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Céline Spector

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## **Rousseau's Case against Democracy**

**Céline Spector, Sorbonne Université, SND**

**(translated by Matthew W. Maguire)**

Abstract: In book III chapter 4 of the *Social Contract*, Rousseau takes up the political principle established by Montesquieu in the *Spirit of the Laws* by correlating the form of a polity's government to the extent of its territory: it is impossible, in his view, to answer once and for all the question of the best regime, without considering the suitability of regime types for particular situations. Yet democracy could still have a crucial advantage in Rousseau's system: this kind of government confers most power to the people. A republican state seems to call for a democratic regime. This is why Rousseau's response may come as a surprise: far from being the best form of government, democracy is the worst – or at least it is not suitable for a people of men, not gods. This essay will reassess Rousseau's case against democracy. Why does Rousseau declare that democracy causes, so to speak, « a government without government », and threatens popular sovereignty itself? This paradoxical claim needs to be explained.

Rousseau holds a special place in the history of modern republicanism.<sup>1</sup> On one side, Philip Pettit denounces his « populist » vision of republicanism and refuses to place his conception of the absolute sovereignty of the people at the core of the republican tradition. Even if Rousseau understood freedom as non-domination, he did not stand against the tyranny of the majority and did not provide a right of resistance to the citizenry.<sup>2</sup> On the other, certain more radical democrats like John McCormick deplore Rousseau's timid vision of democracy and his residual elitism as the polar opposite of authentic populism. As his analysis of Roman institutions shows, Rousseau scorns majoritarian procedures and accommodates some privileges of the rich. He advocates in Book IV assemblies in large republics that heavily weigh votes in favor of the wealthy – assemblies which perform both sovereign and government functions.<sup>3</sup> Finally, recent scholarship has often read Rousseau in the light of contemporary theories of democracy. Scholars have identified the importance of continuous popular control in order to avoid a government's slide into tyranny,<sup>4</sup> and they made Rousseau the inventor of a new, modern form of democracy.<sup>5</sup> James Miller even suggests that the Citizen of Geneva disguised his own preference for democracy: since the Golden Age was, for

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<sup>1</sup> I will use the following abbreviations and editions: *Second Discourse* for the *Discourse on the Origin of Inequality* (in Rousseau, *The Discourses and Other Early Political Writings*, trad. V. Gourevitch, Cambridge: Cambridge University Press, 2019), *SC* for *The Social Contract* (in Rousseau, *The Social Contract and other Political Writings*, trad. V. Gourevitch, Cambridge: Cambridge University Press, 2019), *CC* (Rousseau, *Correspondance Complète*, R. Leigh ed., Oxford, The Voltaire Foundation), *Projet de Constitution pour la Corse* (Rousseau, *Affaires de Corse*, C. Litwin et J. Swenson eds., Paris: Vrin, 2018) and *SL* for *The Spirit of the Laws* (Montesquieu, *The Spirit of the Laws*, trad. A. Cohler, Cambridge: Cambridge University Press, 1989).

<sup>2</sup> See Pettit (1997), p. 30; Pettit (2016).

<sup>3</sup> John P. McCormick (2007).

<sup>4</sup> See for example, Spector (2011); De Djin (2018).

<sup>5</sup> Tuck (2016), p. 141.

Rousseau, an era of freedom and democracy, it would be impossible to admit that the *Social Contract* dismissed it completely. Democracy should generally be considered as the best form of *sovereignty*.<sup>6</sup>

But the issue remains: incontestably republican, was Rousseau a true democrat? His distinction between sovereignty and government seems to support republicanism, to the detriment of democracy. If democracy is defined as a government in which the sovereign entrusts the government to the entire people, Rousseau cannot be considered as a champion of democracy. His declared reservations about democracy do not support Miller's reading: while Rousseau did help awaken a new desire for democracy, he was not himself a democrat. His purpose in the *Social Contract* was not only to praise the Genevan regime in its Golden Age. Rather, Rousseau engaged with Geneva's politics only insofar as it could serve his general theory of political right. His skepticism about democratic government in the *Social Contract* should thus be taken seriously.

