

# *Governing a Republic: Rousseau's General Will and the Problem of Government*

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ROUSSEAU REVEALED HOW THE POLITICAL RELATIONSHIP on which a republic is founded is typically different from the religious, economic, ethnic, and domestic links that connect men and women in society to one another, but he did so by exacerbating the contrast between commerce and virtue. In his sharp critique of political representation, he utters some of the harshest words ever pronounced against commerce and finance: “Give money and you soon will have chains. That word *finance* is a slave’s word; it is unknown among citizens. In a country that is really free, the citizens do everything with their hands and nothing with their money.”<sup>1</sup> In the tradition begun by Rousseau and illustrated by French republicanism, Republican politics is thus opposed to commerce: the citizen’s dependence on all citizens is opposed to dependence on particular men and women who are linked by commercial exchange. That opposition, amongst others, would have fully justified Rousseau’s inclusion in Pocock’s Atlantic Republican tradition.<sup>2</sup>

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A first version of this article was published as “Gouverner selon la volonté générale: la souveraineté selon Rousseau et les théories de la raison d’État,” *Les Études philosophiques* 3 (2007): 463–79. The present version, partially translated by Aron Freeman, whom I would like to thank, has been much transformed after the discussion that followed its presentation at the Clark Memorial Library on April 10, 2009. For their stimulating suggestions and questions, my thanks also go to Margaret Jacob, Wijnand Mijnhardt, and Catherine Secretan. When the title of a book is only given in French, the translations of the quotes are mine.

<sup>1</sup> *The Social Contract*, bk. 3, chap. 15, trans. H. J. Tozer (Ware: Wordsworth, 1998), 95 (hereafter cited as *Social Contract*); *Du Contrat social*, in *Œuvres complètes*, ed. B. Gagnebin and M. Raymond (Paris: Gallimard, 1964), 3:429 (hereafter cited as *Contrat social*): “Ce mot de *finance* est un mot d’esclave; il est inconnu dans la Cité. Dans un Etat vraiment libre les citoyens font tout avec leurs bras et rien avec de l’argent.”

<sup>2</sup> See Jean-Fabien Spitz’s comment at the end of his preface to the French translation of *The Machiavellian Moment*: “La France du XVIIIe siècle est indéniablement la grande absente de la synthèse opérée par *Le moment*



Foisneau, Luc. “Governing a Republic: Rousseau’s General Will and the Problem of Government.” *Republics of Letters: A Journal for the Study of Knowledge, Politics, and the Arts* 2, no. 1 (December 15, 2010): <http://rofl.stanford.edu/node/70>.

Not surprisingly, that opposition and the political exclusion of commerce it entails were the main targets of Rousseau's liberal critics: it was all too tempting for them to assert that the contractual relationship that creates Rousseau's citizen does not actually exist and that the only things that exist in reality are the personal relationships that turn the abstract citizen into a socialized person. From the perspective of a theory of government, central to the present paper, a classic liberal critique of Rousseau might add that republicanism's failure lies in the fact that, since Rousseau's de-socialized citizen is an abstraction and abstract beings cannot be governed, Rousseau was insufficiently, if at all, aware of the dangers of a government implementing an absolute sovereignty.<sup>3</sup> If it is man in society, and not the citizen in the republic, who is to be governed, then the very idea of a republican government seems compromised. Nevertheless, those wishing to take French republicanism to task for incoherence should first carefully examine the implications of Rousseau's idea of a government according to the general will.

What does governing according to the general will mean? It means, first, that political institutions should serve the community of citizens and not the most powerful social minority; it means, second, that the government's mission, if it is republican, is not to amass state power and wealth for itself, but to ensure that this economic and social power is best suited to the desire for equality expressed by the general will.

In contrast with the widespread notion of the abstract nature of Rousseau's republic, I would like to stress in the first part of my article that the general will—that is, the sense of the general interest—needs to be forged, shaped, and strengthened by specific institutions that are always linked to a concrete society, to a particular history and to determinate places. This particularization of the general will is both a condition for the very possibility of a republican government and a first response to the accusation of abstraction put forward against Rousseau by his liberal critics.<sup>4</sup> However, that first approach also constitutes a source of theoretical difficulties that I would like to contemplate, in the second part of my article, by analyzing what I call the anarchistic objection to the idea of a republican government. Finally, in response to the argument that Rousseau's general will would be ungovernable, because he didn't understand the techniques of government available in his time, I shall try to show that Rousseau actually appropriated concepts that originated in the anti-republican theories of reason of state and used them in his own theory of government.

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*machiavélien*. Rousseau et Mably paraissaient pourtant bien placés pour prendre place dans la cohorte des penseurs républicains égrenée par Pocock, sans parler de Tocqueville, dont l'un de ses commentateurs les plus pertinents a récemment qualifié l'œuvre de 'dernière grande expression théorique de l'humanisme civique' [i.e., J.-C. Lamberti]" (J. G. A. Pocock, *Le moment machiavélien* [Paris: Presses Universitaires de France, 1997], xliii–xliv).

