

INTERPRETATION

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ROUSSEAU'S CIVIL RELIGION

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I

From within a contemporary perspective it seems strange that Rousseau's *Social Contract*, an attempt to establish fundamental principles of free polity, should conclude with a chapter entitled "Civil Religion." Yet, I would urge that this is entirely appropriate, that its essential thrust is integral to the entire work. I also want to suggest that the principle of democratic thought it embodies enables us to judge its relevance to contemporary concerns.

Its prominent place at the conclusion of the essay and its length conjoin to suggest that Rousseau regarded it as quite important. Its essential point is an unfortunately underdeveloped but necessary rounding out of the doctrine of the general will and, indeed, of its presuppositions. Restated, its essential thrust speaks directly to current disputes within the house of democratic doctrine.

In the *Social Contract* Rousseau turned away from earlier interests in speculative anthropology. Rather, as Cassirer pointed out, Rousseau takes us in this essay into an intellectual milieu common to Leibniz and to Kant.¹ This essay, as George Kelly noted, "is not history but logic."² It is concerned with the social logic of freedom. The ground question animating the work is this: how is a free society possible? The concern for "Principles of Political Right," its telling subtitle, is, to use a Kantian term, transcendental: its concern is to delineate the possibility of a free society by explicating the requisite undergirding structure that such a society must incorporate, and the ways in which that necessary structure would be simultaneously both enabling and limiting. The work is designed to show forth principles of social organization that must necessarily be brought to function in a social order if that social order is to be a free society, if it is to be constitutionally governed, if it is to secure freedom in the human community, and if it is to develop man's destiny and dignity as a free moral being.

II

If, as Rousseau maintained, the parent of that "moral freedom, which alone renders man truly master of himself"³ is the civil state, then the moral values and outlook of a people ground their social commitment and define the scope, limitations and authorities of the society they build and the government they maintain to administer it. The nature of the social com-

pact, the areas of common concern it defines, the privacies it enjoins, the obligations and rights it mandates, are grounded together in the moral outlook of a people. The companion principles of popular sovereignty and the general will join to make the nature of public opinion—its operating values, customs, and modes of expression—fundamental to the society they support: “The opinions of a people spring from its constitution . . . when legislation becomes impaired, morality degenerates.”⁴ These fundamental operating moral value commitments have historically been epitomized in religion. And it is because of their fundamental import to the health of a free society that Rousseau finally turns to the civil religion which epitomizes them.

The concern with religion, then, is not theological. Apparently following Machiavelli's lead in the *Discourses*, Rousseau's extended discussion concerns itself, not with theological doctrines as such, but with their significance for societal organization.

The structure of his 35-paragraph chapter underlines his social moral concern. The first fourteen paragraphs are an historical prolegomenon to his argument: first, seven paragraphs examine religions of the ancient world, and a second seven the political implications of the conversion to Christianity. The next sixteen paragraphs analyze three types of religious outlook and draw lessons from this analysis. Finally, building on that discussion, one paragraph reintroduces the “principles of [political] right” as the criterion to be invoked and, in four brief paragraphs, he brings the analysis together by indicating the nature of the “civil profession of faith.”

Of the three types of religions discerned, what is called the “religion of the priests” is promptly dismissed—primarily because it divides men's loyalties between ecclesiastical and political authority and offers contradictory standards for piety and citizenship.⁵

But Rousseau's titles for the other two—the “religion of man” and the “religion of the citizen”—immediately tell us that something is to be salvaged from each; that each, denuded of its shortcomings, has a contribution to make to that common faith in freedom which he seeks to delineate.

