

**Études** | **Studies**  
**sur le** | **on the**  
***Contrat*** | ***Social***  
***social*** | ***Contract***

Actes du Colloque de Columbia  
(29-31 mai 1987)  
publiés et  
présentés par

Proceedings of the  
Columbia Symposium  
(29-31 May 1987)  
edited by

**Guy Lafrance**

Pensée libre, n<sup>o</sup> 2

Association nord-américaine des études Jean-Jacques Rousseau  
North American Association for the Study of Jean-Jacques Rousseau

Ottawa  
1989

**Données de catalogage avant  
publication (Canada)**

**Vedette principale au titre:**

**Etudes sur le Contrat social = Studies on  
the Social contract**

**(Pensée libre ; no 2)  
Texte en français et en anglais.  
Comprend des références bibliographiques.  
ISBN 0-9693132-1-7**

**1. Rousseau, Jean-Jacques, 1712-1778.  
Contrat social--Congrès. I. Lafrance, Guy  
II. Association nord-américaine des études  
Jean-Jacques Rousseau. III. Titre: Studies  
on the Social contract. IV. Collection.**

**JC179.R9E88 1989 320'.01 C90-090062-8F**

**Canadian Cataloguing in  
Publication Data**

**Main entry under title:**

**Etudes sur le Contrat social = Studies on  
the Social contract**

**(Pensée libre ; no. 2)  
Text in French and English.  
Includes bibliographical references.  
ISBN 0-9693132-1-7**

**1. Rousseau, Jean-Jacques, 1712-1778.  
Contrat social--Congresses. I. Lafrance,  
Guy II. North American Association for  
the Study of Jean-Jacques Rousseau. III.  
Title: Studies on the Social contract. IV.  
Series.**

**JC179.R9E88 1989 320'.01 C90-090062-8F**

Ouvrage publié grâce au concours de l'Association nord-américaine des études Jean-Jacques Rousseau et grâce à une subvention du Conseil de recherche en sciences humaines du Canada.

The publication of this volume was made possible by the co-operation of the North American Association for the Study of Jean-Jacques Rousseau and by a grant from the Social Sciences and Humanities Research Council of Canada.

© Association nord-américaine des études Jean-Jacques Rousseau / North American Association for the Study of Jean-Jacques Rousseau, 1989

ISBN 0-9693132-1-7

## ROUSSEAU THE LEGISLATOR

In a previous paper<sup>1</sup> I have argued that, as a result of his “illumination” on the road to Vincennes, Rousseau believed himself to be chosen by God to carry out the mission of redeeming mankind. This present paper will attempt to show that Rousseau saw his role as that of a legislator in the antique tradition.

In order for Rousseau to fulfill his destiny he had to have faith that the redemption of mankind was possible. Some critics, however, have drawn attention to a fundamental strain of pessimism in Rousseau’s writings that belies any suggestion of confidence in the future,<sup>2</sup> and it is true that, in the later years, he would come to doubt that he was divinely inspired. But the period between the Vincennes episode and his exile from France is characterized by the notion that society could be reformed and that he was the one singled out by providence to point the way. Although, like the ancient prophets, Rousseau railed against his time, he did so in the expectation (later understood as naïve)<sup>3</sup> that his message would be heard, understood and acted on, if not everywhere at least in Geneva. These, then, were the years of optimism, based on the idea that the lessons of the old republics might

- 
1. “The Role of Providence in Rousseau’s Revelation on the Road to Vincennes” in *Man and Nature*, vol. VI, Academic Printing and Publishing, Edmonton, 1988.
  2. See, for example, B. de Jouvenal, “Rousseau the Pessimistic Evolutionist,” *Yale French Studies*, 28 (1961-62), pp. 83-96; J.N. Shklar, “Rousseau’s Images of Authority” in *Hobbes and Rousseau* (New York: Doubleday and Company, 1972), pp. 333-365.
  3. In the *Dialogues* he speaks bitterly of his ingenuousness when, on winning the prize for his *Premier Discours* in 1750, he was “bercé du ridicule espoir de faire enfin triompher des préjugés et du mensonge la raison, la vérité, et de rendre les hommes sages en leur montrant leur véritable intérêt.” (I, 829) References to Rousseau’s works are taken from the four-volume Pléiade edition of his *Œuvres complètes* (1959-1969) of which I have modernized the spelling.

be adapted to modern institutions in such a way as to transform human nature:

Quand on lit l'histoire ancienne, on se croit transporté dans un autre univers et parmi d'autres êtres. Qu'ont de commun les Français, les Anglais, les Russes avec les Romains et les Grecs? Rien presque que la figure. Les fortes âmes de ceux-ci paraissent aux autres des exagérations de l'histoire. . . . Ils existèrent pourtant, et c'étaient des humains comme nous: qu'est-ce qui nous empêche d'être des hommes comme eux? Nos préjugés, notre basse philosophie, et les passions du petit intérêt, concentrées avec l'égoïsme dans tous les cœurs par des institutions ineptes que le génie ne dicta jamais. (*Pologne*, III, 956).

