Republicanism and popular sovereignty

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I Rousseau

A Protestant among Catholics, a proud citizen of the tiny republic of Geneva among cosmopolitan fellow travellers of monarchical imperialism, a critic of modernity at its most fashionable eighteenth-century shrine, Rousseau was spiritually estranged from the intellectual circles in Paris to which he had previously been drawn when, in 1750, he won the prize offered by the Academy of Dijon by responding in the negative to its question, ‘Has the restoration of the arts and sciences contributed to the purification of morals?’ With the publication of this work, his First Discourse, he immediately became a celebrity and thereby launched his literary career as chief critic of the age of Enlightenment. When, in 1755, in addressing the same academy’s question, for another prize competition, on ‘What is the origin of inequality among men, and is it authorised by natural law?’, he condemned both the loss of innocence and lack of virtue prevalent in refined society. Private property, he asserted in his Second Discourse, was the principal source of that form of unnatural inequality which gives rise to governments, rulers, and violence.

The first man who, having enclosed a piece of ground, to whom it occurred to say this is mine, and found people sufficiently simple to believe him, was the true founder of civil society. How many crimes, wars, murders, how many miseries and horrors mankind would have been spared by him who, pulling up the stakes or filling in the ditch, had cried out to his kind: Beware of listening to this impostor; You are lost if you forget that the fruits are everyone’s and the earth no-one’s. (Rousseau 1997a, p. 161)

Rousseau here, as well as in his Essay on the Origin of Languages largely drafted some years later (and first published posthumously in 1781), sketches a theory of historical development according to which mankind must originally have lived in a purely animal and unsociable state of nature, driven by hunger and sexual appetite alone. In that condition man’s only inclinations would

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have been self-love and compassion, Rousseau argues, but as the human race multiplied, this simple form of life would have disappeared. Hunting and fishing would have made co-operation necessary, thereby giving rise to rudimentary forms of social life. Mankind would then have passed through successive stages, from nomadic shepherding to settled agriculture and the invention of metallurgy, he claims, with each stage unleashing ever greater luxury, the passions of egoism, the despotism of rich over poor, and increasingly sophisticated forms of social power. These stages trace what Rousseau regarded as the downfall and corruption of natural man by way of a speculative history that not only denied his contemporaries’ faith in progress but also the Augustinian doctrine of original sin. According to Rousseau’s re-reading of the Book of Genesis, sin had been manufactured in the course of human history and civilisation and had reached its zenith in the transformation of agricultural into commercial society.

In his *Social Contract* of 1762 he depicts not so much the social origins of vice as the political characteristics of ancient virtue, deemed appropriate to all legitimate republics wherein the people as sovereign do not run headlong into their chains but rather achieve a kind of equality in which every man remains ‘as free as before’ (SC, 1.6, p. 50). The freedom a man gains under republican rule is, however, different from the ‘natural independence’ which he gives up when entering into a contractual relation with his fellow citizens. Rousseau here endeavours to answer the question, what can render legitimate the chains which bind men everywhere? It is, he contends, the idea of contract or covenant, which can only be legitimate if the ‘person’ to which the will of everyone is submitted is the ‘association of all’. Only an association of citizens who rule themselves can pretend to sovereignty. A state in which that self-governing sovereign constitutes the legislative will is, according to Rousseau, a republic.

The ‘act of association involves a reciprocal engagement between the public and the private individuals’, whereby each individual, he maintains, ‘contracting, so to speak, with himself, finds himself engaged in a two-fold relation: namely, as a member of the sovereign towards private individuals, and as an individual member of the state towards the sovereign’ (SC, 1.7, p. 51). The seeming paradoxes of this formula are explained by Rousseau’s dualistic conception of human nature. As a virtuous citizen every man wills the ‘general will’ (*volonté générale*) which promotes the common good, but as an individual with private interests he is at the same time a ‘subject’ of the laws which, as a citizen, he has prescribed to all. ‘The people’s deliberations’, as constituted in the legislative sovereign to which they individually bind
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themselves, are always upright, but only on condition that they are united by their shared concern for the whole community. Their laws, conceived not as the ‘will of all’ which is the mere sum of their disparate particular wills but as the expression of their general will, must pertain to all citizens of the republic (SC, II.3, pp. 59–60). The sovereign cannot have an interest contrary to the collective interests of its citizens, for sovereignty, ‘by the mere fact that it is, is always everything it ought to be’ (SC, I.7, p. 52). When a people is united and virtuous, its sovereign will is inalienable and indivisible (SC, I.1–2). Of course Rousseau admits that the volonté générale seldom prevails in actual societies. The will of all, or of the majority when compounded of citizens’ individuals wills, often errs, for ‘what generalizes the will is not so much the number of voices, as it is the common interest which unites them’. What is required is an ‘agreement between interest and justice’ (SC, II.3, II.4, pp. 60, 62).

How can such a concordance be achieved? Through education, through the prohibition of partial societies within the state which produce their own private wills in contradiction with the general will, and through the erosion of social differences in order to create a more homogeneous society (SC, II.3, p. 60). In order to attain greater equality or homogeneity of interests, there ought either to be no political parties, corporations, or unions in the state (such as was sought through the loi Le Chapelier of 1791, justified with reference to Rousseau), or as many as possible, each roughly equal to the others, as Solon, Numa, and other great legislators of antiquity had sought. Recalling the central theme of his Second Discourse (that is, his Discourse on Inequality), Rousseau reports that the social state is always advantageous to those who have possessions and harmful to those who have none. While he allows that social and economic inequalities are inevitable, he insists that the republic must prevent citizens who are sufficiently rich from buying the will of others and those who are poor from selling their votes and thereby enslaving themselves (SC, I.9, II.11). Neither wage-earners nor great capitalists could flourish in a republic such as he portrays, which would, ideally, form an agrarian society comprised of independent producers.