<sup>3</sup> A liberal critique of Rousseau, such as Constant's in his *Principles of Politics*, defends the general will as the only legitimate basis for civil laws, but contests that it could justify an absolute government. See Benjamin Constant, *Principes de politiques*, Préface de T. Todorov (Paris: Hachette, 1997), 41: "L'on ne peut donc reconnaître à la société que des droits qui puissent être exercés par le gouvernement sans devenir dangereux. La souveraineté étant une chose abstraite et la chose réelle, l'exercice de la souveraineté, c'est-à-dire le gouvernement, étant nécessairement remis à des êtres d'une autre nature que le souverain, puisqu'ils ne sont pas des êtres abstraits, il faut prendre des précautions contre le pouvoir souverain, à cause de la nature de ceux qui l'exercent, comme l'on en prendrait contre une arme trop puissante qui pourrait tomber entre des mains peu sûres."

<sup>4</sup> The abstract nature of the republican citizen would also be a major theme of counterrevolutionary thought—Burke, Joseph de Maistre, etc.—which considered the revolutionary leaning to abstract thinking to have been the cause of the Terror's reign during the French Revolution. But I prefer to stress here the liberal critiques of Rousseau.

### WHY DID ROUSSEAU NEED TO PARTICULARIZE THE GENERAL WILL?

In order to maintain a sense of common interest, or public good, among citizens, Rousseau believed that the general will needed to be supported by specific institutions. But in order to understand why specific institutions were needed, one must first understand how Rousseau connects the general will with the particular interests of citizens. His stance is not politically naïve: he knows very well that obeying a general rule, especially when it directly contravenes our interests, goes against the crooked timber of humanity. But he also knows that the basis of our obligation to obey the general will, and the laws that proceed from it, is the idea that doing our duty as citizens is also in our best interest: “The engagements which bind us to the social body are obligatory only because they are mutual; and their nature is such that in fulfilling them we cannot work for others without also working for ourselves.”<sup>5</sup> Thus, the “notion of justice”<sup>6</sup> is nothing contrary to man’s nature since it is derived from the political condition of a mutual agreement—“equality of rights”<sup>7</sup>—that is itself “derived from the preference which each gives to himself, and consequently from man’s nature.”<sup>8</sup> Accordingly, if men prefer equality to inequality, and therefore social life to the state of nature, it is because they know for sure that equal rights are in their best individual interests, that is, are the best political conditions for hoping to achieve their particular interests. But therein lies a great difficulty, since the general will can be accepted by all only if they are absolutely certain that it is not derived from particular interests or prejudiced toward particular interests. That condition is very hard to meet, even in political regimes that call themselves democracies, as Rousseau tells us:

When the people of Athens, for instance, elected or deposed their chiefs, decreed honours to one, imposed penalties on another, and by multitudes of particular decrees exercised indiscriminately all the functions of government, the people no longer had any general will properly so called; they no longer acted as a sovereign power, but as magistrates.<sup>9</sup>

What is striking here is the radical opposition drawn by Rousseau between the political requisites of the general will and the “functions of government”<sup>10</sup>: whenever citizens want to use their general will to make particular decisions in the name of the social body, they are condemned to make mistakes and commit injustices toward their fellow citizens. The general will is not the aggregate will of a majority of citizens, but the common interest that unites them all. The conclusion of that reflection on the generality of the general will is that it only remains such as long as it applies to all the citizens belonging to the social body. Since governing a social body implies making particular decisions concerning some groups or particular individuals, there is a legitimate fear that it can never be properly governed or, if it is, that it would cease to be properly general.

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<sup>5</sup> *Social Contract*, bk. 2, chap. 4, p. 32; *Contrat social*, 3:373: “Les engagements qui nous lient au corps social ne sont obligatoires que parce qu’ils sont mutuels, et leur nature est telle qu’en les remplissant on ne peut travailler pour autrui sans travailler aussi pour soi.”

<sup>6</sup> *Ibid.*: “la notion de justice.”

<sup>7</sup> *Ibid.*: “l’égalité de droit.”

<sup>8</sup> *Ibid.*: “dérive de la préférence que chacun se donne et par conséquent de la nature de l’homme.”

<sup>9</sup> *Ibid.*; *Contrat social*, 3:374: “Quand le peuple d’Athènes, par exemple, nommoit ou cassoit ses chefs, décernoit des honneurs à l’un, imposoit des peines à l’autre, et par des multitudes de décrets particuliers exerçoit indistinctement tous les actes du gouvernement, le peuple alors n’avait plus de volonté générale proprement dite; il n’agissoit plus comme Souverain mais comme magistrat.”

<sup>10</sup> *Ibid.*: “actes du gouvernement.”

