than they are. Inasmuch as the legislator is effective in persuading the people that they are obligated to enact and obey his laws on the grounds that those laws express authoritative divine will, one might expect that reminding citizens of this teaching and persuading future generations of it would feature prominently in Rousseau's writings on civic education. But it is absent, even, as we will see, from those writings in which he specifically treats civil religion. In the many passages in which he insists upon the necessity of educating citizens to love the laws, he never identifies the belief that the laws express the authoritative will of God or the gods as a resource that might be drawn on to this end. It is as if that resource is unavailable or to be avoided after the laws have been established. To this, we would add that even the alternative beliefs comprised in the civil religion that Rousseau elaborates in Book IV Chapter VIII of the *Social Contract* do not feature prominently in his writings on civic education—in the *Discourse on Political Economy*, the *Government of Poland*, or the *Letter to D'Alembert*. Those beliefs have not come up in our discussion of those writings until now not because we have abstracted from them but because they are largely absent from those writings, at least explicitly. To be clear, our point, again, is not that religion is absent from Rousseau's writings on civic education proper but that it is treated largely in isolation from the other parts of civic education, which, by contrast, are treated together, as we have seen.

Rousseau's manner of treating civil religion in relation to the other parts of civic education is reflective of the merely supplemental role that it takes on in the movement from the first stage to the second stage of civic education. The exact outlines of that role are ambiguous, but its concrete core is clearly identified in Book IV Chapter VIII of the *Social Contract* as the teaching, and profession by citizens of, certain "dogmas of Religion," or, rather, "sentiments of sociability," in which human beings must have "faith" if they are "to be good Citizen[s]" and "faithful subject[s]" (*SC* 4.8 / *ÆC* 3: 468 / *CW* 4: 22).²⁶⁹ Let us set aside for now the important question of the spirit in which citizens are to have faith in these dogmas, or sentiments, in order, first, to identify them and determine why holding them is necessary for being a good citizen and faithful subject.

Rousseau states six such dogmas—five "positive" and one "negative," which are, as he insists they "ought to be," "simple, few in number, enunciated with precision without explanations or commentaries." (He refers to them as "dogmas" rather than "sentiments" when he finally states them.) For now, we limit ourselves to the positive dogmas: "[1] The existence of a powerful, intelligent, beneficent, foresighted and providential Divinity, [2] the life to come, [3] the happiness of the just, [4] the punishment of the wicked, [5] the sanctity of the social Contract and the Laws" (*SC* 4.8 / *ÆC* 3: 468 / *CW* 4: 223, bracketed numbers added). Although Rousseau refrains from explicitly relating the dogmas to one another, one can easily construct a civically edifying whole out of all the parts. The just—those who obey the sacred social contract and laws—are happy in an afterlife, if not in this life, and the wicked—especially, if not exclusively, those who disobey the sacred social contract and laws—are punished in an afterlife, if not in this life, because there is a god who, by dint of his

²⁶⁹ For a brief survey of some of Rousseau's other statements on the content of civil religion and an explanation of the differences among them, see Kelly, *Rousseau as Author*, 37-38.

attributes, is able and willing to maintain a moral order wherein justice ultimately, if not immediately, redounds to happiness.

Rousseau's project in the *Social Contract* is, as he announces it in its first sentences, to discover a "legitimate and sure rule of administration," the institution of which would result in the coincidence of "justice and utility" in "the civil order" (*SC* 1 / *ÆC* 3: 531 / *CW* 4: 131). The importance of thus demonstrating the unity of justice and utility, or, rather, the possibility of their unity, is explained with greater clarity and at greater length at the outset of the *Geneva Manuscript*. If human beings are to be just, it is not sufficient that they be taught "what justice is," they must also be shown "what interest [they] have in being just." Rousseau explicitly arrays himself against those who would show this by taking recourse to religion: "Let us...set aside," he urges, "the sacred precepts of the various Religions the abuse of which causes as many crimes as their use can spare us of, and return to the Philosopher the examination of a question that the Theologian has never treated except to the prejudice of the human race" (*GM* 1.2 / *ÆC* 3: 286 / *CW* 4: 80). What are we to make of the fact that Rousseau's philosophic examination of this question in the *Social Contract* concludes, as we have just seen, with the argument that good citizenship, and therewith the efficacy of the social contract, depends upon faith in the religious dogma that the happiness of the just is guaranteed by divine providence? Is this not a massive concession to the very theologians Rousseau attacks in this passage?

