

Rousseau on Arts and Politics
Autour de la Lettre à d'Alembert

edited by
sous la direction de

Melissa Butler

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Can Democratic Freedom Justify Censorship?¹

In the opening words of his introduction² to the *Letter To M. D'Alembert on the Theatre*, Allan Bloom implies that Rousseau justifies the use of censorship of popular arts, even though liberals would find such censorship unjustifiable. Thus, Bloom begins: 'Any suggestion favoring censorship in the arts and sciences is most naturally viewed by us with suspicion as arising from the illiberal interest of party or sect.' Rousseau, on the other hand, is said to side with ancient philosophers who 'began from the presupposition that a free society governed by its members is in need of the most careful education in order that the citizens have the requisite virtues for ruling themselves and one another.' If Bloom is correct then it seems that the *Letter* addresses a question fit for an essay: Can Rousseau's control of popular arts to inculcate democratic virtue and enable self-rule justify censorship of popular arts? That is, can self-rule of, by, and for the people justify censorship?

Now it is certainly true of the *Letter* that Rousseau rejects a theatre for Geneva, that Voltaire can be thought of as liberal, that he and d'Alembert would oppose Rousseau, that Rousseau regards theatre as an enemy of virtue, and yet strongly supports using popular arts to strengthen republicanism. Near the end of the *Letter* Rousseau proclaims roundly: 'What! Ought there to be no entertainments in a republic? On the contrary, there ought to be many' (125; V: 114). Rousseau also succinctly describes democracy 'in which the subjects and the sovereign are only the same men considered in different relation' (115; V: 105).

¹The question reflects an ongoing attempt to understand the meaning of Canada's Constitution Act, 1982, Canadian Charter of Rights and Freedoms. Section two states 'Everyone has the following fundamental freedoms... (b) freedom of thought, belief, opinion and expression....' But section one asserts 'The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.' Supreme court cases involving censorship follow a pattern of using section one to qualify two (b).

²Allan Bloom, 'Introduction,' to Jean-Jacques Rousseau, *Politics and the Arts, Letter to d'Alembert on the Theatre*, xi-xiii.

Moreover, Rousseau argues for suitably controlled use of popular arts³ in other practical writings, *Corsica* and *Poland*.

What is not at all clear, despite Bloom's heavy suggestion to the contrary, is that Rousseau is advocating control of the arts for the sake of democratic self-rule. More generously and accurately, at the time of writing the *Letter* in 1758, Rousseau had not disclosed the theory of democratic self-rule that he gives us in the *Contract* (1762). For instance, in *Political Economy* (1755), Rousseau writes of the general will as the source of laws, but it is the prince who is asked to express the general will in law-making (III: 245-250, 251). In the *Contract*, however, he describes 'moral liberty' as obeying laws we give to ourselves, which I shall interpret as self-rule, and as applying politically and morally. If we are to consider the question of justification of censorship on Rousseau's behalf, then in the name of fair play we should allow moral liberty or self-rule to be the end that may justify the means, and obtain our conception of self-rule from the *Contract*,⁴ and to a lesser extent from *Inequality*. Bloom's phrase 'a free society governed by its members ... [having] requisite virtues for ruling themselves and others' suggests the doctrine of the *Contract*: patently, the phrase is too slight to bear the weight of justification on its own.

Assume, then, that the question for consideration is: Can Rousseau's inculcation of democratic virtue to obtain self-rule justify censorship of popular arts? If we also assume reliance on the *Contract*, then one more proviso is necessary. In the space allowed, the question cannot be answered properly.⁵ What I hope to do instead is to indicate a path of preliminary questions and answers that if followed fully may lead to a plausible answer. The end that justifies censorship as a means is moral liberty.

³Grimsley makes an interesting report: 'Jean-Jacques Rousseau told Malesherbes: 'If you see fit to name a censor and choose me for that purpose, I give you beforehand my written approbation.' R. Grimsley, *Jean D'Alembert (1717-83)*, (Oxford: Clarendon Press, 1963), 136.

