

Rousseau on the Size of Republics: Between radical democracy and representation

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Abstract: Rousseau attacked political representation as repression of the free people. However, in his constitutional drafts on Corsica and Poland, he suggests some representative elements. This article claims that this shift depends on the conception of the size of the republic – for example, the ability of the citizenry to assemble. Any relativization of Rousseau's critique of representation is thus rather a necessary weakening of his theory. This concerns not just the power of the people, but the general will that is unrepresentable. This critique is fundamental and categorical. Though, why does he accept representation for larger states? From the shift in Rousseau's thinking the question arises: Where exactly do this (apparent) contradiction and the differences in the size conceptions of the republic in Rousseau's work come from? This article will comparatively examine the *Social Contract* and the two drafts – concerning popular sovereignty and its relation to the republic's size.

Tags: Democracy Theory, Popular Sovereignty, Representation, Republicanism, Size

1. Introduction

According to Jean-Jacques Rousseau, the modern state with its extended size creates inequality and a lack of freedom. He considers ancient societies as alternatives, especially Rome and Sparta, which governed themselves freely and offered an emancipative way out of civil and social unfreedom. In his contractualism, the association of people who would become free and equal by contract – which would create a democratic identity of rulers and ruled – he conceives of a closed, self-sufficient free society, unencumbered by the stated modern deficiencies. So, in the *Contrat Social*, Rousseau favors the classical Greek *pólis*. (Rousseau 1964: 349-472) What is meant is the city-state as a historical counter-model to modern territorial states or empires, through which – and through his praise for his homeland, the city-state of Geneva – the model of the (Swiss) city-republic and the idealized small-state democracy entered modern political philosophy. Such a republic should be small-scale, cohesive, and patriotic. It should be structured in a way that private interests could not undermine the public common good or the sovereign general will (*volonté générale*), and a homogeneous people could participate directly and democratically. (Bloom 1987: 559-561; Riley 1973: 6f.)

Rousseau's political philosophy has often been classified as contradictory (cf. Rosenblatt 2008: 59). For the conception of a self-sufficient society, in which citizens would be allowed to participate freely and equally, he oscillates between individualism and communitarianism, republican freedom, radical democracy, and authoritarian collectivism (Parry 1995: 99). However, even beyond the *Contrat Social*, his political thinking seems paradoxical, especially his conception of the size of the republic: while he still conceives of a small-scale, popular sovereign republic in the *Contrat Social*, he seems to relativize these ideas in his constitutional drafts for Poland and Corsica, in which he must deal with contemporary real countries and specific interdependencies. Thereby, he also partly deviates from the concept of direct self-legislating popular sovereignty by a popular assembly. This has led Fralin (1978a), for instance, to strongly criticize the conventional interpretation that Rousseau demonized representation. He even made Rousseau a theorist of representation. Undoubtedly, there is an approach to forms of political representation in Rousseau's work and the evolution of his thought (Fralin 1978b: 517-536). Furthermore, Rosenblatt (1997: 247-250) has argued that Rousseau especially criticized elitist concepts or elements of representation. So, his attack on representation would not criticize representation per se, but some of its tools or interpretations; and indeed, there are more elitist concepts of representation (like the virtual form) and more egalitarian versions (like mimetic representation). Nevertheless, I have doubts that one can isolate all elitist elements from representation since (even in the more egalitarian variations of representation) it means the delegation of power instead of exercising the power on your own. However, this development is not an evolutionary step that Rousseau himself had welcomed, but rather a pragmatic and seemingly necessary development (cf. De Djin 2018: 63; Douglas 2013: 735-747) that depends mainly, this article claims, on the conception of the size of the republic – for example, the ability of the citizenry to assemble – or the size of a real state that is examined. Any relativization of Rousseau's critique of representation is thus rather a necessary weakening of his idealistic theory. This concerns not just the power of the people but the

general will that cannot be represented. This critique (representation versus general will) is fundamental and categoric.¹ Though, why does he accept representation for larger states?

From the shift in Rousseau's thinking—from the small-state, ancient, democratic and the strict rejection of representation as to the surrender of popular political power to elites to larger states without central popular assemblies, but with political representation—the question arises: Where exactly do this (apparent) contradiction and the differences in the size conceptions of the republic in Rousseau's work come from? A follow-up question is: can he at all, with a growing geographical and demographic size of his conceptions of the state, maintain his democratic paradigm of popular sovereignty? This article will comparatively examine the three works addressed, in which Rousseau is concerned with the size of republics – concerning popular sovereignty. To do so, it will proceed as follows: First, the democratic conception of size in the *Contrat Social* will be addressed, based on the factors of popular sovereignty, social homogeneity, executive power, and the geographical and economic conditions for autonomy and autarky. Then the two draft constitutions are compared with each other, considering the degree of popular sovereignty.