One of the reasons that some critics have interpreted Rousseau's philosophy as pessimistic derives from his cyclical or spiral view of history, a view he shared with many of his contemporaries.<sup>4</sup> In the *Contrat social*, for example, he states that: "il doit arriver tôt ou tard que le prince opprime enfin le souverain et rompe le traité social. C'est le vice inhérent et inévitable qui dès la naissance du corps politique tend sans relâche à le détruire; . . . Telle est la pente naturelle et inévitable des gouvernements les mieux constitués. . . . Le corps politique, aussi bien que le corps de l'homme, commence à mourir dès sa naissance et porte en lui-même les causes de sa destruction." (III, 421, 424) But if civilisations disappear they also reappear. If there are lows there are also highs. There was a golden age, there were Sparta and Rome, so perhaps another evolution will herald a new beginning. This seemed to be Rousseau's thought when he penned the following note to a page of the *Émile*: "Je tiens pour impossible, que les grande monarchies de l'Europe aient encore longtemps à durer; toutes ont brillé, et tout état qui brille est sur son déclin." (IV, 468) Therefore, however miserable the present state of society we should never lose faith in the beneficence of God who has given us the capacity to institute reforms: "loin de penser qu'il n'y ait ni vertu ni bonheur pour nous, et que le ciel nous ait abandonnés sans ressource à la dépravation de l'espèce, efforçons-nous de tirer du mal même le remède qui doit le guérir." (*Contrat social*, 1e version, III, 288)

---

4. See J. Schlobach, "Pessimisme des philosophes? La théorie cyclique de l'histoire au 18e siècle," *Studies on Voltaire and the Eighteenth Century*, 155 (1976), pp. 1971-1987.

Moreover, if we want living proof, says Rousseau, that institutions can change human nature and create citizens, we have only to look at the astonishing example of the Jews, “[une] troupe errante et servile” transformed by laws and customs into a nation that, despite centuries of persecution, despite being scattered over the face of the earth, without a country, without a home, still retains its identity: “Athènes, Sparte, Rome ont péri et n’ont plus laissé d’enfants sur la terre. Sion détruite n’a point perdu les siens; ils se conservent, ils multiplient, s’étendent par tout le monde et se reconnaissent toujours, ils se mêlent chez tous les peuples et ne s’y confondent jamais; ils n’ont plus de chefs et sont toujours citoyens.” (*Fragments politiques*, III, 499)<sup>5</sup> In my view, then, Rousseau’s major works were written in the belief that reform was possible.

Along with his cyclical view of history Rousseau also subscribed to the “great man” theory. In the *Dernière Réponse*, for example, he refers to “des grands hommes qui sont faits pour guider les autres,” (III, 72) and in the preface to *Narcisse* he writes: “J’avoue qu’il y a quelques génies sublimes qui savent pénétrer à travers les voiles dont la vérité s’enveloppe, quelques âmes privilégiées, capables de résister à la bêtise de la vanité, à la basse jalousie, et aux autres passions qu’engendre le goût des lettres. Le petit nombre de ceux qui ont le bonheur de réunir ces qualités, est la lumière et l’honneur du genre humain.” (II, 970)<sup>6</sup> However, although he speaks in the *Premier Discours* of the genius of such moderns as Bacon, Descartes and Newton and in the celebrated letter to M. de Franquières, pays homage to Fénelon (IV, 1142), Rousseau’s really great men are found only in antiquity. As he says in the *Fragments politiques*,

---

5. “[Moïse] lui donna des mœurs et des usages inaliénables avec ceux des autres nations; il le surchargea de rites, de cérémonies particulières; il le gêna de mille façons pour le tenir sans cesse en haleine et le rendre toujours étranger parmi les autres hommes, et tous les liens de fraternité qu’il mit entre les membres de sa république étaient autant de barrières qui le tenaient séparés de ses voisins ... C’est par là que ... ses mœurs, ses lois, ses rites, subsistent et dureront autant que le monde, malgré la haine et la persécution du reste du genre humain.” (*Pologne*, II, 956-957).