⁴Bloom might have agreed, since 'On Censorship' (chapter 7 of Book 4 of the *Contract*) contains a note by Rousseau saying that the thought of the chapter is developed in the *Letter*. However, in chapter 7 Rousseau is unclear or disingenuous. The censor 'far from being the arbiter of the people's opinion, merely declares it.' But why do that? In the same chapter he repeats: 'reform men's opinions and their mores will purify themselves.'

⁵In particular, work should be done on the difference between 'freedom' when it means freedom of choice, as in 'man was born free', and moral liberty. See Guy Lafrance, 'L'Ethique Rousseauiste dans la querelle des Anciens et Des Modernes' in this volume.

The questions are as follows. What is J.S. Mill's criticism of democratic virtue? What is liberal democracy? What is Rousseau's democracy? If liberal democracy is, at least, individual liberty, representation and rights, how does Rousseau stand to liberty and representation? Which is trump- rights or the general will? Should the moral value of self-rule outrank liberal values?

Mill's Criticism Of Democratic Virtue: Citizens As Moral Police

When Rousseau comes to what he regards as the beneficial use of popular entertainments, he writes:

'But what then will be the objects of these entertainments?... Nothing, if you please. With liberty, wherever abundance reigns, well-being also reigns. Plant a stake crowned with flowers in the middle of a square; gather the people together there, and you will have a festival. Do better yet; let the spectators become an entertainment to themselves; make them actors themselves; do it so that each sees and loves himself in the others so that all will be better united (126; V: 115)... The disposition of the state is only good ... when, each feeling in his place, the private forces are united and cooperate for the public good... Preside at their pleasures in order to make them decent' (126n; V: 115)

What might Mill find unacceptable in Rousseau's support of censorship in the *Letter* and in Rousseau's other writings? Near the beginning of *On Liberty*,⁶ Mill gives a stunning summary of the history of 'Civil or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual.' Until the appearance of democracy, he tells us, the concern was setting limits to the power and authority of the sovereign. With the advent of democracy, however, liberals became fearful of 'the tyranny of the majority' as voters. Mill himself now adds a larger, omnipresent, worry :

But reflecting persons perceived that when society itself is the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates ... or any mandates at all in things which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since ... it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself ... there needs protection also

⁶John Stuart Mill, *Utilitarianism, Liberty, Representative Government*, edited by H.B. Acton, (London: Everyman's Library, 1984), 70ff. Page references in the text are to this edition.

against the tyranny of the prevailing opinion and feeling ... [the tyranny] to fetter the development ... of any individuality not in harmony with its ways.... (73)

This passage is the inspiration of the question of this essay. Where Rousseau sees the need to cultivate a feeling of social equality, Mill sees a deep danger to personal development. Mill, then, demands a state that leaves the individual free to develop as the individual wants, provided only that others don't suffer from it. In these early pages there are several places where Rousseau seems the unnamed target. A hallmark difference between them is that where Mill sees a social tyranny of opinion and feeling, Rousseau finds acceptable, even necessary, the 'empire of opinion' (22, V: 21; also 67, V: 67; and 73, V: 67): where Mill foresees fellow citizens as moral police, Rousseau wants entertainments that enable them to see and love themselves in others, 'censors of one another' (59; V: 54).⁷

Liberal Democracy

A more adequate understanding of what is at stake may be helped by the reminder that liberal democracy is one kind of democracy, it is the voluntary combination of parts sometimes in active competition with one another. Vaguely, and for the time being, let us say that Rousseau's democracy means self-rule.⁸ In contrast, the liberalism that combines with democracy can involve representative political parties, elected representatives, natural rights and individual liberty. The four can cooperate if we assume that the parties represent what Rousseau will call particular common interests (perhaps interests of the left, center and right), if citizens elect by voting, or remove by voting, other citizens to legislate and govern on their behalf, if all citizens, including elected representatives, support and respect the natural rights of all, and if personal liberty is the highest ranked value.