Again, a passage from the *Geneva Manuscript* that Rousseau chose to omit from the *Social Contract* is revealing. Indeed, we would submit that, in the first paragraph of the account of civil religion in the *Geneva Manuscript*, we find the key to unlocking the intention behind the civil profession of faith. Rousseau writes:

As soon as men live in society, they must have a Religion that maintains them there. Never has a people subsisted, nor will subsist, without Religion, and if it were not given one, it would make one for itself or would soon be destroyed. In every state

that can demand of its members the sacrifice of their life, anyone who does not believe in the life to come is necessarily a coward or a madman; but we know only too well to what point the hope for the life to come can commit a fanatic to despise this one here. Take away this fanatic's visions and give him this same hope as the prize for his virtue and you will make a true citizen of him. (*GM / ŒC* 3: 336 / *CW* 4: 117)

Rousseau here indicates the precise duty that citizens will not fulfill unless they hold to the dogmas contained in the civil profession of faith. They will not voluntarily give their lives in obedience to, or in enforcement or defense of, the laws. To the extent that justice, conceived as obedience to and enforcement and defense of the laws, requires that citizens at times risk and, in effect, give their lives, it does not obviously redound to happiness. Subjection to the laws does not obviously result in the preservation of *all*. Hence, if citizens are to be just, they must be persuaded that, should they give their lives justly, they will live again and then be happy. The dogmas of the civil profession of faith are dictated, to a large extent, by this necessity. As reflected by its placement relative to the other dogmas, the happiness of the just is central. If [3] the just are happy, and if [5] justice entails obedience to and enforcement and defense of the sacred laws or, more fundamentally, the sacred social contract, which sometimes entails giving one's life, then there must be [2] an afterlife and [1] a god of such a character as to be able and willing to assure that the loss of happiness incurred by those who justly give their lives is compensated for in that afterlife. It is necessary that citizens also believe that the wicked are punished lest they come to think that happiness can alternatively be achieved through injustice.

What are we to make of the limits and possibilities of civic education in light of the contention that citizens must have faith in an afterlife in which the just are happy if they are to fulfill their duty to risk and even give their lives for the fatherland? Are the motives fostered by the institutions and practices of civic education that we described above too weak to

overcome the need of self-preservation?²⁷⁰ While this contention would seem to imply that the answer is yes, we would suggest a qualification. The need of self-preservation is so strong that the patriotism constituted out of these motives cannot *alone* be relied upon *always* to move citizens to fulfill the duty to risk one's life for the fatherland.

It should be said at the outset that Rousseau's statement in the *Geneva Manuscript* exaggerates man's natural aversion to death. We come back to his distinctive conception of the need of self-preservation, which we elaborated in Chapter 1 on the basis of his suggestion in the *Second Discourse* that man is driven by this need not only to avoid death but also to remain free and that human beings, taken as they are by nature, like animals, will risk and even give up their lives lest they be subjugated (*SD / ŒC* 3: 180-82 / *CW* 3: 56-57). In preserving and strengthening man's natural vigor, civic education can effectively motivate citizens to risk and even give their lives when their freedom under law is threatened.

This is not sufficient, however. For there are occasions on which citizens are, and must be, called upon by the fatherland to give their lives when they might be able to live and even live freely if they shirked their duty. The natural need of self-preservation, even as Rousseau conceives it, could not be relied upon on these occasions. But the institutions and practices of civic education work to limit these occasions and to give citizens more reliable motives when those occasions cannot be avoided. By habitually engaging citizens' drive to self-extension, through activity and identification, in distinctive communal practices, civic education makes it so that citizens derive so much of their existence from and sense so much of their existence in the fatherland that life apart from it or contrary to its ways would be so diminished as not to be worth living. Consequently, deserting the fatherland in order to avoid dying in its service will be unattractive. It will be still more unattractive to the extent that citizens are educated to

²⁷⁰ In the necessity for civil religion, Melzer similarly sees evidence of the limits of the denaturing that can be achieved through civic education (*Natural Goodness of Man*, 197-98; "Origin of the Counter-Enlightenment" 345).