### *Democracy before Rousseau*

When Rousseau wrote his political masterpiece, democracy was neither considered to be a desirable political regime, nor a viable one in modern states. Since Plato's critique of democracy, many authors had tried to rehabilitate the power of the people and of citizen assemblies, but no important philosopher of the eighteenth centuries defended democracy as the best form of government. Quite the opposite, in fact — its faults were often emphasized. One of the most influential writers of the time, Montesquieu, was convinced that democracy was ill-suited for modern times. For him, a government is democratic if the people as a body have sovereign power and if the people alone make laws directly. In *The Spirit of the Laws*, democratic government is reserved in the main for ancient city-

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<sup>6</sup> Miller (1984), chapter 3 (Miller seems to ignore Montesquieu's influence).

states like Sparta and Athens, or republican Rome. Commercial republics like Holland or Italian city-states could certainly form either democratic or aristocratic republics, but without doubt monarchy was the dominant form of government that fitted large-scale states and the economic conditions of modernity. Democracy could exist only in a small territory with few inequalities because it relied upon political virtue. In England in the seventeenth century, democracy was unable to take hold. Lacking civic virtue, Cromwell's Commonwealth paved the way for a restoration of the monarchy *SL*, III, 3.

For Montesquieu, democracy thus seemed anachronistic, relegated to a bygone era. Before James Madison in *Federalist* No. 10, he considered that modernity supposed political representation, which had the advantage of selecting leaders. Elections should be synonymous with selection: "The great advantage of representatives is that they are capable of discussing public affairs. The people are not at all suited for it, which constitutes one of the great disadvantages of democracy." (XI, 6). Direct democracy, for Montesquieu, was flawed because it was immediate. It was a regime where the people, if they were not enlightened by a Senate, generally decided and acted blindly. Without its decisions being the outcome of reflective deliberation, the citizenry could find neither the appropriate moment nor the appropriate pacing for its decisions. In the *Spirit of the Laws*, representation was thus meant to substitute for the presence of the people by means of a competent elected class, whose representative task consisted in echoing and moderating the claims of the people. Montesquieu considered representative government as a "hybrid of democracy and aristocracy"<sup>7</sup>. For him, like for Aristotle, lottery was democratic, but selecting representatives was inherently aristocratic. On this view, the purpose of representation was to improve upon direct democracy by refining the interests and opinions of the people and preserving reason in popular deliberation.

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<sup>7</sup> Urbinati (2006), p. 69. See Manin (2010), pp. 43-44.

*From the second 'Discourse' to the 'Social Contract'*

Despite of Rousseau's strong critique of representative politics, some of Montesquieu's assessment remains in the *Social Contract* – yet not in the second *Discourse*, more indebted to the republican tradition. In the *Discourse on the Origin of Inequality*, Rousseau gave a positive account of democracy, far from the usual mistrust in the crowd. He refused to identify democracy with the uncheckable power of the people. If the different forms of government owed their origin to the differing degrees of inequality which existed between individuals at the time of their institution, democracy remained closer to the state of nature, and thus to natural liberty and equality. Whereas in a monarchy or in an aristocracy, one man or several men being preeminent in power, wealth, or prestige, became magistrate(s), democracy was formed among a people who had deviated less from a state of nature, and between whose “fortunes or talents were less uneven” (*Second Discourse*, p. 186). In this case, the supreme administration was retained in common. In the *Second Discourse*, Rousseau thus considered that democracy was the form of government that suited men the best, since magistrates and citizens were altogether subject to the laws, and the citizens tried to preserve their liberty without making slaves of their neighbors. Democracy was, according to Rousseau, a state of happiness and virtue where all the offices were at first elective and where the preference was given to merit or age. Yet democracy could not be stable in the long run: because elections had to be frequent, “intrigues arose, factions were formed, the parties grew embittered, civil wars flared up” (*ibid.*). In the course of history, democracy was therefore doomed to become an aristocracy or a monarchy. Magistrates became hereditary and contracted the habit of regarding their offices “as a family possession” and themselves as “the owners of the State”; finally, they regarded their fellow-citizens as their slaves and liberty was lost (p. 157). This was the sad fate of democracy – nevertheless, it did not alter the fact that this form of government, closer to nature, was considered as the best one.