Now many scholarly pages have been spent disputing whether or not Rousseau can be counted as liberal. Too seldom is it asked whether he can be classified as a liberal democrat defined by the four criteria. In brief, my reply is as follows. If the general will is the overriding value in Rousseau's political and legal philosophy, if other values are subservient

⁷Mill uses the phrase 'moral police' of workmen who spy on their fellows, but in the same paragraph Mill discusses what he calls 'democratic feeling' in the United States (157-156). Rousseau's phrases are reminiscent of 'existing in the eyes of others' in *Inequality* and the good use of self-in-other-esteem in *Emile*.

⁸See Rousseau's footnote in book 2, chapter 4 of the *Contract!* (III: 373).

to it, then Rousseau's thought is not consistent with liberal democracy. Support for this claim must be postponed until the presentation of Rousseau's democracy.

Rousseau's Democracy and Liberal Democracy

By his choice of terminology, Rousseau has made it awkward for anyone who wishes to discuss his theory of democracy, for Rousseau denies that democracy is fit for human government! (III: 406) What I here call Rousseau's democracy is a state that gives the right of legislation only to the general will of the people. Thus, in Rousseau's terminology the people exercise the legislative will. The term 'government' is reserved by Rousseau for the executive will, for the person or group that executes, administers, enforces and applies the law that is made by the people.

The principal philosophers and jurists from whom the self-taught Rousseau learned (viz. Hobbes, Grotius, Pufendorf and Locke) shared a common assumption. It was that legitimate power and authority derive solely from a contract involving the people and a representative who would carry out the people's will.⁹ It may be that Rousseau envisaged his democracy in denying that common assumption, in concluding that if the people are *really* the source of legitimate power and authority, then they should not surrender legitimacy to *any* representative.

The principal principle of Rousseau's democracy is that laws must be made by the general will, that is, laws must be made by all for the good of all. The executive should represent the people's will in applying and enforcing the laws, but that is another matter. A part of Rousseau's genius consists in contending that general will law includes 'self-rule' in both a political and a moral sense. Politically, as the maker of its own laws, a people is free of foreign domination. Morally, as one of the makers of the law that comes from all and applies to all, the citizen sovereign is morally free in obeying a universal law that he prescribes to himself. As a legislator, I must ask myself, not what is good for me alone; but what suits the common good, and then obey that law for the good of all, including my own.

This brief exposition may be enough of a basis to explain why Rousseau denies (or at least creates doubt regarding) each of the four criteria of liberal democracy. In book 2, chapter 3 of the *Contract* he recommends the absence (or at least multiplication) of parties, factions

⁹Thomas Hobbes, *Leviathan*, ch. 16. It is not often noticed that the absolutist Hobbes justifies political representation by the claim that the sovereign is the only effective representative of the people's will.

and minor associations (III: 371-372). While liberal democrats will object, his reason is that each of these associations will create its own common good and particular general will to cancel or weaken concern for the overall common good, just as a cartel or union may do. He rejects elected representatives for two reasons. First, he believes that the elected representative will represent only his own narrow personal interests. If you say: 'Yes, but we are free to vote him out,' then Rousseau's reply is that being free once every four years is not often enough, moral atrophy sets in. Second, if you elect representatives, you don't ever exercise your moral will politically. In liberal democracy, political activity does not include moral activity of citizens. Politics is something done for you or, too often, done to you. In Rousseau's democracy, asserted positively, moral freedom is something you do in being a citizen legislator.¹⁰

Much of the argument in support of Rousseau as a liberal turns on Rousseau's claim that obedience to general will law pertains only to one's rights and duties as a citizen, rather than as a private individual (III, 372-375). If, as seems apparent from his words, Rousseau honors the rights of the individual, then he qualifies as a liberal. One has obligations as a citizen legislator, but all the freedom one needs as a private person. On the issues of rights and personal freedoms then there is, perhaps, room for doubt regarding Rousseau's intentions. But there is no question that Rousseau holds, with Hobbes, that the sovereign will rules absolutely. The citizen is obligated only to the general will as sovereign. It is even the case that if the people give themselves a constitution, say one that gives pride of place to constitutionally imbedded rights and liberties, then the constitution can be altered or rejected legitimately by the general will. Bluntly, it is left to the general will, and the general will *alone*, to decide what is for the common good.