derive their self-esteem from their membership in and service to the fatherland. What is more, the pride they take in themselves and the honor they hope to win from others for serving the fatherland after the fashion of national heroes give them positive motives for dying for the fatherland even in the absence of hope for an afterlife.²⁷¹ Recall the power that, as we saw in Chapter 2, Rousseau attributes to *amour-propre* relative to man's other needs, including his need of self-preservation. All these motives are at work in the outlook that, as we noted above, Rousseau ascribes to the patriotic citizen:

If citizens draw from her [the fatherland] all that can give value to their own existence—wise Laws, simple *mœurs*, necessities, peace, freedom, and the esteem of other peoples—their zeal for such a tender mother will be ignited. They will know no other true life than the one that they take from her, no other true happiness than to use that life in her service; and they will count among its benefits the honor of spilling all their blood for her defense if needed. (PF 11.2 / *ÆC* 3: 536 / *CW* 4: 58)

This statement strongly suggests that, in Rousseau's view, the citizen who has been educated to patriotism does not need to believe in an afterlife in order to risk or even give his life for the fatherland. Given this, the belief in the afterlife and the other dogmas of the civil profession of faith ought, in our view, to be regarded as necessary *supplements* to civic education.²⁷² While it may be *possible* to educate *some* citizens in such a way that they might willingly risk or even give their lives for their fatherland, doing so is extraordinarily difficult. It also takes time. And the security of the fatherland may require citizens to believe in this and the other dogmas of the civil profession of faith for generations before they become such patriots as to be able to dispense with them.

In support of this argument, we observe that the dogmas of the civil profession of faith are carefully composed so that they effectively supplement patriotism as needed without

²⁷¹ If or insofar as the honor citizens hope for is partly posthumous, the hope for honor fostered in their education to patriotism may not be entirely separable from a hope to live on in an afterlife.

²⁷² In our view, then, Strauss overstates the importance of civil religion when he writes that “[o]nly” it “will engender the sentiments required of the citizen” (*Natural Right and History*, 288, emphasis added). We would say, instead, that only civil religion will *guarantee* those sentiments.

in any way disturbing the primacy of the fatherland in citizens' hearts. In this way, the dogmas are dictated by Rousseau's concern to keep citizens from coming under the sway of those fanatical visions of the afterlife, and the happiness to be enjoyed therein, that would lead them to despise this life.²⁷³ Note, for instance, that the afterlife is not described. Note also that the happiness of the just is a distinct dogma from the afterlife. Citizens are not to believe that the just are happy *only* in the afterlife. They are to believe, rather, that those whose justice effectively detracts from their happiness in this life, by compelling them to give up this life, will be duly compensated in an afterlife. There is no indication that the happiness of the afterlife surpasses that of this life in quality or in degree. There is no indication that those of the just who are not similarly compelled to give up their lives for the laws will even live on after death. For it does not necessarily follow from the dogma that there is an afterlife that all will experience it. Those of the just who are happy in this life and whose justice does not compel them to give their lives prematurely will have no need of the afterlife. And, if citizens should ever come to believe that justly dying for the fatherland is not an evil, none of the dogmas of the civil profession of faith will require them to hold that the just live on after death. Now, this is not to argue that Rousseau thinks that, as a practical matter, it is likely that citizens will come to adopt such an outlook, certainly not in all its particulars. It is rather to argue that, inasmuch as the civil profession of faith would, in principle, admit of such an outlook, the profession does not necessitate that citizens become very otherworldly in spirit.

It is telling that the civil profession of faith does not include the dogma that the soul is immortal. Its omission is made conspicuous by Rousseau's reference to it in a footnote appended to his characterization of the dogmas of the civil profession of faith as "sentiments of sociability." In the footnote, we learn that such exemplary citizens as Cato and Cicero held

²⁷³ Here, we take issue with Gildin's claim that the civil profession of faith might foster a "predominant concern with the afterlife [that would lead] to a depreciation of this life and, since political life is part of this life, to a depreciation of political society as well" (*Rousseau's "Social Contract"*, 188).

that “the dogma of the mortality of the soul” is “pernicious to the State” and opposed Caesar’s attempt to establish it. Evidently, Rousseau disagrees. Or it is evident at least that he does not believe that the opposite dogma is so beneficial to the state as to include it in the civil profession of faith. Now, one might object that the immortality of the soul is implicit in the dogma of the afterlife. But the Profession of Faith of the Savoyard Vicar makes clear that, to believe in an afterlife in which the happiness of the just is assured is *not* necessarily to believe that the soul is immortal or that its afterlife is eternal (*E* 4 / *ÆC* 4: 589-90 / *CW* 13: 445).

