

Part 13: Book 3, Chs. 9-11

Book 3, Ch. 9: The Marks of a Good Government

No single “best” government, depends on absolute and relative conditions within and between nations.

Therefore, the best government would be the one that is approved of explicitly by all of its people...

Different people have different conceptions of what good government looks like, too. Various sliding scales: public tranquility vs. liberty, security of possessions vs. persons, severe vs. mild, punishment vs. prevention, imperial vs. ignored, money circulating vs. welfare state.

But some of these conceptions are self-defeating or involve forcing one group’s will onto another.

In other words, [communists can have their communes](#), but no one should accept or tolerate them forcing anyone into them.

The purpose of political association is the preservation and prosperity of its members. Therefore numbers and population are the most obvious markers of good government. (Excepting naturalization or colonies)

As I mentioned in the [last part](#), Rousseau is slapping everything down into this “number of people” scale so much that it makes very little sense. See the next chapter for a great example.

Big footnote: Make sure to judge by the situations of the people in general, and not the conditions of any small group, including the State. People can flourish even in very disturbed conditions.

Or it may be that laissez-faire and private property can and do flourish under conditions that look very much not like a traditional coercive State...

Book 3, Ch. 10: The Abuse of Government and Its Tendency to Degenerate

Since particular will(s) constantly oppose the general will, eventually the government will move more against the Sovereign than in its interest. This breaking of the “social treaty” is unavoidable.

The problem here comes from Rousseau’s insistence that people try to keep a State going as long as possible. It’s a temporal version of the concept of dominion. The collapse of a bad State is seen as some kind of failing on the part of it or its people, much as the loss of “territory” is seen as a failing for a traditional coercive State or its people, for failing to “defend” that territory.

If instead a State acted like a service or agent, it would expect people and land to enter and exit as customers decide what works and what doesn’t work.

There are two main ways the government degenerates: Contraction = passing of power from many to few; Dissolution = the prince stops administration with respect to the laws, the prince becomes its own little State, and the people are slaves to this new State (which ignores their contributions to the Sovereign)... “forced, but not bound, to obey.” OR by the individual

magistrates usurping for their own use the powers meant to be exercised as a group... prince splits into many princes.

The problem with this is that the measure of a good State from the last chapter, the increase in the number of people, is also connected by Rousseau with this contraction [a few chapters back](#). According to Rousseau, monarchy suits large States, but now it also heralds their destruction.

It's another issue with Rousseau's single-axis view of State quality.

Moreover, a group of people need not necessarily expand their numbers to be prosperous. A large increase in wealth, with a roughly constant population is prosperous, if it happens.

Definitional argument about tyrant vs. despot: tyrant “arrogates to himself the royal authority without having a right to it.” Equivalent to usurper, operating contrary to law. Despot “usurps the sovereign power” or “sets himself above the laws themselves.” “[T]he tyrant cannot be a despot, but the despot is always a tyrant.”

This sounds like Rousseau was trying to mimic [Locke's distinction between usurpation and tyranny](#), but ends up sounding absurd. How can it be that all despots are tyrants, but no tyrants are despots? Try to Venn diagram that one.

Another large footnote arguing about the progression/deterioration of States of Venice and Rome. Venice has deteriorated to an aristocracy but held the line. The initial State of Rome died as a hereditary aristocracy, and a new democracy arose, which deteriorated to an aristocracy, and finally a monarchy (Caesar, etc.).

Number one: Venice isn't providing enough evidence to support Rousseau's case thoroughly, all he posits is that it has moved from democracy to aristocracy over a 1200 year history. Rousseau's case for Rome is simpler and appears to roughly support his case, given the caveats he makes, but one data point does not make a trend.

Moreover, without a better theoretical understanding of how this transfer happens, it remains entirely possible that other States might move in the opposite direction, or back and forth, or whatever.

There are also a lot of confounding factors, such as invasions and conquests, that mess with this prediction.

Book 3, Ch. 11: The Death of the Body Politic

Men cannot make the State live forever, “but it is for them to prolong as much as possible the life of the State, by giving it the best possible constitution.”

“Make good constitutions and laws” is not really a great piece of advice. It sounds good, but it's vague beyond usefulness.

Moreover, this dovetails well with one of my favorite Thomas Jefferson quotes: [“mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”](#)

Rousseau is telling us to suffer as much as we can under a failing or tyrannical State, because he believes the existence and maintenance of a State, even a bad one, is more important than individuals.

I would rather that men withdraw their support from a bad State, and let it wither all the faster.

Legislative power = heart; executive power = brain. Man and State may live with a paralyzed brain but not an inactive heart.

This is very funny if you remember back to [when Rousseau said that the State cannot be separated into parts like this](#).

“Yesterday’s law is not binding to-day; but silence is taken for tacit consent, and the Sovereign is held to confirm incessantly the laws it does not abrogate as it might.”

Tacit consent, under what duress?

States frequently make it more difficult, by way of their rules, to abrogate previous decisions than to make new ones. This results in a tendency to lay new law after new law, until the body of laws is so self-contradictory and so large that only a few people can claim to “understand” it, and practically it means whatever they want it to mean, by way of clever selection of precedents.

Old laws garner respect because they have been maintained and enforced for so long, which is equivalent to the Sovereign recognizing them as useful or positive. Good old laws “continually gain new strength in any well constituted State; the precedent of antiquity makes them daily more venerable: while wherever the laws grow weak as they become old, this proves that there is no longer a legislative power.”

Assuming that the old laws are good laws is a strange stretch for Rousseau. It ignores the possibility that the State enacts a bad law, and enforces it vigorously in order to keep the people weak, poor, or subservient. Since there’s no way to measure the general will, there’s no practical way to distinguish between old good and old bad law.