Yet in the *Social Contract*, a few years later, Rousseau became committed to a very different view of democracy. First, he turned away from the conjectural history of governments and from the account of their corruption. Instead, the principles of political right focused on sovereignty: the social contract was not any more a contract between citizens and their magistrates, but a form of political association – a social union by which a multitude became a people.<sup>8</sup> Second, the *Social Contract* now seemed to exclude both democracy and representation – modern representation being a nonrepublican institution because it was a transfer of lawmaking power<sup>9</sup>. Rousseau argued that the deputies of the people could not be its representatives; rather, they were merely its agents. He defended a regime where the people exercised *sovereignty* by ratifying the laws, and *government* functioned best as an elected aristocracy that exercised such laws. As Rousseau understood, popular sovereignty did not entail restoring lottery, which Herodotus, Plato and Aristotle had identified with democracy. According to Nadia Urbinati, Rousseau did not even defend a full-fledged participatory polis; he did not stand against delegated politics, especially in matters of government. Rather, he thought that positions requiring special talents had to be filled by election and performed by the few.<sup>10</sup> Delegation had to be based on consent, since the will of the people was as such impossible to alienate. Focusing on *Social Contract* III, 4, this contribution explores Rousseau’s critique of democracy as *self-government*. To construe this view, I develop three arguments against the idea of a *democratic republic*: democracy is bad in itself, since it identifies sovereignty and government (an argument derived from the principle of democracy itself); its conditions of existence are extremely demanding (a circumstantial argument); and finally, it is ill-suited to the human passions and hence proves to be deeply unstable (an existential argument).

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<sup>8</sup> See Spector (2019), pp. 49-55.

<sup>9</sup> See Urbinati (2006).

<sup>10</sup> Urbinati (2012).

## *Sovereignty and Government*

Book III of the *Social Contract* raises the question of the government after the formation of the Sovereign. Rousseau makes the government subordinate to and the “minister” of the Sovereign (*SC*, III, 1, 85). He defines regimes in the classical manner, according to the number of officeholders in the executive administration. In this way, democracy is the regime where the Sovereign entrust “the charge of government to the whole people or to the majority of the people, so that there be more citizens who are magistrates than citizens who are plain private individuals” (*SC*, III, 3, 91). Rousseau depicts a *continuum* according to the executive power’s degree of concentration. Government is a function taking different relative values according to the *ratio* between the total number of citizens and of magistrates.

Yet joining legitimacy and efficacy is a daunting challenge. On the one hand, legitimacy can only proceed from the general will, to which all particular wills must be subordinated. On the other hand, government is all the more effective when the number of officeholders is smallest. According to this rationale, Chapter 2 of Book III defines the most suitable government: the one which concentrates the particular will and the will of the political body in a single man. Here an irreducible tension appears. While the general will can only be legitimate when it *extends* to the totality of the political body, the government is most effective when it is as *restricted* as possible. The concrete conditions for the exercise of power presuppose a logic opposite of the one pertaining to the exercise of sovereignty. Yet all the difficulty consists in reconciling the strength of the political body with the rectitude of its exercise as legislative power. The more numerous the magistrates, the more their collective will approach the general will and the less strong the risk of corruption is — but their collective efficacy is thereby diminished. Therefore, Rousseau reconsiders the traditional question about forms of government: among democracy, aristocracy, and monarchy, which one can be considered as the best regime?



In chapter 3 of Book III, Rousseau takes up the relativist principle established by Montesquieu by correlating the form of a polity's government with the extent of its territory: "There has always been much disagreement about the best form of government without considering that each one of them is the best in some cases and the worst in others" (*SC*, III, 3, 92). In fact, Book VIII of *The Spirit of the Laws* stipulated that "the natural propensity of small states is to be governed as republics" whereas the middling-sized states were more propitious to monarchy, and the large ones to despotism (*SL*, VIII, 20). For Montesquieu, this law of history rested upon the "principles" or dominant passions that permitted each government to preserve itself. In this way, democracy was supported by political virtue (love of the laws and of the country, of equality and frugality) that could only exist in a small territory, where the public good remained close to the preoccupations of individuals, and where individual minds were not turned away from the fatherland (*SL*, VIII, 16).

While borrowing from Montesquieu his assessment of the proper scale of each regime, Rousseau inflects this principle according to his own method, making use of a mathematical formula that proportions the concentration of power to the number of citizens: "if, in the various States, the number of supreme magistrates be inversely proportional to the number of citizens, it follows that in general, democratic government suits small states, aristocratic government medium-sized ones, and monarchy large ones" (*SC*, 92). The study of each form of government and the analysis of their relative advantages follows this claim.