Rousseau's solution to that predicament is to institutionalize the general will, that is, to use "political institutions"<sup>11</sup> to give to "the deliberations of the community a spirit of equity that seems to disappear in the discussion of any private affair."<sup>12</sup> Rousseau's attachment to the republican way of doing things explains why he preferred institutionalizing the general will to turning it into an art of governing, that is, why he created a theory of law and education rather than a theory of reason of state. That point is crucial because it explains why Constant's critique of Rousseau partly fails to hit its mark when it makes Rousseau's ideas responsible for the revolutionary politics of terror.<sup>13</sup> The danger for individual liberty does not rest in the generality of the general will, but in its inadequate particularization; that is to say, it does not rest in the sovereign power, however "absolute," "sacred," and "inviolable"<sup>14</sup> it is, but in the way that sovereign power is governed.

Since Rousseau approaches the institutionalization of the general will through a theory of law and morals, we shall begin there. The institutional primacy of law serves to overcome what may be called the paradox of political freedom, that is, the paradox of private property in the reign of the general will: ". . . how to force men to defend the freedom of one of them without impinging upon that of the others? And how to meet public needs without altering the particular ownership of those who are forced to contribute?"<sup>15</sup> If it is easy for a republican to proclaim her attachment to the general will, it is often more difficult for her to follow it through to the end at the cost of renouncing part of her ownership. The solution to this problem requires "the most sublime of all human institutions,"<sup>16</sup> namely, the institution of the law. In an ideal republic, public commandments are not, thanks to the legislation in force, perceived to be the expression of the arbitrary nature of the civil authorities but, rather, the manifestation of the general will.

In order for the influence of the general will to be felt down to the smallest cogs of state machinery, the administration of the law must also conform to the spirit and letter of that law. From the general will itself to its application in the tiniest details of public administration, there must be a direct link. There is nothing worse in a state than a gap between the law and the application of the law: all in all, a bad law applied well is preferable to a good law applied badly, or worse still, not applied at all. Indeed, the arbitrariness for which bureaucracy is sometimes criticized dem-

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<sup>11</sup> Rousseau gave up writing a work that was to be called *Institutions politiques* in order to undertake a more limited project known as *Du contrat social*. Cf. *Confessions*, bk. 1, chap. 10, in *Œuvres complètes*, 1:516.

<sup>12</sup> *Social Contract*, bk. 2, chap. 4, p. 33; *Contrat social*, 3:374: "donne aux délibérations communes un caractère d'équité qu'on voit s'évanouir dans la discussion de toute affaire particulière."

<sup>13</sup> Constant, *Principes de politiques*, bk. 1, chap. 6, p. 44: "Il serait facile de démontrer, par des citations sans nombre, que les sophismes les plus grossiers des plus fougueux apôtres de la Terreur, dans les circonstances les plus révoltantes, n'étaient que des conséquences parfaitement justes des principes de Rousseau."

<sup>14</sup> *Social Contract*, bk. 2, chap. 4, p. 33: "Thus we see that the sovereign power, wholly absolute, wholly sacred, and wholly inviolable as it is, does not, and cannot, pass the limits of general conventions, and that every man can fully dispose of what is left to him of his property and liberty by these conventions; so that the sovereign never has a right to burden one subject more than another, because then the matter becomes particular and his power is no longer competent"; *Contrat social*, 3:375: "On voit par-là que le pouvoir Souverain, tout absolu, tout sacré, tout inviolable qu'il est, ne passe ni ne peut passer les bornes des conventions générales, et que tout homme peut disposer pleinement de ce qui lui a été laissé de ses biens et de sa liberté par ces conventions; de sorte que le Souverain n'est jamais en droit de charger un sujet plus qu'un autre, parce qu'alors l'affaire devenant particulière, son pouvoir n'est plus competent."

<sup>15</sup> *Discours sur l'économie politique*, in *Œuvres complètes*, 3:248 (hereafter cited as *Sur l'économie politique*): ". . . comment forcer des hommes à défendre la liberté de l'un d'entre eux, sans porter atteinte à celle des autres? Et comment pourvoir aux besoins publics sans altérer la propriété particulière de ceux qu'on force d'y contribuer?"

<sup>16</sup> *Ibid.*: "plus sublime de toutes les institutions humaines."

onstrates that the application of the law is almost as important as the law itself: giving oneself over to the good will of the administration means giving oneself over to the particular will of its agents and, as a result, disregarding the universality of the law. In order to avoid this bureaucratic drifting of the general will—which could be described as an incorrect particularization of the law—the state must be provided with particular institutions that serve the general will.

His search for this correct particularization was what led Rousseau to state that the legislator's role is to “discover the rules of association that are most suitable to nations.”<sup>17</sup> This is a formidably difficult task that involves adjusting the problem of the universal—that is, giving priority to the general will—to the idiosyncratic characteristics of different peoples: the fact that each of those peoples has different morals, demographics, territory, and history. It is to this problem of adjustment that Rousseau refers when he says that a people must be “instituted.” What does it mean to be “instituted”? It means that he “who dares undertake to institute a people ought to feel himself capable, as it were, of changing human nature; of transforming every individual, who in himself is a complete and independent whole, into part of a greater whole from which he receives in some manner his life and his being.”<sup>18</sup> “Changing human nature” is a vast and somewhat disturbing ambition, especially if we reinterpret Rousseau in the light of twentieth-century history. However, such an anachronistic reading could cause us to make a mistake here: Rousseau does not mean to uproot men from the particularity of their social existence; on the contrary, he means to define the rules that suit their particular morals. Thus, confronted with the task of advising legislators in Poland and Corsica, Rousseau stressed that it was not possible to “institute a people” without accentuating its particular characteristics. In his *Discours sur l'économie politique*, he sets this problem out in terms of government: both for magistrates and for citizens, good government implies always endeavoring to make their particular will conform to what is dictated by the general will. The need for the legislator to write laws bearing in mind particular knowledge of the characteristics of a people should be understood in relation to this injunction to govern according to the general will.