6. In her unpublished doctoral dissertation, *Problématique du héros dans les écrits de Jean-Jacques Rousseau* (University of Toronto, 1981), Diane B. Woody has examined in detail Rousseau’s attitude to great men, from antiquity to his own time.

“L’histoire moderne n’est pas dépourvue de traits admirables mais ce ne sont que des traits, j’y vois quelques grandes actions, mais je n’y vois plus de grands hommes.” (III, 558)

In one sense, Rousseau considered all the old republicans as supermen because of the institutions to which they belonged. In the *Premier Discours*, for example, he refers to Sparta as “cette république de demi-dieux plutôt que d’hommes.” (I, 12) And, elsewhere, he says of the Spartans and Romans that, “la méditation de leur grandeur nous en communique une partie, et l’on pourrait dire de leur personne et de leurs discours ce que Pythagore disait des simulacres des dieux, qu’ils donnent une âme nouvelle à ceux qui s’en approchent pour recueillir leurs oracles.” (*Fragments politiques*, III, 538-539)

These men were great because they had been “élevés par de sublimes institutions.” (*Fragments politiques*, III, 538) In the *Contrat social* Rousseau quotes Montesquieu to the effect that, “Dans la naissance des sociétés . . . ce sont les chefs des républiques qui font l’institution, et c’est ensuite l’institution qui forme les chefs des républiques.” (III, 381) But the truly great men were the ones who created these institutions, thus changing the course of history by establishing civil societies that enabled their citizens to aspire “au plus haut degré de grandeur et de vertu où puisse atteindre la sagesse humaine” (*Fragments politiques*, III, 538) and to become “[le] modèle de tous les peuples libres.” (*Second Discours*, III, 113) In Rousseau’s view, then, the truly sublime were the legislators, men such as Moses, Lycurgus and Numa, the agents of providence, the redeemers of mankind who appeared at the critical moment like those natural accidents, those earthquakes and floods that, “fortuites en apparence” (*Fragments politiques*, III, 533), radically re-ordered men’s lives and forced them into new directions.

The first legislator was God who founded the institution of man, endowing him with the capacities to become virtuous. The first human legislator was Moses who, as we have seen, formed the Jewish nation out of “[une] troupe errante et servile.” Whereas, for the orthodox, the Jews bore witness to the coming of Christ, for Rousseau they were an eternal testimony to the genius of a divinely inspired legislator.<sup>7</sup> Just as Moses “created” a nation out of a wan-

7. Cf. P.-P. Masson, *La Religion de Jean-Jacques Rousseau*, 2<sup>e</sup> éd. (Paris: Hachette, 1916), vol. II, p. 239: “L’admiration ici est purement politique; elle ne semble pas isoler Moïse des autres grands législateurs de l’antiquité, de Lycurgue

dering and servile band by surrounding them with myriad restrictions, so Lycurgus, by similar constraints, "entreprit d'instituer un peuple déjà dégradé par la servitude et . . . en fit des êtres au-dessus de l'humanité. Sparte n'était qu'une ville . . . mais par la seule force de son institution cette ville donna des lois à toute la Grèce . . . et fit trembler l'Empire persan." Numa, "le vrai fondateur de Rome," changed brigands into citizens and prepared the ground for the Roman republic. In short, "Le même esprit guida tous les anciens législateurs dans leurs institutions." (*Pologne*, III, 956-958) The modern republics were only pale imitations of the antique ones because they had not been established by legislators of the calibre of the ancients and, therefore, had not been able to produce citizens: "Je regarde les nations modernes: j'y vois force faiseurs de lois et pas un législateur." (*Pologne*, III, 956) It is true that, in a note to the *Contrat social* (III, 382), Rousseau praises Calvin as the founder of Geneva, but he later, in the *Lettres écrites de la Montagne*, as a result, no doubt, of the hostile reception accorded him in Geneva, withdraws his admiration: "Calvin, sans doute, était un grand homme; mais enfin c'était un homme, et qui pis est, un Théologien." (III, 715)