The “religion of man” he identifies as being “without altars, without rites, limited to the purely internal worship of the supreme God and to the eternal duties of morality, [it] is the pure and simple religion of the Gospel, the true Theism, and what may be called the natural divine law.”⁶ It enjoins a fraternal bond and elicits a devotion to duty, a lack of civic corruption, the just and moderate administration of the law, and a lack of vanity, luxury or ostentatious display. It seems to offer a social bond among men; but it vitiates this in the body politic—by minimizing the import of this earthly life and by so universalizing kinship as to undercut loyalty to one's

own community; it leaves legislation, then, without moral force; and the meekness it encourages mitigates opposition to home-grown tyranny while endangering the defense of the community against external enemies.

What then of the "religion of the citizen"? In its favor, we see that it combines worship of God with love of the law; by identifying community service with the service of God, it sanctions the social bond and provides a moral justification for social service. But it does this by restricting "true" religion to one's own country, thereby casting all foreigners into the role of infidels. Based on such falsehood, it renders its subjects superstitious, sanguinary, encourages intolerance and leads to perpetual states of war with others.

Yet each has something positive to offer. How are they to be reconciled? Invoking the test of utility for the social good,⁷ Rousseau reminds us of the principle that the just exercise of sovereignty may not "pass the limits of public utility."⁸ Sovereignty may not, therefore, rightly concern itself with the opinions of the citizens except to the extent that they are of import to the life of the community.⁹ The only aspect of religious belief that is of social concern is the morality it preaches. The community, based on commitment to the social bond, is then to leave whatever is in the way of speculative opinion or ritualistic practice to the privacy of the individual citizen.

What is sought out of the "religion of man" is a devotion to principles of social morality and responsibility for others, a feeling of kinship for other communities that do not trample on one's own, and a conviction of ultimate sanction for the moral nature of one's social commitment. What is sought out of the "religion of the citizens" is devotion to the social bond itself, a determination to defend its principles, and an identification of the moral force of public with divine service .

This dialectical synthesis leads to the "purely civil profession of faith," not as a set of religious dogmas, but as "sentiments of sociability."¹⁰ Be it noted that Rousseau's text, if not the chapter title, substitutes for the word "religion" the word "faith." For a liberated child of Geneva, it was but natural to seek the commitment to a free community, not out of inherited or imposed dogma, but out of a freely ordered statement of unifying minimal common faith. The components of this free confession, defining the bond of citizenship, he tells us "ought to be simple, few in number, stated with precision, and without explanations or commentaries. The existence of the Deity . . . ; the life to come; the happiness of the just; the punishment of the wicked; the sanctity of the Social Contract and of the Laws;

As for the negative dogmas, I limit them to one only, that is intolerance; it belongs to the creeds which we have excluded."¹¹

III

Embedded in this proposal for a "purely civil profession of faith" are at least five issues which merit consideration: (i) the approach in terms of religion; (ii) the questions of theism and divine justice; (iii) exclusion or banishment; (iv) social utility; and, (v) the condemnation of intolerance.

(i) That we today regard it as somewhat odd that the import of commitment to constitutional procedures should be introduced in terms of religion, tells us something of how far we have come and the extent to which free societies have effectively accepted the thrust of Rousseau's thesis. Citizens of modern democratic states take for granted the *de facto*, if not always *de jure*, separation of church and state. But in Rousseau's time there was no such separation: each state had an established religion and persecution of religious dissidents was fairly common. Thus, Rousseau's mode of formulating the question of social value commitment was in terms of the only politics he knew.¹² What he called the "religion of the citizen," i.e., the national church, was the common mode even if often "priestly" in character, and only a few philosophers and heretical reformers openly espoused what he termed the "religion of man."

Against the established practice of his time, then, this entire chapter may be seen as a revolutionary call for secularization, as a call for ecclesiastical disestablishment, for sectarian toleration, and for confessional freedom. Indeed, the call for a "*purely civil* profession of faith" coupled with the denial of the right of sovereignty to access to opinions that are not of social consequence is a call for secularization of the body politic.