Rousseau, moreover, draws a sharp distinction between a republic’s sovereign and its government. The sole authority of the sovereign citizenry is to make laws. The administration and application of the laws in particular instances is a matter for the state’s government, ‘magistrate’, or ‘prince’, but not its sovereign. The relationship between legislative and executive power may be likened to that which determines the two causes of human action in general – a spiritual or moral cause, and a material or physical
cause, in effect, a will which determines and a power which executes (SC, iii.1). Government provides the connection between the sovereign and the subject, a corps intermédiaire. It may be an individual or a group, but what is crucial, according to Rousseau, is that the functions of sovereignty and government must never be exercised by the same body. As much as he insisted, like Hobbes, upon the need for absolute sovereignty, he also stipulated, like Montesquieu, that there must be a separation of powers in the state, sovereigns never possessing the authority to enforce their own laws and governments never having the authority to make them.

Just as the particular will incessantly acts against the general will, so the government makes a constant effort against sovereignty. The greater this effort grows, the more adulterated does the constitution get, and since there is here no other corporate will to resist the will of the prince and so to balance it, it must sooner or later come to pass that the prince ends up oppressing the sovereign and breaking the social treaty. (SC, iii.10, p. 106)

In that mounting clash of government and sovereignty lies the old age and death of the social organism. It was to be found in Rousseau’s lifetime in the usurpation of the powers of Geneva’s sovereign General Council by the Small Council that comprised its government, the patriciate wresting the authority of Geneva’s bourgeoisie as if to illustrate the iron law of oligarchy two centuries before Robert Michels had invented it. The development of royal sovereignty in France in the seventeenth century had pursued a similar evolution.

While sovereignty always took only one legitimate form, according to Rousseau, he allowed, in classical Aristotelian fashion, that governments might take different forms, appropriate to different circumstances, generally in inverse correlation with a state’s population, monarchical power prevailing in large states, democratic rule and popular liberty in small ones, with hereditary aristocracies constituting what he terms ‘the worst of all governments’ and elective aristocracies, provided offices are there determined by merit, the best (SC, iii.5, p. 93). It is in this context that Rousseau’s deprecating remarks about democracies – in particular their tendency to anarchy, faction, and civil war – should be understood. ‘If there were a people of gods, they would govern themselves democratically. So perfect a government is not suited to men’, he contends (SC, iii.4, p. 92).

In the Social Contract, if not everywhere throughout his political writings, democracy is described merely as a form of government that purports to be sovereign, a confusion equally characteristic, from the opposite end of
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the spectrum, of oligarchy and tyranny. The radically democratic hue of Rousseau's political theory is nonetheless displayed in this work's defence of the idea of popular sovereignty and especially in its hostility to the idea of representation. 'Sovereignty cannot be represented', Rousseau insists, for laws require the direct and unmediated mandate of all citizens. 'The deputies of the people therefore are not and cannot be its representatives, they are merely its agents; they cannot conclude anything definitively. Any law which the people has not ratified in person is null; it is not a law' (SC, iii.15, p. 114). This formula does not confine Rousseau's vision just to the face-to-face citizen assemblies of the ancient city-state; it points as well to systems of mandated delegates, dismissible at will, and to the ratifications of legislation through referenda. In his Government of Poland, drafted in the early 1770s, he proposes mandated deputies for the diet of an independent Polish state, which would be too large for an assembly of all citizens. The debates about the nature of popular mandates which took place in the French National Assembly in 1789 and thereafter were much influenced by his reflections on this subject in his Government of Poland. But in condemning representation in the Social Contract, he pours scorn above all on the British constitution, contending that 'The English people thinks it is free; it is greatly mistaken, it is free only during the election of members of parliament; as soon as they are elected, it is enslaved, it is nothing' (SC, iii.15, p. 114).

Commentators have often remarked upon the contrasts between the apparent utopianism of the Social Contract and Rousseau's more nuanced and pragmatic schemes for Poland, Corsica, and Geneva. Those contrasts must not be exaggerated. The ideal type of republican rule which he outlines suits only a small and Spartan society comprised of virtuous citizens. In practice, and even in the Social Contract, he warns his readers against any swift alteration of ancient and venerable laws. Legislation should follow the customs and practices of a people, he insists, rather than the dogmatic maxims of intellectuals. In a corrupt world, ancient laws can be a sound guide.

2 Mably

The Abbé Gabriel Bonnot de Mably, elder brother of Condillac whom Rousseau encountered in Lyons in 1741, came from a wholly different background, having been born into prosperity as a member of France’s provincial noblesse de robe. By virtue of his inheritance and education he was destined for an ecclesiastical, diplomatic, or political career which, however,
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He abandoned to become a writer. His first book, the *Parallèle des romains et des français* (Comparison of the Romans and the French) of 1740 offered a defence of Dubos’s monarchical philosophy and a rejection of Boulainvillier’s contrary *thèse nobiliaire*, showing how feudal government in medieval France had paved the way towards a perfected form of monarchy under the Bourbons which, unlike the Republic of Rome, had proved incapable of degenerating into despotism.