There is, in the civil profession of faith, a concession to the theologians: there must be an afterlife ordered by a powerful, intelligent, beneficent, foresighted, and provident god if justice is to coincide with happiness in *every* case. But this concession is limited. It does not concede that human beings naturally or necessarily long to transcend the mundanity or the finitude of their lives. The dogmas of Rousseau’s civil religion neither express nor appeal to any longing for such transcendence.²⁷⁴

The this-worldliness of Rousseau’s civil religion appears still more extreme when one considers the spirit in which citizens are to profess it and to be held to account for professing it. Recall that, as we noted in passing above, Rousseau initially equivocates on whether the articles of the civil profession of faith are “dogmas of Religion” or “sentiments of sociability.” He writes, “[t]here is...a purely civil profession of faith the articles of which it belongs to the Sovereign to fix, not precisely as dogmas of Religion, but as sentiments of sociability without which it is impossible to be a good Citizen or a faithful subject.” Here we see that it would be more accurate to say that Rousseau *corrects* his initial characterization of these articles. They are not so much dogmas of religion as sentiments of sociability. The exclusively *civil* character of the profession is remarkable. The articles’ origin, i.e., with the sovereign or the citizens

²⁷⁴ In this respect, the civil profession of faith resembles the Profession of Faith of the Savoyard Vicar from which, as Melzer has shown, this central feature of orthodox Christianity is extirpated (“Origin of the Counter-Enlightenment,” 354-55).

themselves, and their end, i.e., making good citizens and faithful subjects, are purely civic. The footnote in which Rousseau describes Cato and Cicero's opposition to the establishment of the dogma of the mortality of the soul resolves any possible doubt that this means that the grounds on which citizens will, or ought, to hold these sentiments are that they are civically edifying. For, in it, we learn: "in order to refute [Caesar], Cato and Cicero did not waste time philosophizing. They contented themselves with showing that Caesar spoke as a bad Citizen in advancing a doctrine pernicious to the State. This in effect was what the Senate of Rome had to judge, and not a question of theology (*SC* 4.8 / *ÆC* 3: 468n / *CW* 4: 222). To the extent that the sovereign can, as Rousseau emphasizes, rightly demand that citizens profess and act in accord with only those dogmas or sentiments that bear on whether citizens will fulfill their duties, it may seem obvious that citizens should conceive of these dogmas or sentiments in this way. But, upon reflection, one is led to wonder how effective the teaching and professing of these dogmas or sentiments will be if they are conceived of in this way. In order to be effective sentiments of sociability, do they not need to be held as true dogmas of religion? Do they not need to be held on the grounds that they are true rather than merely edifying?²⁷⁵ Otherwise, will they amount to anything more than "a highly attenuated phantom religion"?²⁷⁶

We would submit that understanding Rousseau's other writings on civic education is essential to resolving this perplexity. If or insofar as citizens have been educated to love the fatherland in the ways that we have described, there will be no more compelling testimony to the truth of a proposition than that it is civically edifying. Hence it is precisely because the dogmas contained in the civil profession of faith are effective sentiments of sociability that

²⁷⁵ There is surely something to Kelly's contention that "Rousseau's primary concern is that citizens show respect for certain doctrines" and that he "is less concerned about whether every single citizen actually believes them" (*Rousseau as Author*, 39). But Rousseau would not be concerned that citizens show respect for these doctrines if he did not think that it was important for at least some, if not most, actually to believe them.

²⁷⁶ Beiner, *Civil Religion*, 15.

citizens will have faith in them as religious dogmas. Our argument, then, is that the civil profession of faith ought to be understood not only as a supplement to but also as a kind of effect of civic education.²⁷⁷ Citizens who have been educated to love the fatherland in the ways that we have elaborated will be inclined to believe the dogmas that Rousseau includes in the civil profession of faith, or at least something akin to them. To the extent that it serves as an element of civic education, it is ultimately more negative than positive in character. It is meant to prevent citizens from adopting alternative dogmas that might undermine their patriotism, i.e., the end of the positive elements of civic education that we discussed above.²⁷⁸