But above that implicit call for secularization is an "overriding concern with the need for moral strength" behind the laws—which function to express the social compact. As Grimsley has urged, "the ideal of civil religion is . . . a radical, even desperate, attempt to provide the State with an ultimate sanction capable of putting the law above men."¹³ And, indeed, if we do believe that what is desirable is a "government of laws and not of men," then we are bound to face the problem of how to sanctify the law in order to give it moral force—against the anarchy of criminal disregard, the demagogic programs of would-be usurpers, and in the face of national emergencies. If not something akin to a civil profession of faith, what would the critic suggest?

(ii) What, then, of requiring belief in God? In his epoch, this principle was still part of liberal doctrine—witness both Locke's exclusion of atheists (and Catholics) from the civil state, and the theological grounding of Jefferson's Declaration of Independence. But in our epoch, when large numbers regard themselves as agnostics or atheists, how shall we see any meaningfulness in Rousseau's point?

Rousseau's conviction was that the commitment to the values of freedom is fundamental. The legitimate state, he urged, is grounded in the moral freedom of its citizens; the enhancement of that freedom is the fruit of community interdependence and the only justification for the consequent limitations on each individual's "natural liberty."

But human freedom, most philosophers would agree, is not self-explanatory. It was Rousseau's conviction, Grimsley tells us, that its "meaning is determined by [its] relation to an absolute Being—God, the unique source of all values."¹⁴ Rousseau did *not* believe that the value of freedom is a neutral preference, a mere whim, a cultural idiosyncrasy, or, if one presses it, a moral option. The commitment to freedom is *the* fundamental moral requirement laid down upon men *qua* men. It is *the* supreme social value: it is the common ground of individual morality as of free community; freedom is what makes morality possible. It is then *the* social value for the sake of which all else is to be measured.

Such a supreme value must have some ultimate ontological ground. For those who reject the theist conviction, the problem posed is that of justifying the freedom in which belief as fundamental is claimed. For a committed theist, the ultimate ground of such an ultimate value must be God. But however grounded and however justified, what is really at issue here is the fact that a free society requires a basic commitment to the idea of freedom as foundational, as prerequisite to its other value commitments and to the development of its social organization as a free political entity.

In like manner, a free society requires its citizens to regard the defense of its laws as a moral responsibility. A belief in divine justice, then, is a way of asking the citizen to accept the principle of an ultimately foundational responsibility for his moral conduct with his fellow-citizens and with the social bond which unites them into a free community.

(iii) What then of the proposition that whoever refuses to accept the profession of faith may be justifiably banished? Although I think that Rousseau's language may be somewhat excessive, it is important to appreciate what is behind it.

We should first note that Rousseau's operative verb is not "must" but "may"; the most he proposes is that banishment is not a societal obligation but an open social option. His stated reason is that one who refuses to accept a rudimentary civil profession has rendered himself "as unsociable, as incapable of sincerely loving law and justice."¹⁵

If acceptance of the social contract and participation in the forming of the general will is the ground for societal membership, it would seem reasonable to expect that one who declined to do so had excluded himself from the rights that ensue from such membership. As such, Rousseau has suggested, he has freely chosen to live as a foreigner among citizens;¹⁶ the

privileges that are accorded to him by the society, then, are his by social sufferance and not by participatory right.

Participation in a legitimate society is fundamentally voluntary. The entire argument of the *Social Contract* urges that it entails a two-fold commitment by each citizen—to the general value-consensus of the society—or else, how could one participate in forming the general will?—and to the agreed-upon procedures for translating those values into specific laws, the honoring of which becomes a prime social responsibility. He who declines to accept such conditions of citizenship, as he who declines to accept the conditions a club imposes on its applicants for membership, would seem to have renounced his eligibility for belonging, for sharing its responsibilities, and thereby the right to its privileges.