But Mably did not continue to subscribe to such views for long. On the occasion, in 1747, of Cardinal Pierre Guérin Tencin’s decision to authorise the annulment of a Protestant marriage over his and other objections, and more generally on account of his perception of the abuse of monarchical power and its mismanagement of the public purse in the War of the Austrian Succession, he broke with the court circles to which he had come to be allied and repudiated his own earlier doctrines. First, in his *Observations sur les grecs* (Reflections on the Greeks) of 1749, and then, more decisively, in his *Observations sur l’histoire de France* (Observations on the History of France) of 1765, he appealed to both Spartan and Roman models of constitutional government which he contrasted with the practice of arbitrary rule under France’s monarchy, like Rousseau, and indeed with a substantially wider range of historical sources and references at his disposal, turning to classical antiquity as a guide to the defects of modern absolutism. Rome’s republic had been modelled on that of Sparta, he asserted, its perfection, as Polybius had explained, residing in its mixed character, embracing monarchical, aristocratic, and democratic components, its fundamental framework of popular sovereignty secured by the introduction of the tribunate, which had protected the interests of Rome’s plebeian classes. The accumulation of wealth through trade that in the contemporary world was so central to the prosperity of commercial societies fostered the corruption of morals and public spiritedness such as had drawn the more egalitarian citizens of Sparta and Rome together in common service to the state.

In his *Entretiens de Phocion* (Conversations of Phocion) of 1763, a dialogue purporting to be a translation of a recently discovered Greek manuscript that won him great acclaim and proved the most widely circulated of all his writings, Mably couched his praise of ancient republican virtue in the language of justice, prudence, and right reason, adopting perspectives and the terminology invoked by Stoics to keep the passions of avarice and ambition at bay. An invincible nation was one defended selflessly by all its citizens, he claimed, and they shared that objective because the passions that would otherwise divide them, including contempt and envy arising from extremes of
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wealth and poverty, would have been successfully suppressed. Unlike some utopian writers of the eighteenth century, such as Jean Meslier or Morelly, who hoped that the abolition of private property might lead to the dissolution of all forms of despotic power in its wake, Mably, like Rousseau, attached importance to the idea of private property as, at least in principle, a measure of self-reliance, and like Rousseau, too, he portrayed images of citizens’ public engagement as exemplified by ideals prevalent in the Republic of Rome. He showed little patience, however, for Rousseau’s interest in a fictitious state of nature, for his critique of the idea of sociability, and for his supposition that collective self-rule was only possible in small states. Yet these differences are less striking than their similarities. Mably’s egalitarianism, decried by Benjamin Constant as similar to Rousseau’s attempt to transform France into Sparta, was, on account of its concentration on political solidarity, closer to classical republicanism than to that of most strains of nineteenth-century socialism that were more akin to anarchism (Wright 1997).

3 Diderot

Ever since it became known that almost all the politically radical passages in the later editions of the Abbé Raynal’s Histoire philosophique et politique des deux Indes (Philosophical and Political History of the Two Indies) are by Diderot himself, as well as in the light of the publication from hitherto unknown manuscripts of his Entretiens avec Catherine II (Conversations with Catherine II) in 1899, his Observations sur le Nakaz (Observations on [Russia’s] Code of Laws) in 1920, and his Pages contre un tyran (Pages against a Tyrant) in 1937, Diderot must be reckoned among the most significant political writers of the eighteenth century. The Encyclopédie, which he edited and brought out almost single-handedly, contains a considerable number of political texts, though they do not follow a consistent line. Diderot secured among his contributors on political and economic subjects many luminaries of the day, including Turgot and other leading physiocrats, while the indefatigable chevalier de Jaucourt proved the most assiduous collaborator of all. The general tenor not only of his own contributions but of the whole enterprise which he supervised may be described as one of enlightened and optimistic rationalism, not least with respect to its portrayal of the natural sciences, arts, crafts, and technical industries, as well as its (cautious) critique of religion. The Encyclopédie undoubtedly helped to undermine conservative ideologies prevalent under the ancien régime, but neither by design nor effect
was it a revolutionary text, and the Empress Catherine II not only sought Diderot’s company in St Petersburg but also offered to have the *Encyclopédie* printed in Russia if French censors put too many obstacles in the way of its chief editor.

Diderot’s most forthright political views are by and large to be found in places other than the *Encyclopédie*. His critical judgement of the English constitution derived chiefly from his contact with John Wilkes, who in 1763–4 was an exile in France. Diderot urged Wilkes to defend the American cause in parliament. Obliquely in the 1782 edition of his *Essai sur les règnes de Claude et de Néron* (Essay on the Reigns of Claudius and Nero), comprising a revision of his account of the life and writings of Seneca published four years earlier, and more directly in his contribution to the *Histoire des deux Indes*, he enthusiastically acclaimed the American ‘insurrection’ and urged the New Englanders not to falter in their struggle against oppression. In freeing themselves they had given all the inhabitants of Europe a refuge from fanaticism and tyranny, and taught their rulers a lesson in the legitimate use of their authority, Diderot suggested, adding his hope that the manners of these brave fighters and their descendants would not be corrupted ‘by the enormous growth of wealth and its uneven division’ in America.