Our thought is this: Citizens who have undergone the civic education that we have described but have not become so patriotic that they would be willing to die for the fatherland without hope of an afterlife would be so patriotic that they nevertheless would deeply regret divergences between the demands of justice and the demands of happiness. The patriotism fostered by their civic education would incline them, or at least make them receptive to, the hope that these demands might somehow converge, that to die justly for the fatherland would be to live on happily, for a time, in an afterlife. And this hope for an afterlife would suffice to generate a belief in it. In sketching this line of thought, we again draw insight from the psychology of the Savoyard Vicar. The Vicar professes that his hope that the divergence between justice and happiness in this life might ultimately be rectified suffices to persuade him that there is an afterlife, or that the soul, as immaterial, survives the body, at least for a time: “If I had no other proof of the immateriality of the soul than the triumph of the wicked and the oppression of the just in this world, this alone would prevent me from doubting it” (*E* 4 / *ÆC* 4: 589 / *CW* 13: 445). If the hope to be both just and happy is so strong in the Vicar,

²⁷⁷ This is to differ from most scholars, who treat civil religion as an element of civic education. See, e.g., Gildin, *Rousseau’s “Social Contract”*, 182; Maloy, “Very Order of Things,” 246; Trachtenberg, *Making Citizens*, 240, 242.

²⁷⁸ Hence, it is not a problem that the civil profession of faith is, as Beiner observes, incapable of “positively build[ing] republican citizenship” (*Civil Religion*, 15).

in a man who has not undergone a civic education, as to move him to believe that the condition on which its fulfillment is predicated obtains, it will *a fortiori* be strong enough to move the citizens to believe this.

The Profession of Faith of the Savoyard Vicar also lends support to our insistence that citizens will not, in holding the articles of the civil profession of faith, necessarily live in hope of happiness in another life. For we see in the Vicar's Profession of Faith that he lives in such hope because he sees that justice and happiness diverge in "the present state of things" (*E* 4 / *ÆC* 4: 589 / *CW* 13: 444). And the state of things in the Vicar's time, in eighteenth-century, monarchical Europe, differs radically from the state of things in well-ordered republics where justice and happiness converge to a much greater degree. To the extent that it is because justice and happiness diverge in most of modern Europe that the Vicar lives in hope of the afterlife and that the tutor teaches Emile that "death is the end of life for the wicked and the commencement of that of the just" (*E* 4, 5 / *ÆC* 4: 604-605, 820 / *CW* 13: 457, 635), the citizen need not live in such hope or believe that his life will begin only with his death. In this light, we see more clearly that holding the beliefs required by the civil profession of faith is, for well-educated citizens in a well-ordered republic, compatible with a worldly patriotism.

We add, in support of our argument that civil religion is not only a supplement to but also an effect of civic education, that Rousseau never refers explicitly to citizens' being taught the dogmas of the civil profession of faith, by the legislator, by the magistrates, or by anyone for that matter. Indeed, he indicates nothing about their origin. His reticence on this question reflects an important change of subject that occurs in Book IV Chapter VIII. Rousseau makes a point of indicating that, in turning to elaborating a civil profession of faith, he is "return[ing]" from "political considerations" to "right" (*SC* 4.8 / *ÆC* 3: 467 / *CW* 4: 222). The implication is that he is concerned not with what, as a matter of prudence, ought to be done but rather with what, as a matter of right, may be done. His elaboration of the civil profession of faith,

accordingly, begins and is guided by the question of what the sovereign, i.e., all the citizens legislating in accord with the general will, may rightly demand of themselves as subjects with respect to religion. Of course, inasmuch as this elaboration is also guided by Rousseau's conception of what citizens must believe if they are to fulfill their duties, maxims of politics have not been set aside altogether. From a certain point of view, the distinction blurs to the point of almost vanishing.

Still, in our view, his choice to draw this distinction is not insignificant. Most obviously, it marks off the account of the civil profession of faith from the historical analysis of religion and politics that precedes it in Book IV Chapter VIII. There are two other, less obvious, ways in which it is significant, which are more important for our purposes. First, it underscores the fact that Rousseau is not treating the question of how citizens are to come to learn and profess the dogmas that he elaborates. Thus, it raises the question of civic education. Second, and partly by doing this, it reminds us of the legislator. For it was with the introduction of the legislator in Book II Chapter VI that Rousseau turned from treating principles of political right to maxims of politics. Although principles of political right are not set aside altogether in the intervening chapters, they do give way, as the theme of those chapters, to maxims of politics. Rousseau's indication that he is *returning* to principles of political right prompts us to recall the point at which he turned from them, which is to say, the point at which he introduced the legislator and his work of civic education. So, we take this indication as being intended partly to prompt us, first, to wonder how citizens are to come to establish and profess the dogmas that Rousseau articulates and, second, to look to the account of the legislator and his work of civic education for the answer.