Nonetheless, democracy could have a decisive advantage in Rousseau's theory. This form of government seems to confer the maximum of power upon the people. Moreover, the people who makes the law should know better how to interpret and apply it. And finally, the republican form of the state seems to agree by its nature with democracy. As much as a republic, a "true democracy" exists only when the people are constantly assembled to attend to public affairs. In the *Letter to d'Alembert*, Rousseau identified republic with democracy: "in a democracy where the subjects and the

sovereign are simply the same men considered under different relationships...<sup>11</sup>. In the *Social Contract* itself, Rousseau understands democracy to possess the advantage of simplicity, since the people, as holders of the legislative power can, by an act of institution, constitute a body that emanates from themselves. As Hobbes had observed in *De Cive's* analysis of original democracy, it is a surprising quality of the political body, that it can achieve a "sudden conversion of sovereignty in democracy". Rousseau follows this line: in this case, "by a new relation of all to the whole, the citizens, becoming magistrates, move from general acts to particular ones, and from the law to its execution" (III, 17). For example, in England, the House of Commons, usually the sovereign Court, can constitute itself in committee to debate current affairs. This conversion of sovereignty into government is at the heart of democracy's institutional apparatus. As Hobbes would suggest, all forms of government proceed from this original democracy. Rousseau mostly agrees with Hobbes' claim:

Such is the distinctive advantage of democratic government that it can be established in fact by a simple act of the general will. After which this provisional government either remains in office if such is the form that is adopted, or it establishes in the name of the Sovereign the government prescribed by the law, and everything is thus in order (*SC*, III, 17, 121).

Rousseau's argument in the *Social Contract* therefore comes as a surprise. Far from being the best form of government, democracy is the worst. At least, it does not suit a people comprised of men. The argument of the *Social Contract* proceeds through three stages. Rousseau provides three successive reasons that invalidate democratic regimes: 1) they are bad in themselves, by creating conflicts of interest, and by generating partisanship, indeed corruption; 2) they are almost impossible actually to put into practice, given that the conditions they assume (variously historical, geographic, and economic) are rare and difficult to combine together, and 3) they are inaccessible to humanity,

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<sup>11</sup> *Rousseau Letter To D' Alembert*, in *Collected Writings*, Vol. 10, 2014, p. 336.

and could suit only a people of gods. Admirable in principle, self-rule is almost impossible to implement.

*Democracy as “Government without a Government”*

First, the apparent advantages of democracy are counterbalanced by its intractable flaws. If the legislative power belongs to the people, “the executive power cannot belong to the generality of the people in its Legislative or Sovereign capacity” (*SC*, III, 1, 84). The identification of the sovereign and the government negates the function of the government, leading to, so to speak, “a government without a government,” that threatens sovereignty itself (*SC*, III, 4, 93). For even if it depends entirely upon the will of the Sovereign, the government must form a body provided with a real life, a “particular self, a sensibility common to its members, a force, a will of its own that tends to its preservation” (*SC*, III, 1, 88). The existence of this body distinct from the state, that Rousseau also calls “the prince” presupposes assemblies, councils, laws, titles and privileges. Yet the worst risk is the corruption of the people, comprising the government, by particular matters. It preoccupies him constantly: “Nothing is more dangerous,” writes Rousseau, “than the influence of private interests in public affairs” (*SC*, III, 4, 93). The law, to be just, must issue from all and apply to all. The general will, to be always right, “constant, unalterable, and pure” (*SC*, IV, 1, 125) must always rule the people as a body, and never only a part of the people, or rule upon a particular matter—without these commitments, its impartiality would be called into question. The *Social Contract*, that takes men *as they are*, cannot pass over in silence the inherent risk of abuse in any exercise of executive power that makes decisions by “decrees,” and therefore risks the corruption of the people.

The utopian character of democracy follows immediately from Rousseau’s conviction that “a genuine democracy in the strict sense of the term never did and never will exist” (*SC*, III, 4, 93). The

assertion is paradoxical: certainly, what Rousseau calls “democracy” does not correspond to historical democracies like Athens, which he viewed as an aristocracy of rhetoricians. Unlike Sparta, Athens constitutes a foil for Rousseau, for there, the people legislated specifically upon particular matters (II, 4). But other historical instances of democracy, like Sparta, the Roman Republic—indeed Calvin’s Geneva—are not mentioned here.

This comment is puzzling. It is all the more curious that Rousseau deems direct democracy impossible, that elsewhere he asserts that to assemble the people is only an obstacle in the imagination of modern peoples, who are already slaves (III, 12). In his unfinished *Constitutional Project for Corsica*, Rousseau even writes that all decay in government occur whenever one separates the body which governs and the body which is governed – which explains Rousseau’s preference for the imperative mandate. In the *Social Contract* as well, Rousseau seems to consider delegation of executive power as a second best, for pragmatic reasons: it is impossible to maintain the people *constantly* assembled, each having to go about their business. Yet he clearly gave us good reasons to think that as soon as a people grow, a government is needed. That the people are sovereign does not imply that the citizenry should deliberate on the particular matters of government. Rather, they must entrust the executive power to the management of magistrates, who in turn are only “officers,” at all times revocable by the Sovereign (*SC*, III, 18, 121). In this case, the delegation of power is in no way an alienation.<sup>12</sup> Ratification defines the form of participation proper to the people: the citizenry is sovereign in the act of approval or refusal, and should appoint and dismiss his trustees whenever he pleases. But the assemblies of the people should not govern. Whereas in the second *Discourse*, Rousseau was wary that pure democracy would turn into aristocracy and finally insensibly into tyranny as the original community grew and freedom was lost, his anxiety about the general tendency of government to usurp sovereignty did not lead to a reevaluation of democracy in the *Social Contract*.