If we are attracted by Dworkin's concise description of liberal democracy as 'rights are trump' then judging by Rousseau's words,¹¹ in Rousseau's democracy the general will is trump. It is trump, he believes, because of what it gives to the citizens. In being for the common good,

¹⁰Advocates of liberal democracy interpret 'democratic participation' too generously. Voting or attending a meeting of candidates may suffice. However, renewed interest in citizenship is focusing criticism.

¹¹I hedge for a number of reasons. Mill himself asserts that he writes on the basis of the success of democracy, whereas Rousseau existed before that. Too, Rousseau's goals are different. Again, the question whether or not Rousseau is liberal was raised in contrast to whether he was the inspiration of totalitarian democracy. I've written also against the totalitarian interpretation. Lastly, for clarification of the ambiguities of 'liberalism,' see Maurice Cranston, *Freedom, A New Analysis*, (London: Longman's & Green, 1954) which remains very helpful.

it provides for the citizen's good and thus can satisfy self-interest, its law is just because it comes from all equally and applies equally and is for the common good. And, to repeat, it provides political self-rule in that citizens are ruled by their own laws, plus moral self-rule in that each citizen obeys equal rules that he gives to himself. Of course, the state must be tiny for the common good to be known. The most interesting feature of the relation of Mill's argument to Rousseau's is that Mill must strenuously object to Rousseau's even if Mill grants every claim made for the general will by Rousseau. How can that be?

Equality and Then Liberty

The answer may lie in Rousseau's belief that liberty presupposes equality. Liberty presupposes rough economic equality, but it goes deeper than that. Perhaps it presupposes the equality of persons as political and moral agents, that is, the kind of equality required of persons as law-makers. In the *Contract*, especially in chapter 6, book 2 and chapter 1, book 4, Rousseau makes it clear that ordinary citizens are not now ready to be equal lawmakers despite his claim in the preamble to chapter 1, book 1 that he takes men as they are. The main gap is lack of willingness to express the common good in law. Rich, poor and those in between will each seek private benefits, and will regard the rest as incapable of knowing the good. It seems, then, that before the general will can become sovereign, persons must learn to value one another as equals; equal, not in wealth or talent or industry, but morally equal in the capacity of judging what is good for others as well as oneself. Moral equality of this kind does seem appropriate to democracy for it is moral agency within the abilities of average persons. If persons could be equal one to another as moral agents then they could be free and self-ruled by the general will.

The chief obstacle to treating one another as moral equals is selfishness. Thus, the direct end of democratic virtue is to get us to overcome selfishness and to care for nearby others as our moral equals. The end which justifies democratic virtue is the freedom of self-rule.

In the *Letter* Rousseau puts a question near to what we are considering: 'By what means can the government get a hold on morals...? I answer that it is by public opinion. [Our habits in society] are born of others' opinions. When we do not live in ourselves but in others, it is their judgments which guide everything. Nothing appears good or desirable to individuals which the public has not judged to be such' (67; V: 61-62).

If one thinks of the popular arts as a creator of public opinion then what is Mill's objection likely to be? In brief, that Rousseau is concerned with the good of all; whereas Mill's concern is the good of the individual, the development of a particular person as that person sees fit.