The answer may at first seem to be supplied straightforwardly by the persuasive appeal to divine authority by which the legislator gets the people to submit and thus effectively to consent to his laws. Indeed, all, or at least almost all, of the positive dogmas of the civil

profession of faith are present in the teaching of divine authority that we constructed in the last chapter. There is a certain ambiguity in the case of the fifth positive dogma—“the sanctity of the social Contract and the Laws”—however. The ambiguity concerns the basis of the laws’ sanctity. According to the legislator’s persuasive appeal to divine authority, the laws are sacred because they express the will of transcendently authoritative divinity. The association of the laws and their sanctity with the social contract and its sanctity implies, rather, that the laws are sacred because they express the general will that is made authoritative by the social contract. Note, in this connection, that the first dogma does not characterize God as the author of the laws. Taken together, the dogmas of the civil profession of faith imply that God merely supports the laws by attending to the fate of the just and the wicked in the afterlife and that he does this because even he recognizes and is moved by the sanctity of the general will, or the social contract that authorizes it. Hence, in prompting us to reflect on the relation between the appeal to divine authority by which the legislator subjects the people to his laws and the civil profession of faith, Rousseau leads us to recognize that, as we argued in the last chapter, the religious opinions fostered by that appeal oppose the full realization of his principles of political right and must therefore be modified after the founding.²⁷⁹

Thus, the *Social Contract* concludes with a final subtle indication that, in order to complete one’s understanding of the limits and possibilities of civic life, as Rousseau conceives them, one is required to turn especially to his writings on civic education. For, as we have shown, it is in these writings that Rousseau discloses how the problematic foundation for citizenship laid in the preliminary stage of civic education might be replaced by a more legitimate and more sure foundation in civic education proper, how citizenship founded on dutifulness to divine authority might give way to citizenship founded on patriotism.

²⁷⁹ Here, we would modify O’Hagan’s suggestion that the fifth positive dogma of the civil profession of faith “endows the legitimate political order with a continuing sanctity inherited from the Foundation Myth of the Lawgiver” (*Rousseau*, 227). It does this, but it implies a reconception of the basis of its sanctity.

Conclusion

The practical realization of political right depends upon the transformation of human beings into patriotic citizens. If they are reliably to exercise their rights and fulfill their duties under the social contract—under the convention that would effectively legitimate human subjection—citizens must be educated to conceive of and love their republic as their fatherland, that is, as the source of their existence, or of the value of their existence. More specifically, they must be educated to conceive of and love the laws of their republic as the fundamental cause of their fatherlands, and therewith of their existence or the value of their existence. This is, in a word, Rousseau’s teaching on the importance of civic education. Now that we have elaborated this teaching and uncovered its grounds, it remains for us briefly to reflect on what this teaching means for us, for liberal democrats discontented with civic life in our republic.

First, and most basically, it should lead us to reflect on the possibility that some of the problems about which we are discontented might be the effects, at least in part, of our characteristic inattention to the moral character and civic knowledge of citizens. The overwhelming emphasis of education in the United States, from kindergarten to the university, is on the development of cognitive skills, such as the much-vaunted capacity for critical thinking, and the accumulation of technical knowledge. For its overwhelming goal is to enable men and women to find employment in a highly competitive, global economy and, in so doing, to make livelihoods for themselves and their families. To the extent that supporting oneself and, thus, not burdening one’s fellow citizens is an important part of what it means to be a good citizen in a republic, this kind of education is hardly without a civic purpose. But to the extent that this is only part and not the whole what it means to be such a citizen, it is, at best, incomplete.

What is worse, this kind of education can foster the excessive private-spiritedness, vanity, and love of material well-being that threaten to prevent citizens in modern societies from exercising their rights and fulfilling their duties. This means that the kind of education that prevails in America today stands in need not only of being completed but also of being counteracted. The challenge entailed in counteracting a regime's excessive or defective tendencies is great. The particular challenge entailed in counteracting the *moral* excesses and defects of *contemporary liberal democracy* is especially great. For liberal democracy tends to make citizens averse to public efforts at moral formation, even as directed toward liberal-democratic civic ends. This is itself one of liberal democracy's characteristic excesses or defects.