That Rousseau claims for the legislator the title of one chosen by providence is clear from the description of the legislator in the *Contrat social* where he is portrayed in terms equivalent to those of a benevolent deity: "une intelligence supérieure, qui vît toutes les passions des hommes et qui n'en éprouvât aucune, qui n'eût aucun rapport avec notre nature et qui la connût à fond, dont le bonheur fût indépendant de nous et qui pourtant voulût bien s'occuper du nôtre." The work of the legislator is precisely the same as the work of God, the first legislator: "transformer

---

et de Numa, qui ont fait voir au monde ce que pouvait, pour façonner un peuple, l'union du génie et d'une âme forte." For a most perceptive study of Rousseau's view of Moses see B. Baczko, "Moïse, législateur . . ." in *Reappraisals of Rousseau, Studies in Honour of R.A. Leigh* (Manchester University Press, 1980), pp. 111-130. The "German Rousseau," Herder, looked upon Moses as one of the wisest legislators not only of the Jews but also of mankind as a whole. The Mosaic Law, Herder further urged, should be studied not merely for its ethical content but also for its political significance. Indeed, Herder went so far as to suggest that "in case Moses had only pretended his laws to be of divine origin, he did so, if he did, out of political wisdom." See F.M. Barnard, *Herder's Social and Political Thought. From Enlightenment to Nationalism* (Oxford: Clarendon Press, 1965), pp. 63-64.

chaque individu, qui par lui-même est un tout parfait et solitaire, en partie d'un plus grand tout dont cet individu reçoit en quelque sorte sa vie et son être." (III, 381) The legislator should be an outsider with no authority other than the divinity of his mission as demonstrated by the purity of his character: "La grande âme du Législateur est le vrai miracle qui doit prouver sa mission." (III, 384) In the *Lettres écrites de la Montagne* Rousseau describes how one may recognize those chosen by providence. He says that "leur sainteté, leur véracité, leur justice, leurs mœurs pures et sans tache, leurs vertus inaccessibles aux passions humaines sont, avec les qualités de l'entendement, la raison, l'esprit, le savoir, la prudence, autant d'indices respectables, dont la réunion . . . dit qu'ils sont plus que des hommes." (III, 728)<sup>8</sup>

Rousseau clearly counted himself among the lawgivers, but to carry out his mission as legislator he needed a country and a people for whom to prescribe laws. This he found in Geneva which he idealized in the Dedication to the *Discours sur l'inégalité* by portraying it as the incarnation of the spirit of the ancient republics.<sup>9</sup> He knew very well that Geneva was an oligarchy, and he hoped that the *Contrat social* would give arms and sustenance to the "Représen-

8. In his article, "Nature et histoire dans la pensée de Jean-Jacques Rousseau," *AJIR*, XXXII (1953-1955), p. 31, H. Gouhier characterizes the Legislator of the *Contrat social* as a "rédempteur." M. Gagnebin, "Le rôle du législateur dans les conceptions politiques de Rousseau" in *Études sur le 'Contrat social' de Jean-Jacques Rousseau* (Paris: Société Les Belles Lettres, 1964), p. 284, speaks of "la haute idée que Rousseau se faisait de la mission du législateur, être exceptionnel, à mi-chemin du prophète de la Bible et du sage de l'Antiquité, appelé à doter les peuples d'institutions qui leur conviennent et qui puissent les rendre probes et heureux." According to H.C. Payne, *The Philosophes and the People* (New Haven: Yale University Press, 1976), p. 61: "As a cultural hero, the legislator provided the Enlightenment's answer to the Christian saint or the Renaissance prince. Half-mythical, half-historical, the figure of the legislator who shapes and unifies his society dominates the political and historical writings of the philosophes."
9. Cf. J. Miller, *Rousseau, Dreamer of Democracy* (New Haven: Yale University Press, 1984), p. 102: "For Geneva, after all, was and is a real place with real possibilities: it is a place where we can enlist empirical evidence to conjecture about how 'sublime institutions' might have actually arisen and declined; [. . .] Moreover, a Geneva magically reformed through the meditation of a zealous patriot may offer a picture of more practical import than either Sparta or Rome, [. . .] Images of the great ancient cities can still show modern man what citizenship and virtue ought to mean; but they cannot provide a pattern of much use for transforming the societies these individuals inhabit."



tants" in their struggles against the all powerful Petit Conseil.<sup>10</sup> Rousseau, himself, from his role of spectator in France, kept out of the disputes. Like the legislator in the *Contrat social*, he was an outsider with no authority other than the divinity of his mission as demonstrated by the purity of his character.