In the *Essai*, which appeared towards the end of his life under his name, he defends a right of popular insurrection, going far beyond his more characteristically cautious advocacy of reform. But it is in his (anonymous) additions to Raynal’s commentary on the two Indies that can be found Diderot’s most revolutionary pronouncements. Although the work is mainly about colonial history, Diderot’s words are easily transferrable to domestic conditions. ‘You should know that an empire cannot endure...without morals and virtue’, he remarks in directly addressing France’s Louis XVI with regard to the corruption of his court. ‘Do you intend to go on condoning the insatiable greed of your courtiers...or to allow the nobility and magistrates...to continue to keep far from them the burden of taxation and make it fall on the people?’ (Diderot 1992, pp. 172–3). Sooner or later justice must prevail, Diderot insisted, even if this should mean that a nation can only be reborn through a bloodbath. From evidence provided by history itself, it was plain that ‘all arbitrary power rushes towards its own destruction, and that everywhere revolutions...bring back the reign of liberty’ (p. 174).

In transmitting its principles of freedom to its American colonies, England had recently witnessed its own enlightenment invoked against itself as those principles had taken root there. Through the American Revolution European philosophy had spread abroad, while the corruption of political power
in France beckoned its return to the Old World as well (p. 198). ‘Wherever
the sovereign does not allow people to express themselves freely . . . he pro-
vides the most convincing evidence of his inclination to tyranny.’ ‘When the
horrors of tyranny and the instincts of liberty put weapons into the hands of
bold men’, there is more moral strength among the few citizens who bring
about this ‘fortunate upheaval’ than in the most populous nations (pp. 182,
174).

With the empress of Russia Diderot of course adopted a milder tone. Her
reform of her nation’s legal code, itself apparently inspired by Montesquieu,
excited the admiration of many philosophes, and Diderot heaped praise on
this attempt to bring philosophy and kingship together. At the same time,
through a series of incisive comments in his Observations sur le Nakaz, he
endeavoured to promote more radical change out of Catherine’s proposed
programme.

His use of the word souverain in this text is not consistent. In a passage
which appears in the preface he seems to offer his unequivocal support for
popular sovereignty: ‘There is no true sovereign except the nation; there
can be no true legislator but the people.’ Here Diderot seems plainly to
be following Rousseau. The people is sovereign, and its task is to provide
binding laws for all. Russia could be seen as a republic in Rousseau’s sense,
if its monarch were merely the people’s magistrate. Yet, in most passages
of the Observations, Diderot speaks of the empress herself as sovereign. He
declares that the ‘first line of a well made Code . . . should begin thus’:

We the people and we sovereign of this people swear conjointly to obey these laws by
which we will be equally judged; and if it should happen that we, the sovereign, [thereby
becoming] enemy of our people, should change them or infringe them, it is just that
our people should be released from the oath of loyalty, and that they should pursue us,
depose us and even condemn us to death if the case demands it. (Diderot 1992, p. 81)

The people are here clearly distinguished from the sovereign, over whom
they are granted ‘supreme authority’ (p. 82). They do not create the republic;
there is at best a contract of rulership and subjection between people and
sovereign. What Diderot most frequently stressed is not so much popular
sovereignty as the rule of law. He is less concerned with the ultimate source
of legislation than a monarchy’s subjection to the same laws as all its citizens.
Without the rule of law, the empress is a despot.

In his Observations sur le Nakaz Diderot proceeded to recommend the
creation, or election, of a representative body, to meet every five years so as
to judge whether the sovereign had observed the laws. If necessary this body,
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he suggested, could determine a punishment or terminate the sovereign’s office. Reform must begin with the unequivocal renunciation of autocracy. Whatever good might be achieved by unlimited power, enlightened absolutism must engender popular passivity, and at worst a good ruler was likely to be succeeded by a tyrannical despot. A limited monarchy, or monarchie tempérée, by contrast, should be so constituted that the monarch is free to do good, but prevented from doing ill.

When the empress declared that ‘it is more advantageous to obey the laws under a single master than to depend on several masters’, Diderot agreed on condition that the master himself ‘is the first subject of the laws’ (1992, p. 88). The natural tendency of all monarchs was to slide towards despotic rule. ‘The king of England does all he can to establish a French government; and the king of France all he can to introduce an Asiatic government’ (p. 90). Diderot had in mind and here alludes to the regime of Maupeou, between 1768 and 1771, which had contravened the constraining power of the parlement of Paris and the Cour des Aides. The fate of the parlements showed that law courts formed no adequate safeguard against despotism. There must, Diderot thought, be a better guarantee of the ‘fundamental laws of Russia’. Even the English House of Commons could be weakened by corruption. What was required was a sufficiently powerful countervailing force, un corps dépositaire, to balance the monarch. Who shall be the repository of the laws? ‘A body representing the nation.’ It must be a body elected by the people which, when not seduced by political munificence, will choose the most upright and best informed among them.

What should be the prerogative of this body? To revise, approve or disapprove the wishes of the sovereign, and to convey them to the people. Who should make up this body? Owners of large property (grands propriétaires). How should this body be given some strength? That is a matter of time, of public consideration . . . of the permanence of those members. (Diderot 1992, p. 100)

Diderot’s identification of this body with the grands propriétaires must have struck quite a number of his readers as odd, bearing in mind his advocacy elsewhere of the abolition of privilege and his insistence upon laws of inheritance that would make the division of estates compulsory.