In addition to having civically deleterious moral effects, the overwhelming emphasis on the development of cognitive skills and the accumulation of technical knowledge leaves little time for education that is civic in content. Most learn little about our republic, about the principles of right underlying it, about its Constitution, about its history and its heroic statesmen and citizens. And the spirit in which the young are taught about these things often discourages patriotism more than it encourages it. Now, to be clear, this is not to argue for simply or altogether ignoring or denying the aspects of our republic and its history that have been or still are unlovable. It is to argue rather that our recognition of these things ought always to be qualified by a recognition of the many aspects of our republic and its history that are lovable, and, no less importantly, by a recognition of the remarkable ways in and extent to which our republic has, over the course of its history, rid itself of what is unlovable about it by drawing on what is lovable about it.

Our awareness of the civically problematic character of the kind of education that prevails in America today has been made more acute by our study of Rousseau's writings on civic education. For an elemental argument of these writings is, as we have seen, that the kind of education upon which republican citizenship most depends is that which attends to the

moral formation and transmission of civic knowledge that we tend, at best, to neglect and, at worst, to undermine. One might here object that this criticism is inapposite: The republican citizenship that depends upon the kind of education that does attend to these things differs from liberal-democratic citizenship. We readily grant that there is something to this objection. But we just as readily would insist that, in at least some ways and to at least some extent, liberal-democratic citizens must, like the citizens contemplated in Rousseau's republicanism, will the common good and somehow recognize what it consists in or requires. If or insofar as Rousseau conceives of civic education as a means of getting citizens to do these things, the critical light that his thought sheds on contemporary American education is not rendered inapposite by his other criticisms of liberal democracy.

What we propose is that we look to Rousseau not so much for a program of civic education that might be enacted in all its particulars as for a spirit that might guide us in remedying some of the liberal-democratic pathologies that afflict American education. This spirit would point us in the direction of the kinds of remedies that might be in order. Characterized generally, these remedies would include educational measures that appeal to citizens' passions in ways that lead them to conceive of themselves as parts of a national community and that lead them to esteem and love this community and, in turn, to look to it for esteem and love. In doing these things, these measures would always put republicanism and the Constitution at the heart of citizens' conception of the national community.

No less important than the practical guidance that we might thus take from Rousseau's writings on civic education is awareness of the necessary limits of citizenship in liberal democracy, which we also can take from these writings. To the extent that we, as modern liberal democrats, are unable or unwilling to undertake the kind of civic education elaborated by Rousseau, our public-spiritedness will fall short of the models of citizenship held out by him. It may be that this is a price worth paying for all the good things that come with liberal

democracy, or that it is a price that we cannot help but pay given our circumstances. Still, it is important for us as citizens and as human beings to be clear-sighted about the limits and possibilities of our regime and its way of life. That the study of Rousseau's thought should help us to achieve such clarity may be what most recommends it.

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Note on the Citation of Rousseau's Works

The translations of Rousseau's works quoted herein are my own. However, I cite the English translation in the *Collected Writings of Rousseau* in addition to the original French from the standard Pléiade edition. The titles of Rousseau's works are abbreviated as indicated below. To explain my system of citation by way of an example, the citation (*SC* 1.8 / *ÆC* 3: 365 / *CW* 4: 142) refers to a passage from Book I Chapter VIII of the *Social Contract* which can be found in the original French on page 365 of Volume III of the *Œuvres Complètes* and in English translation on page 142 of Volume IV of the *Collected Writings*. Where I refer to entire works or subsections of works, I cite the works or subsections without identifying pagination in English or French.

Abbreviated titles:

C- Confessions

CC- Plan for a Constitution for Corsica

D- Rousseau Judge of Jean-Jacques: Dialogues

DM- Dictionary of Music

DPE- Discourse on Political Economy

E- Emile

EOL- Essay on the Origin of Languages

FD- First Discourse

GM- Geneva Manuscript

GP- Considerations on the Government of Poland and Its Planned Reformation

J- Julie, or the New Heloise

LD- Letter to D'Alembert

LF- Letter to Franquières

LM- Letters to Malesherbes

LV- Letter to Voltaire

LWM- Letters Written from the Mountain

PF- Political Fragments

PN- Preface to Narcissus

R- Reveries of the Solitary Walker

SD- Second Discourse

SC- Social Contract

SW- State of War

VF- Various Fragments

VH- Discourse on the Virtue Most Necessary for a Hero