This brings us to a paradox that needs to be emphasized since, despite its generality, the general will requires particular institutions in order to render a people governable. This particularity can be understood as the particularity of every institution in general, which is always linked to a history and a place. This platitude is not, of course, what Rousseau means: the sense of general interest can make a people exist politically only if it makes that people exist as singular. Its singularity lies, therefore, not only in the fact that one people is notoriously different from all others, but in the fact that this difference, coupled with the sense of the people's interest, is likely to make a nation out of that people. For Rousseau, there can be no people without a nation, no general will without national will, no national history without making heroes of the players of that history or without making its territory sacred. If political institutions can help to express a shared sense of general interest, it is because those institutions are particularizing institutions that “form the essence, character, tastes and morals of a people, which make it itself and no other, which inspire in it that fervent love for the motherland based on habits that are impossible

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<sup>17</sup> *Social Contract*, bk. 2, chap. 7, 40; *Contrat social*, 3:381: “découvrir les meilleures regles de societ e qui conviennent aux Nations.”

<sup>18</sup> *Social Contract*, bk. 2, chap. 7, 40, modified; *Contrat social*, 3:381: “Celui qui ose entreprendre d'instituer un peuple doit se sentir en  tat de changer, pour ainsi dire, la nature humaine, de transformer chaque individu, qui par lui-m me est un tout parfait et solitaire, en partie d'un plus grand tout dont cet individu re oive en quelque sorte sa vie et son  tre.”

to uproot, which cause it to die of weariness among other peoples although surrounded by delights of which it is deprived in its own land.”<sup>19</sup> In other words, the will of a people can be general only if it is formed by particular national institutions. In contrast with what his counterrevolutionary critics said, Rousseau, therefore, was greatly concerned with the history of nations and national customs since it is only within a particular history that the general will is realized. But it is also true that this very concern implied that he gave more value to the art of legislation than to the art of governing: “But if it is true that a great prince is a rare man, what will a great legislator be? The first has only to follow the model which the other has to frame. The latter is the mechanician who invents the machine, the former is only the workman who puts it in readiness and works it.”<sup>20</sup>

No doubt that, in Rousseau’s view, the governing prince plays a lesser role than the legislator. But what makes the latter’s part so important? The legislator’s role is, more specifically, to transform the eventualities of history and geography into as many moments and forms as a nation needs: Rousseau thus instructed the Poles to “engrave” the era of the Confederation of Bar,<sup>21</sup> which saved the Poles from the Russian invaders, “in letters that are sacred in every Polish heart”; a monument in its honor must be erected; a regular holiday must be instituted to keep its memory alive “with a pomp that is not shining and frivolous but simple, proud and republican,”<sup>22</sup> and the families of those who had distinguished themselves must be honored. This is where the general will finds itself “caught up,” so to speak, in the particular circumstances of history that lend it its specific national character. On this condition alone can it give rise to a republican government. Modern-day Europeans could ponder—with certain confusion, admittedly—the meaning of Rousseau’s lament: “Today there are no more French, Germans, Spanish, even English, whatever people might say; there are only Europeans. All have the same tastes, the same passions, the same morals, because none has received a national form from a particular institution.”<sup>23</sup> In contrast with what the Fathers of the European Union have taught European citizens since the Treaty of Rome, Rousseau’s Europeans come before the citizens of the individual nation-states and must aspire to no longer exist as such. Yet, is it sufficient to particularize the general will through law and mores in order to solve the republican problem of government?

### THE REPUBLICAN GOVERNMENT AND THE ANARCHISTIC OBJECTION

A major objection targets directly the possibility of a republican government, contesting in absolute terms the idea that the general will can be governed. This objection can be described as anarchistic insofar as it claims to challenge all civil authority on the grounds that the general will, once instituted, can only degenerate into a particular will. Given that particular agents implement it, the civil authorities will systematically be suspected of bypassing the general will to the sole benefit of

<sup>19</sup> *Considérations sur le gouvernement de Pologne et sur sa réformation projetée*, in *Œuvres complètes*, 3:960 (hereafter cited as *Sur le gouvernement de Pologne*).

<sup>20</sup> *Social Contract*, bk. 2, chap. 7, 40; *Contrat social*, 3:381: “mais s’il est vrai qu’un grand Prince est un homme rare, que sera-ce d’un grand Législateur? Le premier n’a qu’à suivre le modèle que l’autre doit proposer. Celui-ci est le mécanicien qui invente la machine, celui-là n’est que l’ouvrier qui la monte et la fait marcher.”