The Observations are also marked by excursions on the need for universal schooling, a liberal divorce law, and a restrained legal code (with a preference for reparation over imprisonment and the death penalty). Diderot urges the separation of church and state and the necessity of not favouring any particular religion, since priests seduce monarchs by preaching that
they are accountable to God alone, and feed upon ignorance, the founda-
tion of their wealth and position. ‘The priests have been much more
cunning than sovereigns’, he remarks. ‘They made us drink in the dog-
mas of religion with our mothers’ milk . . . When you establish laws you
should not put them under the sanction of religion’ (1992, pp. 114–15). In
the same text Diderot calls for serfdom to be abolished (pp. 126–7). That
is necessary if economic development is to be promoted, he insists. With
the exception of foreign trade, there should be full freedom of trade and
competition. Though Diderot held, like Rousseau, that gross inequalities of
wealth were dangerous, he embraced freedom as appropriate to economic
progress. Wealth was not of itself harmful if it contributed to the welfare of
all and if taxes reflected the ability to pay of those over whom they were
levied.

If Diderot sometimes reflected Rousseauian republicanism, he nowhere
imagined a Russia formed out of a federation of small virtuous republics,
and in his eyes, as against Rousseau’s pessimism, he came to see in Russia
an optimistic progressivism, in the light of which Russia might in time even
overtake the ‘most modern states’ of Europe.

4 Venice and Geneva

Rousseau remarks in his Confessions that his Institutions Politiques, as he ini-
tially conceived what would have been his magnum opus in political theory
and of which the Social Contract was to be the sole surviving fragment, had
been inspired by his stay in Venice in 1743–4, when he had been secretary of
the French ambassador to that republic. Its similarity to the contemporary
government of the republic of Geneva had struck him, the bourgeoisie of his
native city being exactly equivalent to the Venetian patriciate, he observed.
He held that it was wrong ‘to take the government of Venice for a genuine
aristocracy’; it should rather be understood as a ‘mixed government’, like
Geneva’s. ‘While the people has no share in the government, the nobility is
itself of the people. A multitude of poor Barnabites never came close to any
magistracy, and all they get for being noble is the empty title of Excellency
and the right to be present at the Great Council’ (SC, iv.3, p. 126). The
constitution of Venice would correspond to the ideas of the Social Contract
if its government had not long ago become an hereditary aristocracy. ‘It is
very important to regulate by laws the form of electing magistrates; because
if it is left to the will of the prince, hereditary aristocracy is the inevitable
consequence, as it was in the republics of Venice and of Berne’ (SC, iii.5,

583
p. 93). Venice’s practice of election by lot in the manner of ancient Athens could not be masqueraded as democracy since in Venice the doge ruled for life.

Jaucourt was the author of the *Encyclopédie* article ‘Venise, gouvernement de’, in which he summarised the history of the Venetian state from the establishment of its republican constitution in 709, recounting its transformation into an aristocracy of the higher nobility from virtually the time of its inception and then formally in 1172. But even while its republican foundations were subverted, a countervailing force, he explained, remained in Venice, residing in the body of the twelve tribunes, who could oppose ordinances of the ‘prince’ and annually chose forty citizens from each section of the city to serve on its Grand Council, comprised in all 240 members. This constitution survived until 1289, when the doge established a ‘true aristocracy’, by restricting membership of the Grand Council just to citizens of the day and their descendants, in perpetuity thereafter electing the members of Venice’s Small Council or government.

The republic’s population came to be divided hierarchically by ranks, including three orders of nobility distinguished by the length of their genealogy, below which resided a largely undifferentiated class of townspeople (*cittadini*) eligible for such public offices that were beneath the dignity of the nobility but excluded from the franchise that determined other roles. If the constitution gave the impression of a *gouvernment mixte* by way, respectively, of monarchy (the doge), aristocracy (the Small Council), and democracy (the Grand Council), ‘in reality the state is a pure aristocracy’, he claimed. Raynal, in his *Histoire des deux Indes*, was equally critical of the Venetian constitution. Like Rousseau, however, he maintained that its government might appear the best if its aristocracy were not the worst. All branches of the ruling power are there divided amongst the nobility and balanced with admirable harmony, he suggested. The great rule effortlessly like shining stars in a spectacle which pleases the people, who console themselves for their lack of power with aspirations of wealth that, with diligent application, is within their grasp.

Rousseau himself, especially in his *Lettres de la montagne* (Letters from the Mountain) of 1764, supplied a far more detailed account of the republican constitution of Geneva. He identified the five or six classes of persons that comprised the state in Geneva and defined their political rights, though he neglected the population’s lowest class, the *sujets*, forming around one third of the city’s inhabitants. The first two classes, the citizens and the bourgeois, were the only ones entitled to take part in legislation, and the
most important offices of state were reserved for the *citoyens* themselves, a status Rousseau shared and which he proudly proclaimed on the title-page of most of his major works until he renounced it himself in objecting to the corruption of Geneva’s constitution, and was in any case stripped of it by Geneva’s government, mainly for the seditious character of his theology. *Citoyens* were sons either of *citoyens* or of bourgeois, provided that they had been born in the city. A bourgeois resided in the city and could be admitted to all trades, subject to expulsion only by the verdict of a court. The number of *citoyens* and bourgeois together never exceeded 1,600. Below them in political status were the *habitants* who formed a class of foreigners entitled to live and work in but not vote on the affairs of the republic. Their children counted as *natifs* and enjoyed certain rights, among them of access to certain professions, which their parents did not possess. *Habitants* and *natifs* were more highly taxed than *citoyens* and bourgeois. The *sujets* or subjects generally lived outside the walls of the city but within the territorial orbit of the state, bound by its laws but taking no part in its political life.