After his exile from France Rousseau began to be identified with Jesus, not so much because Jesus was the most illustrious of martyrs but more because he was the epitome of a sublime legislator whose destiny, like that of Rousseau, was to found a new order of society. Certainly it was in this light that some of Rousseau's supporters understood the relationship. When Rousseau fled from France one of his disciples, Alexandre Deleyre, wrote to him: "Je vous ai cherché depuis votre fuite en Suisse que je comparais volontiers à celle de Jésus en Egypte et de Mahomet à Médine, quoique vous ne soyez le disciple d'aucun de ces deux Législateurs."<sup>11</sup> When Rousseau renounced his Genevan citizenship in 1763 another correspondent apostrophized Geneva as: "Misérable Patrie, Jérusalem nouvelle qui tue tes Prophètes."<sup>12</sup> In the previously mentioned letter to M. de Franquières Rousseau clearly depicted himself in the description of Jesus the legislator who, like Rousseau, was betrayed by the very compatriots who would have benefited from his laws: "Son noble projet était de relever son peuple, d'en faire derechef un peuple libre et digne de l'être; car c'était par là qu'il fallait commencer. . . . Mais ses vils et lâches compatriotes au lieu de l'écouter le prirent en haine précisément à cause de son génie et de sa vertu qui leur reprochaient

10. For the most comprehensive account of 18th-century Geneva and its influence on Rousseau's political formation in his early years see M. Launay, *Jean-Jacques Rousseau: écrivain politique 1712-1762* (ACER, 1971). Thanks to R.A. Leigh's magisterial edition of Rousseau's correspondence we are able to verify Rousseau's acquaintance with Genevan politics through his association with his friend Lenieps, a Genevan exile living in Paris (Leigh, 167). In Leigh, 258, written in November 1754 to the Swiss pastor Jean Perdriau, Rousseau makes it quite clear that his dedication was not entirely an act of political naïveté (see the astute comments of Leigh in the "Notes explicatives"). I am also indebted to Leigh for his article, "Le 'Contrat social', œuvre genevoise?" *Annales Jean-Jacques Rousseau*, XXXIX (1912-77), pp. 93-111, and to J. Terrasse, "Rousseau, Tronchin et les Représentants: aspects du débat politique à Genève en 1763-1764," *Swiss-French Studies*, II (November 1981), pp. 58-72.
11. R.A. Leigh, *Correspondance complète de Jean-Jacques Rousseau* (Geneva and Oxford: The Voltaire Foundation, 1965-1987), 50 vols. Letter 2760, June 16, 1763.
12. *Ibid.*, Letter 2842, Lenieps à Rousseau, July 27, 1763.

leur indignité." (IV, 1146) And, in the same vein, he wrote a few months later to Paul-Claude Moulto, the most loyal of his disciples: ". . . Jésus que ce siècle a méconnu parce qu'il est indigne de le connaître, Jésus qui mourut pour avoir voulu faire un peuple illustre et vertueux de ses vils compatriotes, le sublime Jésus ne mourut point tout entier sur la croix, et moi qui ne suis qu'un chétif plein de faiblesses, mais qui me sens un cœur dont un sentiment coupable n'approcha jamais, c'en est assez pour qu'en sentant approcher la dissolution de mon corps, je sente en même temps la certitude de vivre."<sup>13</sup>

When Rousseau finally realized that, like Moses, he was destined not to see the promised land, that Geneva was virtually in the hands of the French, that his plans for Corsica had been thwarted, that the prospects for change in Poland seemed unpromising, in short, that his mission as a legislator had failed, he turned for consolation to posterity. In what was probably intended to be a preface to his *Institutions politiques*, a vast project of which only the *Contrat social* saw the light of day, Rousseau wrote: "J'aime à me flatter qu'un jour quelque homme d'État sera citoyen, [. . .] Que par un heureux hasard il jettera les yeux sur ce livre, que mes idées informes lui en feront naître de plus utiles, qu'il travaillera à rendre les hommes meilleurs ou plus heureux et que j'y aurai peut-être contribué en quelque chose. Cette chimère m'a mis la plume à la main." (*Fragments politiques*, III, 474) The record of Rousseau's influence on legislators since his death has overwhelmingly justified his uncharacteristically modest assessment of his role in the evolution of political theory and practice.

*Aubrey Rosenberg*  
*Victoria College*  
*University of Toronto*

---

13. *Ibid.*, Letter 6544, February 14, 1769.