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<sup>12</sup> Urbinati (2012).

In his political masterpiece, Rousseau's first assertion therefore bears upon the mode in which executive power is exercised. Direct democracy is chimerical: "it is against the natural order that the greater number govern and the smaller number be governed" (*SC*, III, 4, 93). In the present case, if democracy appears unnatural, that is because it is impossible that the majority govern the minority while continuously deliberating. Hence the people will have to create, to be more effective, "commissions". In a realistic manner, Rousseau emphasizes that democracy is likely to transform itself into oligarchy.

*The Geographical, Historical and Economic Conditions of Democracy*

A second paradox appears when Rousseau sets forth the conditions of possibility for democracy. These include geographical conditions (e.g., a very small state where the people can easily assemble and where each citizen can know all the others); conditions bearing upon mores (that must be pure and simple; economic conditions; e.g., the suppression of luxury, equality in rank and fortune). Rousseau takes these conditions from *The Spirit of the Laws*, in which the supreme principle of democracy must be civic virtue. Rousseau endorsed this view. Yet he considered that love of the country should support all forms of government:

This is why a famous author declared virtue to be principle of republics; for all these conditions could not subsist without virtue; but for want of drawing the necessary distinctions, this noble genius often lacked in precision, sometimes in clarity, and he failed to see that since the Sovereign authority is everywhere the same, the same principle must obtain in every well-constituted States, more or less, it is true, according to the form of the government (*SC*, III, 4, 94).

Rousseau's reference to Montesquieu must hence be clarified. In *The Spirit of the Laws*, political virtue differs from moral or religious virtue; it expresses the special requirements of democracy. It consists for the citizen in loving the laws even though they are harmful to him, dedicating himself to

the service of his homeland, and feeling an “unbounded zeal” for the public good (VI, 8).<sup>13</sup> Political virtue “is a renunciation of oneself, which is always very arduous.” It can therefore only be sustained thanks to the omnipotence of education (IV, 5). The love of the country brings about a transposition of particular social passions (like greed or ambition) towards a single passion—that of affirming the general good and social norms, which in turn express love of equality and frugality. Minds must be turned toward the same objects, and nourish the same desires: “Each ought to have the same advantages, taste the same pleasures, and nurture the same hopes; something that can only be expected from a general frugality” (V, 3). The preservation of democracies demands the maintenance of public morality: “these consist not only of crimes that destroy virtue, but also omissions, flaws, a certain tepidity in the love of the nation, dangerous examples, the seeds of corruption; that which does not transgress the laws, but eludes them, that which does not destroy them, but weakens them” (*SL*, V, 19). To construe Montesquieu’s argument, these moral conditions are themselves grounded in material ones, namely the size of the republic’s territory. As we have seen, the democratic *ethos* can only be preserved in a state of modest dimensions, where the common good is visible and dear to each citizen, where the individualist temptation is checked (*SL*, VIII, 16). Montesquieu concludes that, without exception, democracy is excluded from large modern states, where economic development brings with it growing wealth and inequality (*SL*, III, 3).

Like Montesquieu, Rousseau opposes virtue and commerce. In the modern world, where the preoccupation of men is private enjoyment, it becomes impossible to demand the public devotion and sacrifice of his interests in favor of the common good. Growing inequality and luxury jeopardize the foundations of love for the country. But Rousseau also differentiates himself from the author of *The Spirit of the Laws*. According to him, Montesquieu omitted the “necessary distinctions” between sovereignty and government, and was blind to the fact that sovereign authority is “everywhere the

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<sup>13</sup> See Spector (2004).

same”: for Rousseau, any legitimate state is republican. Hence, Montesquieu did not perceive that “the same principle must obtain in any well-constituted state”. Since the *Discourse on Political Economy*, Rousseau maintains that virtue is the supreme precondition of the general will: to perceive and follow the common interest assumes giving preference to the general interest over particular interests in cases of conflict.<sup>14</sup> The statement about the preconditions of the democratic regime relates to the conditions for the institution of a people at the end of book II (*SC*, II, 11). Virtue is not only the “spring” of democracy, but of all republics generally.