From Rousseau most famously but also other sources in the eighteenth century it was known that Geneva’s republic was comprised of the following institutions. (1) The *Petit Conseil*, or Small Council of twenty-five members, sometimes called the Senate, consisting of members nominated for life, which settled political and constitutional questions and could initiate legislation to be brought before other councils, as well as serving as a supreme court. (2) The *Syndic* or Syndics, who administered public policy in all branches of government, chosen annually by the *Conseil Général* or General Assembly of all citizens from among the members of the *Petit Conseil*. (3) The Council of Two Hundred, responsible for appointing members of the *Petit Conseil*. (4) The Council of Sixty, consisting of members of the *Petit Conseil* and thirty-five delegates of the Council of Two Hundred. And (5) the *Conseil Général* itself, bringing together all *citoyens* and bourgeois, thereby forming the legislative body of Geneva’s republican constitution. Although Rousseau sometimes described Geneva as a democracy, in the *Social Contract* he reserved that term to define a form of government in which the people, in administering the laws to themselves, rendered their state’s general will particular. No more than ancient Athens, whose democracy he portrays as providing its citizens’ freedom only by way of an institution of slavery that made their leisure possible, Genevan democracy, consisting of around 5 per cent of the republic’s 30,000 inhabitants, bore little resemblance to the idea of genuinely popular self-government of which Rousseau was the eighteenth-century’s chief advocate.
He objected fiercely to the Petit Conseil’s progressive metamorphosis, accelerated in his own lifetime, into a hereditary governing body dominated by a few families, regarding this tendency as ‘le vice principal’ of the Genevan constitution. But the restriction of full citizenship and all its rights to a small percentage of the population disturbed him less. In response to the efforts of the city’s public prosecutor, Jean Robert Tronchin, to defend the prerogatives and indispensability of the power wielded by its Petit Conseil against its critics who accused it of usurping the authority of the people, Rousseau championed the sovereign status of the Conseil Général in his Lettres de la montagne. These tensions had arisen before on several occasions in the eighteenth century, but their resurgence in the early 1760s was due in no small measure to the influence of the Social Contract itself upon radical circles which thereafter couched their opposition to Genevan oligarchy in the language of popular sovereignty he employed, even though Rousseau had in his fashion merely recapitulated principles invoked by earlier generations of democrats who regarded their state’s original constitution as having been subverted by its government. Tronchin had traded on the ambiguities of the meaning of the term gouvernement to obscure the de facto usurpation of sovereignty by the Petit Conseil. Rousseau responded that in a republic, sovereignty resided in and with the people, while the ‘government’ merely carried out the laws which expressed the sovereign’s will. If the best possible form of government was that in which the best persons – that is, an aristocracy – ruled, it was also the case that hereditary aristocracy was the most dreadful form of sovereignty. Aristocratic sovereignty was in principle even worse than monarchical sovereignty, allowing that the congruence of a state’s general will with the will of an enlightened prince was more probable than with a political body comprised of mixed elements. While an individual might come to subordinate private interest to the common good, the consciences of the members of a council come to be soothed effortlessly by their conviction that in acting together they have put private interest aside – but they were nevertheless engaged in their common interest, a particular interest compared to that of the whole community.

In propounding such claims Rousseau sharply differentiated his own political philosophy from that of d’Alembert in his article on ‘Geneva’ published in 1757 in the seventh volume of the Encyclopédie. ‘Geneva knows no hereditary dignities: the son of a first magistrate remains undistinguished from the mass, unless by his own merit’, d’Alembert insisted. Rousseau’s critique of oligarchy and indeed the concept of representation not only of the people but on the stage – a common theme that joined his philosophies
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of the state and the arts together – owes much to his disenchantment with Genevan politics and culture and his opposition to those, who like Voltaire and d’Alembert, sought to refine and prepare for the challenges and promise of the modern world the character of the people of that austere republic. Unless it was in his posthumously published Government of Poland, which first appeared in print in 1782, and would come to inspire some of the central debates about sovereignty and representation in the course of the French Revolution, nowhere would these populist themes in defiance of modernity play a greater role in his writings than in his critique of d’Alembert’s essay, his Lettre sur les spectacles (Letter on the Theatre) of 1758, which occasioned more commentaries and replies from his admirers and detractors alike than his Discourse on Inequality and Social Contract together.

5 Kant

In the course of a long life Immanuel Kant hardly ever set foot outside the city of Königsberg in East Prussia. But there was nothing provincial about the tastes and interests of perhaps the most cosmopolitan of all eighteenth-century philosophers. Through immensely broad reading in several languages and by way of entertaining widely travelled visitors he engaged with world events as if he had witnessed them first hand. This was above all true with respect to the American and French Revolutions. As a university professor employed by the Prussian state, Kant was obliged to show caution and reserve in pronouncing on religion and politics, but his passionate support for the American colonists in not just their grievances but their uprising is evident, and he regarded the intellectual sympathy which French revolutionary events evoked abroad as a sign of humanity’s moral progress.

While Hume had aroused him, as he famously remarked, from the ‘dogmatic slumbers’ into which German philosophy had sunk in the metaphysical wake of Leibniz and Wolff, it was to Rousseau that Kant owed his abandonment of philosophical elitism and conversion to a ‘democratic’ way of thinking. As he remarks in a celebrated fragment, ‘I am myself by inclination a seeker after truth.’

I feel a consuming thirst for knowledge and a restless passion to advance it, as well as satisfaction in every forward step. There was a time when I thought that this alone could constitute the honour of mankind, and I despised the common man who knows nothing. Rousseau set me right. This blind prejudice vanished; I learned to respect human nature, and I should consider myself far more useless than the ordinary working-man if I did
not believe that this view could give worth to all others to establish the rights of man (cited in Cassirer 1945, pp. 1–2).