This idea requires expansion. One of the chief questions of the important Rousseauist, C.E. Vaughan, was whether Rousseau is to be classified as an individualist or collectivist. Such questions have to be watched carefully. Nonetheless, if the answer can be one of degrees, Rousseau is closer to the latter, and Mill to the former. Rousseau is inclined to see the fulfillment of the person in relation to the common good of the community of which he is a member, whereas Mill sees fulfillment in the particular nature of the individual. This difference is of capital importance with regard to the question of censorship. Rousseau is not likely to be offended if accused of the denial of individuality. In corrupt society, Rousseau would understand 'individuality' as selfish *amour propre*, as a close reading of *Inequality* suggests, and he would argue, with Sparta in mind as ever, that service to the community is the proper fulfillment of any individual (66, V 61; 67, V: 62). Contrariwise, Mill denies that the communal good justifies control of personal development. The only condition that justifies interference with the liberty of an individual to develop as she wills is if her behavior harms others. The difficulty in resolving the dispute is likely to turn on issues that scholars regard as contentious. Does Rousseau mean by the 'common good' what the majority of well-intentioned citizens decides to be the common good, or is the common good that policy that in reality benefits everyone? Similarly, does Mill mean by 'harmful to others' what others judge, or what truly is?

Another comment is relevant to the main question. Morally, Rousseau's conception of moral liberty as the ability to obey laws that one gives to oneself is arguably one of the most profound understandings of human nature. Kant thinks of Rousseau as the Newton of the moral world. The difficulty, however, is to question whether Rousseau's control of the arts to create communal love is of a kind to dull moral imagination. As much as I admire Rousseau as a thinker, it is distressing to notice the absence of interest in moral dilemmas, the reality of a conflict of moral duties of a kind that one can do one, but not the other. The apparent reason is that Rousseau understands morality as the struggle between selfishness and what one knows to be morally right.¹² But if moral imagination is deadened by communal emotion, then moral liberty itself will be stultified. It will, because moral dilemmas, even when present, will not be taken seriously. And that is bad, because appreciation of moral dilemmas is the basis of tolerance and moral development.

¹²A different question, does Rousseau have two grounds of moral knowledge, conscience and general will, that may sometimes conflict? Should the young man remain to take care of his mother or leave to join the Free French?

The Evil Of Amour-Propre and the Good of Moral Liberty

So far I have suggested a number of questions and issues that seem preliminary to a full-dressed investigation of whether Rousseau's doctrine of moral and political self-rule is sufficient to justify the use of censorship of popular arts. Mill's essay *On Liberty* has been used to sharpen the question, for Mill argues that the greater good of the individual is not a sufficient reason to interfere with the individual's self-development. And in reading him there is reason to think that Mill sees the democratic value of equality as entrusting the preservation of democracy to each and every citizen, and thus as a serious threat to personal liberty. In comparing Rousseau's democracy to liberal democracy, I have held that the sole basis of legitimacy and obligation in Rousseau's democracy is general will law. The citizen has the duty and the right to be ruled by nothing but general will law. That being so, Rousseau is not a liberal democrat. Since the goal of general will law is always the common good, it is correct to think that Rousseau ranks the general good above the individual good, or, if you prefer, that individual good is best realized through the common good. In that deep sense Rousseau disagrees with Mill. One might argue that the difference between Rousseau and Mill is that Rousseau judges the freedom of man only as moral and political agent where obedience to self-imposed universal laws obtains. A richer conception of human nature embracing aesthetic values, Mill might argue, would give a more generous sense to individual self-development. Rousseau's use of censorship is comprehensible if we consider human values only from the points of view of morality and politics, but self-development is more inclusive.

A supporter of Rousseau may reply that Rousseau's justificatory argument is incomplete. Although I have suggested that the bringing about of self-rule is Rousseau's best ground for justification, it could be said that I have told only half the story, and the second half at that. In *Inequality*, Rousseau argues that the cause of inequality and the alienation of human freedom is *amour propre* operating in conjunction with the political and social relationships that support *amour propre*. Hence, to justify Rousseau's censorship of the arts, one should show how it helps destroy evil and produces good.