<sup>21</sup> The confederation of Bar “is a famous confederation of the Polish nobles and gentry formed at the little fortress of Bar in Podolia in 1768 to defend the internal and external independence of Poland against the aggressions of the Russian government as represented by her representative at Warsaw, Prince Nicholas Repnin” (*Encyclopaedia Britannica*, 1911 ed., s.v. “Bar, Confederation of”).

<sup>22</sup> *Sur le gouvernement de Pologne*, 3:961.

<sup>23</sup> *Ibid.*, 3:960.

those governing. There can, therefore, be no trust in a political administration which is inevitably corrupt; only a direct appeal to the people would be apt to discover the correct path in politics. By stating that the people's sovereignty would not be represented, Rousseau paved the way, let us say, for that brand of anarchism that considers any authority, whether or not it is elected, to be a negation of the general will. In other words, if popular sovereignty must not be represented,<sup>24</sup> it cannot be governed. We either accept the principle of representation—which is a promise of obedience to the civil authorities—and we are governed by a particular will, or else we refuse such a principle and the general will instantly becomes ungovernable. In order to respond to this criticism, one must accept the following two propositions, as Rousseau encourages us to do: first, “unless there were some point in which all interests agree, no society could exist,” since “it is solely with regard to this common interest that the society should be governed”;<sup>25</sup> second, “it is at least impossible that this agreement should be lasting and constant; for the particular will naturally tends to preferences, and the general will to equality.”<sup>26</sup> With regard to the first idea, it is conceivable that, for a limited period of time, civil authorities would endeavor to respect the general will and to implement laws; as for the second idea, one must come to the conclusion that those same authorities should hold themselves accountable on a regular basis and, in the event of a conflict with the general will, allow their particular will to give way. A good constitution is, therefore, one that remains open to both the possibility of an expression of the general will and the possibility of a government, with the latter thus being judged against the former. The clearest sign that anarchism, which claims to be faithful to the general will and the public spirit, is sophistic by nature lies in the fact that those who criticize instituted powers often intend to take their place. One must, therefore, accept the idea that the leaders' orders can pass for general wills, “so long as the sovereign, free to oppose them, refrains from doing so.”<sup>27</sup> On this point, Rousseau considers the saying, “He who says nothing consents,” to be an indicator of the possible concurrence between the leaders' wills and the general will. The anarchist, in his desire to show that governing a republic is impossible per se, concludes too hastily that such agreement is non-existent rather than rare. In order to correct that anarchistic mistake, Rousseau did borrow some concepts from the anti-republican tradition of reason of state. We'll now try to show how he could do so without compromising his commitment towards republicanism.

### THE REPUBLICAN ART OF GOVERNING AND REASON OF STATE

Rousseau's position on government is summarized in a two-part thesis, formulated for the first time in the *Discours sur l'économie politique*. The first thesis recognizes that there is a difference

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<sup>24</sup> Cf. *Social Contract*, bk. 2, chap. 1, 25: “I say, then, that sovereignty, being nothing but the exercise of the general will, can never be alienated, and that the sovereign power, which is only a collective being, can be represented by itself alone; power indeed can be transmitted, but not will”; *Contrat social*, 3:368: “Je dis donc que la souveraineté n'étant que l'exercice de la volonté générale ne peut jamais s'aliéner, et que le souverain, qui n'est qu'un être collectif, ne peut être représenté que par lui-même; le pouvoir peut bien se transmettre, mais non pas la volonté.”

<sup>25</sup> *Social Contract*, bk. 2, chap. 1, 25 ; *Contrat social*, 3 :368 : “. . . s'il n'y avoit pas quelque point dans lequel tous les intérêts s'accordent, nulle société ne saurait exister. Or, c'est uniquement sur cet intérêt commun que la société doit être gouvernée.”

<sup>26</sup> Ibid.: “il est impossible au moins que cet accord soit durable et constant; car la volonté particulière tend par sa nature aux préférences, et la volonté générale à l'égalité.”

<sup>27</sup> Ibid.: “. . . tant que le Souverain libre de s'y opposer ne le fait pas.”

between sovereignty and government;<sup>28</sup> the second maintains that government must be strictly subordinated to the general will.<sup>29</sup> The distinction between sovereignty and government is not in itself new: we find it in Bodin as early as 1576,<sup>30</sup> but Rousseau gives this opposition a new valence insofar as the emphasis is now on the difference between the sovereignty *of* the people and government *for* the people. This shift in emphasis arises from Rousseau's engagement with theories of reason of state, a tradition of which Bodin could not have been aware since it took shape only after the first edition of his *Six livres de la république*.<sup>31</sup> Sovereignty is expressed through laws, which apply equally to all citizens; government, Rousseau makes clear, is more specifically concerned with individuals as they are subject to the power of the state.<sup>32</sup> One could object that this account is limited since Rousseau's most constant concern seems, as we will soon see, to be with rigorously confining the use of techniques of governance within the boundaries of the law. This limitation of the scope of theories of government presupposes, however, recognition and knowledge of what it intends to limit.