Kant no more subscribed to Rousseau’s philosophies of history and the state than he did to Hume’s scepticism, but the only adornment that could be found in his modest study was a portrait of Rousseau, from whom he drew insights into the nature of society and of sinnlichen Mensch (sentient man) tempered by his altogether different conception of the links between political theory and practice in the light of which, unlike Rousseau, he sought to develop his political philosophy (forming only a small and relatively minor part of his corpus as a whole) entirely from the principles of ‘pure reason’.

By contrast with Rousseau, Kant did not assume that mankind is by nature good or perfectible, nor did he agree with those materialists of his day who, following Locke, supposed that human nature was at bottom largely formless and elastic and that, as Helvétius put it, ‘L’éducation peut tout’ (‘Education can achieve everything’). On the contrary, in accord with Christian theology, he accepted that mankind had fallen from grace, and in a passage in his Idee zu einer allgemeinen Geschichte (Idea for a Universal History, 1784), which Isaiah Berlin was to make the cornerstone of his own philosophy, he declared that ‘nothing straight can be constructed from such warped wood as that which man is made of’ (Kant 1991, p. 46). Likewise in contrast with Rousseau he believed that a gradual moral improvement of humanity was possible, and that natura naturans or creative nature had ensured that mankind should aspire to and procure higher things by its own reason, unconditioned by instinct. The dignity or worth of persons lay in their each being ends in themselves, which Kant supposed was even the purpose of Creation itself. From this notion stemmed his conception of the categorical imperative, in its second formulation the idea that every rational being should treat every other ‘always at the same time as an end, never merely as a means’ (Groundwork of the Metaphysics of Morals: Kant 1998, p. 38). From the man who is capable of reason, a reasonable being can be made. It is because of the antagonism of human instincts, because of man’s ‘unsociable sociability’, that there can be cultural progress, whose trajectory, because it is compelled by his own nature, is not of his making as are the moral choices by which he enacts that nature. Rousseau subscribed to virtually the opposite perspective with respect to mankind’s evolution, convinced as he was that cultural progress ensured only moral regression. In the seventh proposition of his Idea for a Universal History Kant, however, maintained that
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We are cultivated to a high degree by art and science. We are civilised to the point of excess in all kinds of social civilities and proprieties. But we are still a long way from the point where we could consider ourselves morally mature. For while the idea of morality is indeed present in culture, an application of this idea which only extends to the semblance of morality, as in love of honour and outward propriety, amounts merely to civilisation. (Kant 1991, p. 49)

While, by and large, Kant accepted Rousseau’s critique of contemporary moral deficiencies, he took the exercise of the faculty of reason with which human beings were endowed to mark not only prospective but already achieved stages of gradual moral progress, thereby rejecting one of the central contentions of the Discourse on Inequality in which Rousseau had contended that human history had marked the abuse and not the refinement of mankind’s perfectibility or capacity for self-improvement. One of the chief hindrances to this progress, as Kant remarked in the same passage, was the concentration of states upon external expansion rather than on ‘the slow and laborious efforts of their citizens to cultivate their minds’. In the eighth proposition of his Idea for a Universal History he asserted that ‘the history of the human race as a whole can be regarded as the realisation of a hidden plan of nature to bring about an internally – and for this purpose also externally – perfect political constitution as the only possible state within which all natural capacities of mankind can be developed completely’ (Kant 1991, p. 50). If this goal were to be reached or approached, then the adoption of the categorical imperative, which as a matter of conscience stipulates a rule prescribed to itself by homo noumenon or a rational human being, would be possible without endangering man’s self-preservation. On this point Kant may appear not to differ markedly from Rousseau, but his guide was perhaps less Rousseau than Adam Smith, who, like him, believed in both moral progress and civilisation, occurring by a design that was not consciously intended by human agency and thus not of human origin, manifesting the achievement of an ‘invisible hand’.

Kant took as empirical evidence for such ‘philosophical chiliasm’ the widespread acclaim which greeted the achievements of the French Revolution on the part of individuals not directly interested in its outcome. ‘This revolution has aroused in the hearts and desires of all spectators who are not themselves caught up in it a sympathy which borders almost on enthusiasm, although the very utterance of this sympathy was fraught with danger. It cannot therefore have been caused by anything other than a moral disposition within the human race’, he asserted in Der Streit der Facultäten (The Contest of the Faculties, 1798: Kant 1991, p. 182). By way of disinterested
condemnation of the *ancien régime* it can be recognised that inequality among men institutionalised as hereditary dependency is irreconcilable with the categorical imperative. Whoever does not personally profit from this injustice is in a position to recognise its immorality. This ‘sympathetic participation’ goes beyond mere passive observation and implies readiness to take an active part. The moral cause at work here is comprised of two elements, he wrote.

Firstly, there is the right of every people to give itself a civil constitution of the kind that it sees fit, without interference from other powers. And secondly, once it is accepted that the only intrinsically rightful and morally good constitution which a people can have is by its very nature disposed to avoid wars of aggression (i.e. that the only possible constitution is a republican one, at least in its conception), there is the aim, which is also a duty, of submitting to those conditions by which war, the source of all evils and moral corruption, can be prevented. If this aim is recognised, the human race, for all its frailty, has a negative guarantee that it will progressively improve or at least that it will not be disturbed in its progress. (Kant 1991, pp. 182–3)

To these remarks is attached an odd footnote expressly rejecting the establishment of a republican regime in a territorially extended monarchy – from the context of Kant’s work, plainly Prussia – whose population ‘may feel that monarchy is the only kind of constitution which can enable it to preserve its own existence between powerful neighbours’. If their subjects should complain of their government’s discouragement of republicanism abroad, this does not prove they are dissatisfied with their own constitution, for, on the contrary, it proves ‘that they are profoundly attached to it; for it becomes progressively more secure from danger as more of the other nations become republics’. If republics are inherently peaceful, then – at least after the transformation of all neighbouring states into republics – Prussia too could become a republic, because it would no longer need to be defended against foreign aggression. Kant’s remarks were of course shrouded in prudent caution.