### *Democracy: for Gods, not Men?*

The third argument against democracy is of a different nature. It focuses not on the *principle* of this regime, nor on its enabling *circumstances*, but on its probable *effects*:

Let us add that there is no government as subject to civil wars and internal turmoil as democratic or popular government, because none tends so strongly and so constantly to change its form, or any that requires greater vigilance and courage to maintain in its own form. It is in this constitution above all that the citizen must arm himself with force and steadfastness, and every day of his life say from the bottom of his heart what a virtuous Palatine said in the Diet of Poland: *I prefer a perilous freedom to quiet servitude* (*SC*, III, 4, 94).

As the classical tradition emphasized — particularly Polybius, who dreaded its transformation into ochlocracy, a regime of violence and brutal force — democracy is an unstable regime. Constant agitation makes it fragile, for factions dominate it. In the *Considerations on the Government of Poland*, Rousseau rejects the path that consists in diminishing the influence of the Senate by increasing the number of envoys, for, he says, “I rather fear that this made for too much movement in the state and brought about an excess of democratic tumult.” Only citizens could temper the risks of an anarchic drift. Rousseau mentions a modern example: in Poland, civic control and courage rise to the level of

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<sup>14</sup> See Cohen (2010).

heroism. He reports the words of a virtuous Palatine who prefers liberty with dangers than a peaceful slavery – which conveys the unswerving preference for the dangers of liberty demanded by the democratic ethos. Far from being bad in itself, as was stipulated at the beginning of the chapter, democracy thus appears as an ideal beyond reach, by reason of its very perfection: “if there were a people of Gods, it would govern itself democratically. So perfect a government is not suited to men.”

In this way, Rousseau’s critique of democracy differs from Plato’s. Plato rejected democracy in the name of a technocratic ideal. As a regime of amateurs, the democratic *politeia* introduces disorder and anarchy; it is a prelude to tyranny. For the author of *The Republic*, democracy is the regime that, under the pretext of liberty, renounces all law and all order, and that, in the name of equality, assigns responsibilities without concern for competence. This form of government, congenial to men, is profoundly unjust since it “distributes a kind of equality that applies just as well to what is unequal as to what is equal,” and assigns honors and powers not with regard to excellence, but in an egalitarian fashion. In a word, democratic equality is blind, and democratic liberty is license. Where the freedom claimed by democrats is the equal power to participate in common decisions, and the refusal of all personal servitude, Plato perceives it as an agent of dissolution for political and psychological order, capable of bringing to power the worst demagogues.<sup>15</sup>

But the *Social Contract* does not uphold any of Plato’s criticisms. Far from dreading license and anarchy, Rousseau notes instead the risks associated with the confusion of powers. His discontent with democracy is caused by the absence of a distinction between legislative and executive power. The *government of the people, by the people and for the people* is not assumed to have an intrinsic capacity for securing political equality, nor for making the best and most legitimate decisions. Rousseau insists not only on the impossibility of popular sovereignty being represented without it being lost, but also on

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<sup>15</sup> Plato, *Republic*, Book VIII. See Williams (2007).



the impossibility of democracy not drifting into anarchy or oligarchy, or even dissolving into civil war. Bad in its essence (by reason of the *partisanship* that it engenders), historically exceptional (because of the *rarity* of its conditions of existence), dangerous by its effects (due to its *instability*), democracy hence appears as the worst form of administration.

In contrast to self-rule, elective aristocracy constitutes for Rousseau the best regime. Not only does the Citizen of Geneva emphasize its sound distribution of powers, but in the wake of Montesquieu he praises the way a Senate could enlighten the citizenry. The *Social Contract* considers an elective aristocracy preferable to democracy for a variety of reasons: it turns elections into the coronation of the best, enables the most virtuous citizens to make an example of their behavior, and organizes itself more efficiently. The aristocratic art of governing assumes readiness, wisdom, and competence. It is more likely to be orderly and stable since the execution of the laws and the handling of diplomacy are entrusted to a small group of senators. If it is necessary to count the votes in the Sovereign Council, one should weigh them in matters of government:

Aristocracy, in addition to having the advantage of distinguishing between the two powers, has the advantage of choosing its members; for in popular government all citizens are born magistrates, whereas this government restricts them to a small number and they become magistrates only by being elected, a means by which probity, enlightenment, experience, and all the other reasons for public preference and esteem are so many further guarantees of being well governed.