This recognition originates, as in the majority of theories of government since the appearance of Botero's *Della ragion di stato* in 1589, in a critique of "bad" reason of state. This is, of course, the case with the critique of Machiavelli made by anti-Machiavellian theorists of reason of state, but it is also the case with the critique of reason of state itself in one or another of its forms. In fact, Rousseau refuses to take his theory of government down the path of anti-Machiavellianism, for he holds the view that Machiavelli only pretends to give lessons to princes in order to better educate their subjects about virtue.<sup>33</sup> Whether they were inspired by the Florentine or criticized him, the real targets of Rousseau's polemic are those theorists of state secrets who follow the example of Gabriel Naudé and his theory of *coups d'État*. If we apply Rousseau's interpretative grind to Naudé's theory, *coups d'État* have their only legitimate basis in the corruption of the people, that is, the disappearance of the sense of the general will. In other words, to reintroduce into the hearts of men a sense of justice which has deserted them, rulers deem it necessary to resort to extraordinary means and are therefore apt either to terrorize their people or seduce them by appealing to their base instincts<sup>34</sup>

Despairing of the virtue of their fellow citizens, rulers believe themselves obligated to use techniques of government that cannot be publicly justified. It is in this manner that Naudé justi-

<sup>28</sup> *Sur l'économie politique*, 3:244: "Je prie mes lecteurs de bien distinguer encore l'*économie publique* dont j'ai à parler, et que j'appelle *gouvernement*, de l'autorité suprême que j'appelle *souveraineté*."

<sup>29</sup> *Ibid.*, 3:247: "La première et la plus importante maxime du gouvernement légitime ou populaire, c'est-à-dire de celui qui a pour objet le bien du peuple, est donc . . . de suivre en tout la volonté générale."

<sup>30</sup> Bodin, *Les six livres de la république*, bk. 2, chap. 2 (Lyon, 1593; Paris: Fayard, 1986), 34: "Car il y a bien de la différence de l'estat, et du gouvernement: qui est une reigle de police qui n'a point esté touchée de personne: car l'estat peut estre en Monarchie, et neantmoins il sera gouverné populairement si le Prince fait part des estats, Magistrats, offices, et loyers également à tous sans avoir esgard à la noblesse, ni aux richesses, ni à la vertu."

<sup>31</sup> On the influence of Bodin on Botero, see D. Quaglioni, "'Imperandi ratio': l'édition latine de la *République* (1586) et la raison d'État," in Y. Ch. Zarka, ed., *Jean Bodin. Nature, histoire, droit et politique* (Paris: Presses universitaires de France, 1996), 160–74.

<sup>32</sup> *Sur l'économie politique*, 3:244: ". . . distinction [de la souveraineté et du gouvernement] qui consiste en ce que l'une a le droit législatif, et oblige en certain cas le corps même de la nation, tandis que l'autre n'a que la puissance exécutive, et ne peut obliger que les particuliers."

<sup>33</sup> *Contrat social*, bk. 3, chap. 6, 3:409: "En feignant de donner des leçons aux Rois, il [Machiavel] en a donné de grandes aux peuples. Le Prince de Machiavel est le livre des républicains."

<sup>34</sup> *Sur l'économie politique*, 3:253: "C'est alors qu'à la voix du devoir qui ne parle plus dans les cœurs, les chefs sont forcés de substituer le cri de la terreur ou le leurre d'un intérêt apparent dont ils trompent leurs créatures."

fies both the St. Bartholomew's Day massacre and the secrecy surrounding its preparation.<sup>35</sup> Keen to distinguish his theory of government from a theory of *coups d'État* and, more generally, from the tradition of *arcana imperii*,<sup>36</sup> Rousseau therefore condemns "the small and despicable ruses they call *maxims of state*, and *mysteries of the cabinet*."<sup>37</sup> Practices of government in which the bulk of the rulers' energy is spent protecting particular interests through ruses, sterile competition, and blind loyalties to the detriment of the general interest are here roundly criticized.<sup>38</sup> But it is also a certain conception of the politician that is targeted: a virtuous people has no need of those enterprising spirits, those great ministers—so dangerous and so admired—whose glory is to persuade the people that they are working for the general interest when they are contributing to their leaders' best interest.<sup>39</sup> One could cite in this regard the maxims of state found in the *Testament politique* of Cardinal Richelieu, but Rousseau's critique is here more general: it is aimed at the political virtuosity *called forth* by the degradation of civic morality.