For Kant, a republic is a polity whose laws articulate the united will of the people, whereby each decides the same for all and all for each. As he put this point in 1795 in *Zum ewigen Frieden* (Perpetual Peace), ‘The civil constitution of every state shall be republican’, by which he meant, as he explained, that in separating executive from legislative power the government was not despotic, since he took the arbitrariness of despotic rule to be most conspicuous when a state’s laws were made and executed by the same power (Kant 1991, pp. 99, 101). For republicanism to prevail, such separation of power he deemed as important as Montesquieu and Rousseau had done before him. No less than Rousseau he judged democracy to be pernicious and indeed
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despotic when it was a form of government, just in so far as it grants an executive power to the whole people, enabling citizens to decide against single individuals or groups among them without their consent, rendering ‘the general will . . . in contradiction with itself’ (Kant 1991, p. 101). In insisting that this separation of powers required that government be representative, he stressed the importance of a concept with respect to government that Rousseau had been at pains to reject with respect to sovereignty, not least in his condemnation of the parliamentary system by which the British people’s representatives masqueraded their own wills for the general will of the nation as a whole. Rousseau may not have noticed that in rejecting the idea of representation as an abuse of the unmediated sovereignty of the people he had left scant room to reintroduce the principle with respect to government in its separation from the people’s legislative power, but that idea did not escape Kant’s attention, and in his political philosophy it opened the prospect for a form of government that Rousseau decried, in the person of Frederick II, who at least said that he was the highest servant of the state, his own will according with the spirit of a representative system. By way of the concepts of representation and the separation of powers, enlightened despotism could appear to coincide with the republican constitution of a state in which the people were nominally sovereign.

To be a citizen of a republic, three conditions – freedom, the dependence of citizens as subjects of common rules, and legal equality – were required, in Kant’s judgement (Kant 1991, p. 99). Like Rousseau he thought that only persons who disposed of their own means of production and were not dependent on the grace or favour of other individuals could be recognised fully as citizens, a proposition which, however, led him, and in the course of the French Revolution the Abbé Sieyès as well, to draw a clear distinction between active and passive citizenship of a kind that Rousseau had never drawn himself and which Jacobin populists who turned to him for inspiration deplored. Women, servants, and others who might be classed as dependants could only be granted the status of passive citizens, supposed Kant, enjoying the protection of the law but not contributing to its promulgation. Free and equal with respect to their humanity, they were not entitled to vote because not independent, although Kant allowed that passive citizens might in time or through their endeavours become truly active. Following Locke, Kant held that private property is generated by labour, by industriousness.

That prospect could never be achieved in feudal societies, which Kant deplored most of all for the privileges they granted to the nobility, rendering the dependence and therefore the lack of true freedom of others permanent.
While Kant (notwithstanding his endorsement of the American and French Revolutions) never allowed that subject peoples in feudal societies might possess a natural right to overthrow their governments, he always decried the privileges that the nobility enjoyed in such societies. The idea of rank, when associated with political entitlements, invariably excluded the notion of merit, he supposed. It presumed a prerogative based on descent. It entrusted authority to persons unfit for it, unaccountable to any electors, denying to those who were not born to it the freedom to partake of it themselves. Kant’s critique of the idea of privilege bears a striking resemblance to Paine’s plea for the rights of all citizens to choose their own governors in his condemnation of Burke’s critique of the French Revolution.

Whereas Rousseau, at least in principle, took the totality of a nation’s citizens to be sovereign, Kant instead held the state’s legislative authority to be comprised of only those among its citizens who by virtue of their independence could be termed ‘active’. An optimist as against Rousseau’s pessimism with regard to the human race’s prospects for moral improvement, but on the other hand more sceptical in his perception of human nature’s failings than Rousseau, who thought mankind was by nature good, Kant shared Rousseau’s judgement that economic inequalities formed a threat to moral liberty. He believed, however, that concentrations of power based on wealth might be disaggregated through the introduction of compulsory partible inheritance, the abolition of privilege, and the growth of enlightened public opinion.

6 Fichte

Fichte has sometimes been described as a Jacobin like Saint-Just or Robespierre, a claim which no doubt exaggerates the truth, although if Sieyès may be portrayed as a French revolutionary similar to Kant, Fichte does indeed appear to resemble French revolutionary democrats. His anonymous first composition, the Kritik aller Offenbarung (Critique of all Revelations) of 1792, was cast with a Kantian title in Kant’s style and was regarded by many readers to be Kant’s own work, making Fichte an overnight celebrity, and in consequence no doubt reinforcing the passion for freedom proclaimed in Kant’s moral philosophy by which he had already been seized. But while he denied that there was a popular right of revolution, Fichte soon asserted its legitimacy. In Zurückforderung der Denkfreiheit von den Fürsten Europens (A Reclamation of Freedom of Thought from the Princes of Europe, 1793), a speech signed at ‘Heliopolis in the last year of the old darkness’, he proclaims,