Moreover, assemblies are convened more easily, business is discussed better and dispatched in a more orderly and prompt fashion, the State's prestige abroad is upheld better by venerable senators than by an unknown and despised multitude (*SC*, III, 5, 95).

Far from being misleading, these arguments are coherent with Rousseau's defense of absolute popular sovereignty as the only proper foundation of the State. Several subsequent texts confirm Rousseau's mistrust of democracy, or at least insist on the rigorous preconditions of self-rule. If democracy can suit Corsica, whose austere, egalitarian, and frugal mores favor equality, it no longer suits Geneva, which has become a commercial society.<sup>16</sup> To be sure, the *Letters Written from the Mountain*

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<sup>16</sup> See Rousseau, *Affaires de Corse*. On Rousseau and Geneva, see Rosenblatt (1997); Whatmore (2012), pp. 54-97.

seem to introduce a more favorable turn toward this regime, at least in terms of the “Democratic Constitution”:

The democratic constitution has been poorly analyzed up to this point. All those who have spoken of it did not know it, or took little interest in it, or had an interest in presenting it under a false light. None of them had sufficiently distinguished the sovereign from the government, or the legislative power from the executive. There is no state where the two powers are so separated, and where one has been so determined to confuse them. Some imagine that a democracy is a government where all the people are magistrate and judge; others only see liberty in the right of electing its leaders, and only being subjected to princes, believing that the one who commands is always the sovereign. The democratic constitution is certainly the masterpiece of political art, but the more admirable the artifice, the less the eye is able to perceive it.<sup>17</sup>

Yet this by no means indicates that Rousseau supports the most democratic of the Genevan representatives. In a letter to his friend François Condet in February 1767, where he commented upon the constitutional reforms proposed by Paul-Claude Moulto, Rousseau took a position equidistant from the radical democrats and the defenders of oligarchy: “M. Moulto does not want a pure democracy in Geneva, and he is right. I have always said and thought the same thing. Everywhere democratic government is too tempestuous, and above all too agitated in a trading city like Geneva, that makes its living only by industry, where many people are rich, and where everyone is busy.”<sup>18</sup>

The correspondence of Rousseau testifies, therefore, to the search for a compromise in the form of a mixed government. In 1768, Rousseau wrote to François-Henri d’Ivernois: “The Small Council tends strongly toward the harshest kind of aristocracy. Following them to their logical end, the maxims of the representatives lead not only to the excess, but to the abuse of democracy—that is certain. Yet your Republic needs neither the one nor the other.”<sup>19</sup> This is the reason why Rousseau defends the mediating roles of the Council of 200 and the Council of 60, roles that must not be subordinated to the Council of 25. In this way, the people will be able to remain free and the magistrates will be in

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<sup>17</sup> OC, III, Pléiade edition, pp. 837-838.

<sup>18</sup> CC 35, pp. 91-7. See Whatmore (2012), p. 94.

<sup>19</sup> Letter of 9 February 1768, CC, p. 100-107.

charge without being tyrannical. As noted above, Rousseau does not in any way share the positions of Geneva's radical democrats, whom he perceives as harbingers of civil war.<sup>20</sup>

Given these arguments, one ought also to return to the image of Rousseau forged in the French Revolution.<sup>21</sup> Far from attributing the revolt of the sans-culottes and *a fortiori* the Committee of Public Safety to Rousseau's influence, one should reassess his view: the author of the *Social Contract* appears as a partisan of an elective version of executive power. His defense of republicanism and his critique of oligarchic deviations do not constitute unconditional support for direct democracy. If the Great Council, where all the citizens are assembled, holds the sovereign power to make the laws and to name those who govern; if it must be able to assemble without the agreement of the government in order that its sovereignty remains effective; if it must remain master of the form and the officeholders of government—all this does not imply that the citizenry must decide directly on their own affairs. The political role of the people in a republic is not to substitute themselves for the magistrates. For Rousseau, representative government neither seizes power on behalf of elites, nor substitutes the power of the people for the power of magistrates. If Rousseau is a “democrat” in the modern sense of the term, it is because the people, in his eyes, must adjudicate constitutional principles and, as a last resort, ratify the laws, with the magistrates holding their authority only from the people's will.