However, this bad reason of state does not exhaust the use Rousseau makes of theories of government, as indicated by the distinction he proposes in the article "Économie politique" of the *Encyclopédie* between what he calls "tyrannical" public economy and "popular" public economy. Tyrannical public economy exists where the people and the rulers have different interests; its "maxims . . . are written at length in the archives of history, and in the satires of Machiavelli."<sup>40</sup> One recognizes here again the tradition of bad reason of state, which takes seriously what Machiavelli intends, according to Rousseau, as satire, and sets itself the task of describing secret techniques by which tyrants maintain dominion over their subjects. Conversely, popular public economy—the "good" theory of government—"is that of every State, in which there reigns between the people and the rulers unity of interest and will";<sup>41</sup> such a state is what Rousseau calls, in *Du contrat social*, a "republic," that is, "any State . . . which is governed by laws, under whatever

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<sup>35</sup> G. Naudé, *Considérations politiques sur les coups d'État* (Rome, 1639), ed. L. Marin (Paris: Les Éditions de Paris, 1988), 122: "Il y aura assez de quoi s'étonner parmi tant de barbaries, et de croire aussi que celle de la Saint-Barthélemy n'a pas été des plus grandes, quoiqu'elle fût une des plus justes et nécessaires."

<sup>36</sup> Some authors prefer to speak of *arcana imperii* rather than of reason of state (in French: *raison d'État*). On the use of the former expression, see Christoph Besold in M. Stolleis, *Staat und Staatsräson in der frühen Neuzeit. Studien zur Geschichte des öffentlichen Rechts* (Frankfurt-am-Main: Suhrkamp, 1990), 39 *et seq.* Rousseau might be thinking of the *arcana imperii* – or secrets of state – when he speaks of "mystères du cabinet."

<sup>37</sup> *Sur l'économie politique*, 3:253: "... les petites et méprisables ruses qu'ils appellent *maximes d'état*, et *mystères du cabinet* . . ."

<sup>38</sup> *Ibid.*: "Tout ce qui reste de vigueur au gouvernement est employé par ses membres à se perdre et supplanter l'un l'autre, tandis que les affaires demeurent abandonnées, ou ne se font qu'à mesure que l'intérêt personnel le demande, et selon qu'il les dirige."

<sup>39</sup> *Ibid.*: "Enfin toute l'habileté de ces grands politiques est de fasciner tellement les yeux de ceux dont ils ont besoin, que chacun croye travailler pour son intérêt en travaillant pour le leur; je dis le leur, si tant est qu'en effet le véritable intérêt des chefs soit d'anéantir les peuples pour les soumettre, et de ruiner leur propre bien pour s'en assurer la possession."

<sup>40</sup> *Ibid.*, 247.

<sup>41</sup> *Ibid.*

form of administration it may be”;<sup>42</sup> the government to which it refers is deemed in the *Social Contract* “legitimate” or “republican.”<sup>43</sup>

Yet it is clear that Rousseau’s republican ideal does not represent a complete break with the arts of government present in the practices of European states since their early formation. Here, it will suffice to cite three particularly revealing pieces of evidence. The first concerns the use of the concept of political economy with respect to the government of the State; the second concerns the use of the notion of *rapport* to analyze the relationship between sovereignty and government; and the third concerns the function of population and census-taking as criteria for evaluating the activity of governments.

The first piece of evidence is furnished by Michel Foucault, in his course at the Collège de France on 1 February 1978, when he points out that Rousseau’s problem is to discern how the wise government of the family by the father can be introduced into the realm of the state, even though the two domains are of a different nature.<sup>44</sup> While Rousseau’s solution to the problem of economic governance—that is, political economy—can appear to us extremely weak since it falls squarely within the horizon of mercantilist thought, which subordinates the development of the wealth of the nation to the needs of the State, this takes nothing away from the fact that the question posed by Rousseau was analogous to those asked by specialists and technicians of government.

This problem, which exceeds the strict framework of a theory of sovereignty, even if conceived from the perspective of the general will, was faced directly by the administrators of European kingdoms when they found themselves confronted with the need to measure the relative power of their respective states. The birth of statistics and the development of mercantilism attest to state efforts at rationalization through pathways other than law and political economy.<sup>45</sup> And Rousseau is certainly not mistaken when he opposes the maxims of state inscribed in the “archives of history” to those which “are found only in the writings of those philosophers who dare to proclaim the rights of humanity,”<sup>46</sup> for it is true that one finds the maxims of the art of government writ large in the history of modern state formation. Despite his claims to the contrary, Rousseau also draws upon this idea when he attempts to state what republican government could be. The rights of man are of only secondary importance since he sees fit to make room for the knowledge government has produced about itself before arguing that the arts of government and economics need to seek justification in the humanitarian and philosophical order.

This is precisely what Rousseau does, though in an indirect manner, in the first chapter of book III of *Du contrat social*. Seeking to define the position of government as that of an interme-

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<sup>42</sup> *Social Contract*, bk. 2, chap. 6, 38: “. . . any state . . . which is governed by laws, under whatever form of administration it may be”; *Contrat social*, 3:379: “. . . tout Etat régi par des loix, sous quelque forme d’administration que ce puisse être.”

<sup>43</sup> Cf. *Social Contract*, bk. 2, chap. 6, 39: “Every legitimate government is republican; I will explain hereafter what government is”; *Contrat social*, 3:379: “Tout gouvernement légitime est républicain: j’expliquerai ci-après ce que c’est que gouvernement.”