A legitimate society rests on a reciprocity of relationship between citizen and community, of rights and obligations, of freedoms and responsibilities. In the fullest logical sense, then, an individual's voluntary refusal to accept social responsibility entails the equally voluntary right of the society to respond to that refusal. This community option is the complement to the common right of the citizenry to revoke the social compact itself and the right of the individual to resign his citizenship and withdraw. Plato had already seen that the right to resign without penalty (a right which Locke for one compromised¹⁷) is fundamental to the legitimacy of the societal demand that its laws be obeyed. Rousseau invokes this principle for the right of revocation and accepts the citizen's right to resign as so basic that he does not take the trouble to argue it; this unpenalized right to resign and leave would seem to be an acid test of any society's legitimacy in its claim that it rests on the consent of its members.

Although our own punishments for social infractions are less than Rousseau seems to have proposed, we still, in large measure, honor his principle that free residence entails consent to the laws of the community and its procedures for deciding upon them: we seek to catch and claim to punish those who break the laws while protecting their right to challenge those laws in open debate. But the contemporary presence of the civil profession is especially evident with regard to both new citizens and office holders at whatever level. We require each to take an oath, in God's name, to support the fundamental law. Deportation (banishment) for immigrant citizens and disgrace of impeachment for office-holders are allowable penalties for those who have, as Rousseau stated it, "lied before the laws."¹⁸

(iv) We then face the question of social utility. Implicitly this theme has already been addressed. A utilitarian appeal, without clear criteria, is worse than useless. Whatever directions he may have pursued in earlier works, the mature Rousseau who gave us the *Social Contract* was, as Cassirer for one has pointed out, emphatic:

Against mere feeling, Rousseau affirmed the primacy of reason; against the omnipotence of nature [in the form of naked domination and natural instincts] he appealed to the idea of freedom in accordance with the demands of ethical will.¹⁹

The fundamental issue *is* the issue of freedom. It is this that the emergence of the civil state brought into being; by taking man out of the state of nature, civil society “transformed him from a stupid and ignorant animal into an intelligent being and a man.”²⁰ Beyond all other accomplishments of the civil state, we are to celebrate that “moral freedom, which alone renders man truly master of himself.”²¹

The question of social utility then has a clear answer in the chapter entitled “The Civil State”—which is, after all, what the *Social Contract* is all about. To the query, “utility for what?,” Rousseau’s answer is clear: all other social values—equality, harmony, prosperity, peace—are rendered subsidiary. On this primacy of the value of freedom there is no ground for any charge of equivocation. The meaning of a legitimate society is that it is a free society, opening up for its citizens the opportunities of freedom. And the specific freedoms or rights the community accords its citizens, the specific obligations it demands from them in return, are to be judged, evaluated, approved or condemned by this one test: do they help or hinder the health of a society dedicated to maximizing freedom for each in ways compatible with the freedom for all.

(v) Finally, we may turn to the one negative dogma which is named in one word—“intolerance.” Does this not confirm what I have urged? Intolerance, by insisting on freedom for only some, is immediately subversive of freedom for all. Intolerance cannot be part of a civil profession of faith in the possibilities of freedom and cannot come under the mandated protection of a community that has dedicated itself to maximizing the opportunities of freedom for all. In a free society, a commitment to intolerance is itself intolerable.

IV

G. D. H. Cole has pointed out that the principle of the general will “is the application of human freedom to political institutions.”²² Free political institutions require the whole-hearted commitment of a free citizenry; they require commitment to the value of freedom and to the agreed-upon ways in which disputation is to be protected and disputes are to be resolved. Free political institutions require a commitment to their fundamental structure and the procedures by which their values are to be brought forth and developed.

That commitment defines the area within which specific rights and obligations are to be accorded, recognized, protected and enforced. It would seem the rights and privileges which ensue from that commitment may only be claimed, as a matter of right, by those who have made it, by those who have assented to the social contract which is the concomitant of the value-consensus or general will defining and epitomizing the dedication of the social bond.