Despite his harsh criticisms of democracy, it remains the case that Rousseau is considered one of the illustrious forerunners of democratic theory. For political theorists who define democracy by the sovereignty of the people, by self-legislation rather than self-government, the author of the *Social*

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<sup>20</sup> See Rosenblatt (1997); Silvestrini (1993).

<sup>21</sup> Swenson (2000).

*Contract* is clearly a democrat. Rousseau was able to make liberty and equality the two foremost goals of all legitimate Constitutions. Even if he did not counter representation with direct participation, he gave an invaluable impulse to democratic theory.

Recent reassessments of Rousseau are stimulating for this very reason. They reevaluate his contribution to theories of participative or deliberative democracy. As early as 1970, Carol Pateman praised Rousseau's insights about political participation — highlighting the need for educating the people, controlling the collective decision-making process, fostering social cohesion —, in the education of the people, the control of the collective decision-making process, and the cohesion of the community.<sup>22</sup>

Today, theories of deliberative democracy are far from denying this heritage. Rousseau is, for this school of thought, simultaneously a central and ambivalent point of reference. The advocates of deliberative democracy (Joshua Cohen, David Estlund, Seyla Benhabib, among others) struggle with the apparent absence of collective deliberation in the silent assembly of the *Social Contract*: decisions are just and accurate as long as they are made by individuals who do not communicate before they vote according to the general interest. Yet political theorists like to claim Rousseau as one of their own. The philosopher is invoked as a forerunner in their interpretation of the democratic ideal as the promotion of the common good, the protection of political freedom, and the search for unanimity by deliberation, against the aggregative model of democracy.<sup>23</sup> Instrumental and incomplete, their references to Rousseau are all the more surprising since their goal is to transpose Rousseau's theory into complex and pluralistic societies. But their praise is not altogether pro forma: in drawing upon a possibility that Rousseau appeared to have rejected — that of collective deliberation — theories of

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<sup>22</sup> Pateman (1970), pp. 22-27.

<sup>23</sup> Girard (2010).

deliberative democracy strive to overcome the aporias of Rousseauian politics (the indeterminacy of the general will when it is not expressed by the will of the majority, the paradoxical thesis by which it is sometimes necessary to “force men to be free”<sup>24</sup>). At the least, they succeed in reconnecting with the political intention of the *Social Contract*—that is, to renew democratic theory in its full depth.

Further testimony to this continuing vitality of the dialogue with Rousseau is given by the polemical exchange between Bonnie Honig and Seyla Benhabib.<sup>25</sup> Benhabib rejects what she perceives as Rousseau’s solution to the *paradox of democratic legitimacy*, in which the general will is separated from the will of all. Certainly, Rousseau’s legislator tries to solve this problem associated with the procedural conditions of democratic autonomy. Because the people can be wrong about the content of the common good, the lawgiver has a dual function, *cognitive* and *emotional*. On the one hand, he must thwart the illusion of the near and the attraction of pleasure that prevail in the multitude, above all at the founding moment (II, 6). On the other, the lawgiver’s mission is to train the “social spirit” which should preside over the political institution. But this solution, for Benhabib, is no solution at all, for the lawgiver incarnates an idealized figure of non-deliberative reason: in this way, legitimacy seems to be sacrificed. Not only does Rousseau betray his promise of autonomy, but his theory lacks a genuine moral perspective (i.e., a universalizable one) that protects the legitimacy of democratic procedures. Yet in this quarrel, Bonnie Honig plays Rousseau against Seyla Benhabib. Of course, the people never have the virtues and qualities required to allow democracy to function in its ideal form. The people are always present/absent on the democratic scene: democracy should precisely make this wise people happen.

Rousseau is hence not an incomplete or inferior thinker compared to Kant. If his politics does not proceed to the ideal or to the universal, it is doubtless because he wishes to impart another vision,

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<sup>24</sup> See Spector (2015).

<sup>25</sup> Benhabib (1994), and Honig’s response (2007).

one closer to the political realm, with its contradictory dimensions and its conflicting aspirations. That the material conditions of popular sovereignty are impracticable today does not make their exposition less instructive. According to Bonnie Honig, it remains true that under strongly unequal material conditions, it is impossible to commit oneself to a supposed “common good.” The *Social Contract* also shows that nothing allows us to conflate once and for all the general will and the will of all. At its best, democratic politics can set up the material and cultural conditions that mitigate their divergence or their conflict. Instead of taking leave of politics by regulative ideals or fictions, one should remain bound to the real dominion of politics. *Law, people, general will, deliberation*, remain haunted by their contraries — *violence, multitude, will of all, decision*. If only for this reason, we still need to revisit Rousseau.

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