

Part 10: Book 3, Chapter 2: The Constituent Principle in the Various Forms of Government

Need to separate government from its principle in order to understand the causes between the general differences mentioned in previous chapter.

Fair enough, I guess? Of course, to review: his “differences” from the previous chapter are basically about choosing the correct size of the government, that is, the right number of magistrates. Recall that he said that larger States require more force “for keeping the people in hand.” We might disagree with that, but he is at least being consistent so far.

Number of magistrates can be changed, but power of State is invariant. The more force needed to rein in its members, the less it can apply to the people.

Here Rousseau takes a little bit of an interesting twist. The classical liberal framework uses things like separation of powers, checks and balances, etc. ideally to keep the government limited in size, power, and scope. However, since the purpose of the government in Rousseau’s framework is to keep the people “in hand,” he sees any such government in-fighting as necessarily detrimental to the function of government.

Note that he is again failing his “man as he is” criterion. Since government power *can* be abused, the classical liberal framework of attempting to limit government power is an effort, though a faulty one, to preserve liberty against the bad incentives of that power. The voluntaryist case gets rid of what we call government power entirely, in favor of individual binding agreements with outside arbitration and certain other criteria.

Three wills in magistrate: individual, corporate, general. We want as much general will as possible, and as little of the other two. Perfect law is all general will.

At the risk of sounding like a broken record, I note that the general will cannot be measured. Therefore, any intelligent magistrate in a Rousseauian framework will simply pretend that his individual and corporate wills have been neutralized or minimized. No one can prove him wrong.

However, the natural arrangement of these different wills is opposite to what we naturally desire: a magistrate’s individual will is the strongest, his loyalty to government second, and his insight into general will weakest.

Yes, this is the element of human nature that makes government power such a dangerous lamp, attracting authoritarian psychos.

Therefore, government in the hands of one man is likely to be very active, since none of the State’s power will be used to restrict the ruler, and also his individual and corporate wills will be in perfect concord and most powerful.

Logical but devastating, since even when there are many magistrates, they still stand to gain immeasurably by working together to fleece the people.

Making the Sovereign all into magistrates will result in the lowest point of activity, since the many individual wills will muddle the corporate one.

Of course, government only by unanimity is far too weak for Rousseau, and he's unwilling to discard the fundamentally mistaken collectivism upon which his system depends, and which was also one of the great sticking points for classical liberalism: the insistence that governments must hold on to territory and provide dubious services for expropriated fees.

Since magistrates typically serve some specific function in some specific sub-body, his particular will is likely to have more effect on that function rather than others.

Here Rousseau observes that government agents will subdivide their powers in order to a) wield their powers with as little official opposition as possible, and b) have much more exclusive power over areas they are particularly interested. It's like that old saying, "Find a job you enjoy doing, and you will never have to work a day in your life." Only the things these magistrates enjoy doing is lording over the public in their particular areas of influence and destroying all of the people's individual valuations in favor of their own.

Maybe mix the "find a job you enjoy doing" quote with the classic C.S. Lewis: "Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience."

Larger States have more power, but since that power may be spent in magistrates opposing each other, there can be cases where the size of the State increases but the power it exercises against the people decreases.

Of course, this is a bad thing to Rousseau. The power of government must constantly impose poverty and dependence on its people, while calling such their own will.

More people in government also makes it less decisive, which can lead to failures in policy because no decision is made in time to deal with some issue.

Calvin Coolidge: "If you see ten troubles coming down the road, you can be sure nine will go in the ditch and you have only one to battle with."

Since government remissness grows with the number of magistrates and the amount of power that ought to be exercised upon the people should also grow with the size of the State, Rousseau deduces that the number of magistrates should shrink in proportion with population growth.

Ironically, even by Rousseau's standards this leads to a crisis-ridden maximum size for governments. As we'll see in later chapters, Rousseau believes monarchy to almost always be a mistake. However, his dictum about the number of magistrates going down as the size of the State goes up means that successful governments will inevitably tend to a smaller and smaller oligarchy, guaranteeing bad government sooner or later (and usually sooner).

Therefore, one of the jobs of the legislator is to ensure that the size of government scales properly as the population grows or shrinks, in order to maintain the proper proportions.

Of course, once the legislator has created the fundamental laws, which set up the structure of government, he will need a damn good reason to change them, and by then the structures will likely be so ossified that no significant change is possible. Yet another mad dash into a brick wall.