That community may well choose, for its own reasons, to accord its privileges to those who reject its foundational principles; but if it does, they enjoy those privileges by sufferance and not by right. If all specific rights and privileges in a free society are within the terms of the contract and not against it, then no free society is obligated to accord its freedoms to those who do not believe in them; it is not obligated to accord access to its procedures for discussion and resolution of debate to those who do not believe in free debate. It is not obligated to protect the intolerance of those who would subvert it.²³

Rousseau's principle in the purely civil profession of faith is that of the need for a commitment to the import of the possibilities of freedom. It is a recognition that free institutions require a kind of devotion akin to that traditionally associated with religious commitment. It is a recognition that an organized community must be able to presuppose the loyalty of its members—and not only in war; a free society must be able to presuppose the loyalty and good faith of its members in that “eternal vigilance” that mandates the free criticism that is the price of liberty at home as well.

Cassirer had urged us to recognize Rousseau's “principles of political right” as providing “a thoroughly contemporary and living means of approaching [contemporary political] problems.”²⁴ In this light, we can understand why Lincoln, anticipating in 1848 the looming crisis of civil war, called for a renewal of that “political religion” necessary for the “perpetuation of free institutions”; we can remember that Weimar Germany's abandonment of the limit excluding intolerance contributed to its being led to the loss of its own freedom in 1933 and to our being brought close to losing ours; we can appreciate the force of John Dewey's call for a renewal of dedication to the “religion of democracy” in a world, be it noted, in which it would still be the confession of political faith by a minority of the world's population.

Rousseau's principle is that the quest for freedom is a moral obligation for all. But civic freedom is a political right only for those who would be free; only those who are ready to commit themselves, in the most fundamental terms, to the obligations of freedom have a right to claim it for themselves.

¹ Ernst Cassirer, *The Question of Jean-Jacques Rousseau*, trans. Peter Gay (Bloomington: Indiana University Press, 1963), cf. pp. 70, 82, 111–13.

² George Kelly, *Idealism, Politics and History* (Cambridge: Cambridge University Press, 1969), p. 57.

³ Jean-Jacques Rousseau, *The Social Contract, Annotated Edition*, Rev. trans., ed. & intro. Charles M. Sherover (New York: New American Library, 1974) Par. 57.

⁴ *Ibid.*, Par. 404.

⁵ *Ibid.*, Par. 424.

⁶ *Ibid.*, Par. 423.

⁷ *Ibid.*, cf. Par. 425.

⁸ *Ibid.*, Par. 439.

⁹ *Ibid.*, Par. 439.

¹⁰ *Ibid.*, Par. 440.

¹¹ *Ibid.*, Par. 441.

¹² One might well refer to John Cuddihy's *No Offense: Civil Religion and Protestant Taste* (New York: The Seabury Press, 1978), for an illuminating discussion of the ways in which American political and social practice have made a distinction between ecclesiastical religion and a civil religion of custom and manners.

¹³ Ronald Grimsley, *The Philosophy of Rousseau* (London: Oxford University Press, 1973), p. 114.

¹⁴ Grimsley, *op. cit.*, p. 72, cf. p. 92.

¹⁵ Rousseau, *op. cit.*, Par. 440.

¹⁶ *Ibid.*, cf. Par. 327.

¹⁷ Cf. Locke, *Second Treatise of Civil Government*, #191, which seriously abrogates it; cf. Par. 327 and footnote, *The Social Contract*; cf. Plato, *Crito*, 51-2.

¹⁸ Rousseau, *op. cit.*, Par. 440.

¹⁹ Cassirer, *op. cit.*, p. 99.

²⁰ Rousseau, *op. cit.*, Par. 55.

²¹ *Ibid.*, Par. 57.

²² G. D. H. Cole, "Introduction," Rousseau, *The Social Contract* (New York: Everyman, 1913, rpt. 1938), p. xxxv.

²³ The U.S. Supreme Court's famous judgment that subversive speech should be allowed only when there is "no clear and present danger" of its success is a clear application of Rousseau's principle.

²⁴ Cassirer, *op. cit.*, p. 37.