<sup>44</sup> M. Foucault, *Sécurité, territoire, population. Cours au Collège de France. 1977–1978*, éd. M. Senellart (Paris: Seuil/Gallimard, 2004), 98: “Gouverner un État sera donc mettre en œuvre l’économie, une économie au niveau de l’État tout entier, c’est-à-dire [exercer] à l’égard des habitants, des richesses, de la conduite de tout un chacun, une forme de surveillance, de contrôle, non moins attentive que celle du père de famille sur la maisonnée et ses biens” (“Governing a state will therefore mean establishing the economy, an economy that functions at the level of the entire state; in other words, exercising a kind of surveillance or control over citizens, wealth and the behaviour of everybody, no less attentive than that of a father over his household and possessions”).

<sup>45</sup> Cf. *Ibid.*, 104.

<sup>46</sup> *Sur l’économie politique*, 3:247.

diary body between the sovereign and the state, he is led to reflect, using a kind of “constitutional mathematics,” upon the relationships—in French, *rapport*—that bind these various bodies. To be rigorous, he attempts to theorize the different relationships that can exist between the government and the other two bodies, taking population as his point of departure for simplicity’s sake.<sup>47</sup> The purpose of the exercise is to show how a variation in the size of a population has a calculable impact, so to speak, on the form its government should have. We see here how the idea of a science of government insinuated itself into the arguments of those—the political philosophers—who were the least amenable to accepting it. Aware that the mathematical form of his argument could be off-putting to readers, Rousseau foresees the objection of those who would like to “turn this system to ridicule” by claiming “that in order to find the mean proportional and form the body of the Government, it is . . . only necessary to take the square root of the number of the people.”<sup>48</sup> His response expresses a deep understanding of the complexity of the problems addressed by theorists and practitioners of government: it is not, he writes, only population that must be taken into account when calculating the government suitable for a state, but “in general . . . the quantity of action, which results from the combination of multitudes of causes.”<sup>49</sup> The contention that geometrical precision has no place in moral questions does not do justice to the intuition expressed here; namely, that government can be made an object of exact knowledge only insofar as it must take into account the different variables that compose a state, variables the nascent discipline of statistics is just beginning to measure. If it is true that a country’s population figures do not give a sufficient account of its resources, the census nevertheless provides an indication of the “quantity of action” and work a population is capable of performing, soon to be integrated by economists into a gross national product.

This is also why Rousseau returns to the concept of population in the chapter where he attempts to determine the “signs of good government.” Dismissing the perennial debate about the “best” system as an indeterminate *question mal posée*, he substitutes the more precise question of “signs” of good government. While here he is referring specifically to qualitative and moral signs, the belief that there is a sign incapable of deceiving is one Rousseau shares with other contemporary theoreticians and administrators of government: this sign is a nation’s population. With the goal of political association being the preservation and prosperity of its members, the surest sign that they are preserving themselves and prospering is that they reproduce. Doubtlessly this is an anti-Malthusian riposte *avant la lettre*, but it will always be possible to add other objective indicators to measure the well-being of a people. What is important for our purposes is that Rousseau thinks of government as an adjustment variable in an equation used to calculate a nation’s wealth.

If he sets himself apart from theoreticians of reason of state, it is less through his analysis of government, which he also considers as the function of the quantity of action of a nation, than by the manner in which he integrates the specifically political dimension of the general interest into this calculation. In distinguishing between sovereignty and government, and strictly subordinat-

<sup>47</sup> Cf. *Social Contract*, bk. 3, chap. 1, 59: “To try and give an idea of the different relations that may exist between those two extremes, I will take for an example the number of the people, as a relation most easy to express”; *Contrat social*, 3:397: “Pour tâcher de donner une idée des divers rapports qui peuvent régner entre ces deux extrêmes, je prendrai pour exemple le nombre du peuple, comme un rapport plus facile à exprimer.”

<sup>48</sup> *Social Contract*, bk. 3, chap. 1, 60; *Contrat social*, 3:397: “Si, tournant ce système en ridicule, on disoit que, pour trouver cette moyenne proportionnelle et former le corps du gouvernement, il ne faut, selon moi, que tirer la racine carrée du nombre du peuple, je répondrois que je ne prends ici ce nombre que pour un exemple.”

<sup>49</sup> *Social Contract*, bk. 3, chap. 1, 60; *Contrat social*, 3:398: “. . . les rapports dont je parle ne se mesurent pas seulement par le nombre des hommes, mais en général par la quantité d’action, laquelle se combine par des multitudes de causes.”

ing the latter to the former, he intends to reaffirm the subordination of the modern economy to the sovereignty of the state; but as Foucault pointed out, he does this while relying upon modes of calculation developed by state statisticians themselves. The idea that we can subordinate the economic life of the nation to the principles of justice established by the general will is not an idea widely echoed in the classical liberal tradition.<sup>50</sup> But it is a solution that will leave a lasting impression upon the tradition of French republicanism. [A]

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<sup>50</sup> Naturally, I am not referring to a Rawlsian-type liberalism here.