It is too difficult to do this briefly, but it should be attempted for the further reason that Rousseau has the evil in mind in the *Letter*. Perhaps the simplest introduction of it is that *amour propre* arises from the desire for self-esteem, that is, the desire to value oneself as valued by others. Morally it gets out of control when it comes to dominate other passions, when the desire to be desired overrules. According to *Inequality*, modern society is a contributing cause of corrupted *amour*

propre, and with it the alienation of human nature itself, the surrender of equality and freedom. It happens for two reasons, first, it is voluntary and second, it is supported by the social structure. The desire to be desired is voluntary, we all want it, but when society is of a kind that stimulates our desire to be *most* desired, we become the slave of artificial passions. It seems that fear and hatred of the spread of corrupted *amour propre* inspires Rousseau's opposition to the establishment of a theatre in Geneva. It does not surprise Rousseau that M. d'Alembert and M. Voltaire want a theater, they are corrupted Parisians already.

One part of Rousseau's thought is evident. He agrees with Hume that only a passion can move a passion, reason by itself is inert. Thus, if you are to halt the spread of corrupted *amour propre*, the other French disease, then the inhabitants of the mountainous villages should be given joyful occasions where they can come to like and respect one another. In that way, you may prevent the spread of the disease and make way for self-rule. But a problem is hiding here which can be revealed by asking, since Rousseau himself introduces it, the differences amongst Paris, Geneva and the Swiss mountain village. Had Rousseau contrasted only Paris and a mountain village, one might not notice the problem, but the three together show that the differences are of degree; whereas in *Inequality* the difference between the state of nature and civil society is one of kind. When one appreciates that the difference between Paris and Geneva is a difference of degree, then Rousseau's argument for the exclusion of theatre is much less telling; for now it is not the purity of Geneva versus the despicable corruption of Paris, but more versus less.

However, this criticism may question only the justification relative to the *Letter*, what of the general case? Will it too turn on the question of degree? This criticism of degree seems implausible both in general and in the particular case. In the *Contract*, Rousseau notes that only Corsica is sufficiently conditioned to accept Rousseauist democracy, which emphasizes that, difference of degree or not, the margin of redemptive action is very small. Important though this claim is, its implausibility as criticism turns on its irrelevance. The difference of degree argument leads to the conclusion that it is highly unlikely that censored control of popular arts *can* produce self-rule in a corrupted world. But the question of *justification* asks the different question—*should* censored control be justified? Those who oppose censorship will not be persuaded by the assurance that Rousseau should be allowed to use censorship because it is unlikely to work well.

Rousseau's use of censorship as displayed in the *Letter* raises a further difficulty about censorship that is connected to the earlier mention of dilemmas. Morally, censorship may be compared to abortion. Some moralists believe that unqualified rejection or acceptance of censorship

or abortion are both mistaken: the correct procedure is to try to identify specific conditions that justify censorship or abortion. Rousseau strains even this moderate position that censorship is sometimes justified in the matter of 'presiding over pleasures.' The Lord-Commissioner that Rousseau appoints to preside should encourage the young unmarrieds to cavort and flirt on the dance floor, but all married women, even presumably the newly married, should not be permitted to 'profane conjugal dignity by dancing themselves' (127-129; V: 117-119). So much for Italian weddings. Corsica beware!

This thought brings me to my conclusion. My aim was only to chart a path of questions and answers regarding Rousseau's justification of censorship of popular arts. But if the issue is expressed as to whether Rousseau is right in using censorship if it improves a person, or Mill that censorship is wrong even it could, then I cannot agree with either. The question of either on its own is wrongly put, there is no general answer. In some circumstances, censorship may be right, in others not; which is not to say that censorship is both right and wrong. If respect as moral duties is owing to creation of self-rule and personal freedom, and if morality is a plurality of distinct obligations with no general method of resolving conflicts between them,¹³ then neither thesis is unconditionally correct.

Jim MacAdam
Trent University

¹³In the *Letter*. Rousseau says that the way to judge morally what ought to be done is to total goodness on each side, then to act where there is a preponderance of good. I doubt whether the comment was thought of by Rousseau as a method of resolving dilemmas. But even if it was, it is unlikely it would work. Either Rousseau would know by conscience without calculation, or there would be dispute regarding the calculation (are we totalling units? how are the units established?), or dispute regarding what counts as good, or that we know already from the general will.