Historically, the normative question of the best size of a republic is irrelevant, since theories on the correct size have changed since the end of the 18th century—from small-state republics to extended republics or democracies in the nation-state. Systematically, it is relevant because the transformation is accompanied by a transformation in the type of power. While Rousseau in the *Contrat Social* calls for a state of small size and population to make representation unnecessary and keep participation direct, a few decades later, hegemonic political thinkers, such as the Federalists, prefer representative systems for larger republics. (Cf. Jörke 2019: ch. 2f.) In such modern states, according to Dahl (1989: 214-225), opportunities for participation are much more limited than in small-state democracies, since, instead of direct participation, somehow accountable elites are now recruited as representatives. In the 19th century, the concept of democracy was transformed into representative democracy in the nation-state. It is this transformation that shows that Rousseau was one of the last theorists to still criticize modern correlations of state size and political power, which makes the question of the size in Rousseau's theory worthy of investigation. Whenever modern forms of power are criticized, one can ask with Rousseau how this is linked to the size of the state, and whether these are undermining democratic participation and political equality.

2. The Size of the Republic in the *Contrat Social*

As a basis for comparison, Rousseau's theory of popular sovereignty and executive power in his *Contrat Social* (published in 1762) is first placed concerning the optimal size of territory and population (2.1). Rousseau's geographical and socioeconomic conditions for a successful republic are then discussed separately, namely the combination of autarky and autonomy (2.2).

2.1. Popular Sovereignty

In the *Contrat Social*, Rousseau sees popular sovereignty as indispensable because of the *volonté générale*. A small state is necessary to establish it. Every sovereign act would bind and benefit the citizens by contract since the sovereign knew only the state as a whole. Modifying the Aristotelian theory of accumulation, the assembled people would form a body that organically summed up the positive capacities of individuals (cf. Arist. Pol. 1281 b 1-8). Rousseau attributes to each citizen the same right to legislative participation, for the determination of the *volonté générale*. Since the sovereignty would consist of many individual citizens (*citoyens*), the common will could not be paradoxical, and the body could not harm the individual members, since it acts in the general interest. (Rousseau 1964: 373-375)

The *volonté générale* as the interest of the public is absolute, inalienable, indivisible, infallible and indestructible. The individual has a common and a particular will (*volonté particulière*). The latter comes from the sphere of the private. Both types could contradict each other. However, the individual should give preference to the *volonté générale* by his obligation to the public. Popular sovereignty is considered by the Genevan to be the moral quantity for determining the *volonté générale*, which is why the sovereign could only be the community presenting itself. It functions as a commitment to direct-democratic self-legislation, which Rousseau emphasizes under the verdict of the non-representability of sovereignty. The only legitimate legislation comes from the people. Sovereignty was inalienable and indivisible, since, if the will was general, it must be that of the whole people, too. In parliamentarism, however, citizens would withdraw into the private sphere and leave politics to the delegates. According to Rousseau, the form of freedom known today as negative

¹ Therefore, it seems very contradictory to see Rousseau as a theorist of representative democracy, as Urbinati (2012: 646-667) does. Such interpretations relativize Rousseau's own strict distinction between representation and popular sovereignty – even if Urbinati is aware of Rousseau's mistrust of indirectness or delegation of power – in order to write a one-sided and victorious history of representative democracy.

freedom (freedom from politics and the ability to pursue private interests without hindrance) is not freedom at all. To him, freedom means autonomy of an individual or collective nature. When representation arises, the state is lost, the citizens are unfree, and only private interests are decisive. (Rousseau 1964: 363-370/ 424-431; Fetscher 1975: 124-133; Trousson 1992: 92f.) Political freedom as the highest form of freedom (as collective self-legislation) is incompatible with the idea of delegating this competence to others. Rousseau understood the ancient idea of freedom and rejected representation because the *volonté générale* cannot be delegated without losing its core (self-legislation, positive freedom, common will formation) and degenerating into an elite rule. Only the citizens can present themselves and their will: "I, therefore, say that sovereignty being only the exercise of the general will can never be alienated and that the sovereign, who is only a collective being, can only be represented by himself." (Rousseau 1964: 368.) If the people only owed obedience, they would lose their political identity. Regarding legislation, Rousseau is more explicit and denies any legal legitimacy to the free mandate. As soon as the election is completed, the people again become the slaves of state elites:

"Sovereignty cannot be represented, for the same reason that it cannot be alienated [...] The deputies of the people are therefore neither its representatives nor can they be; they are only its commissioners; they cannot conclude anything definitively. Any law that the People themselves have not ratified is null and void; it is not a law. The English people think they are free; they are very much mistaken, they are only free during the election of the members of Parliament; as soon as they are elected, they are slaves, they are nothing." (Rousseau 1964: 429f.)

So, Rousseau's democratic structure is egalitarian and generalizing, since individual interests should dissolve in the equality of the popular assembly. The *volonté générale* thus contains a logical, natural law, and theological meaning, as Fetscher (1975: 118-121) elaborates: *logically*, as a rational opposition to the particular will; *natural law*, as a juridical fiction that from the multiplicity of united, originally divergent individual interests, the will of the collective emerges, which everyone imagines as his own; and *theologically*, since legislation is considered identical with the will of God.

Nevertheless, the will of the people can err. Rousseau differentiates between the total will (*volonté de tous*) and the infallible *volonté générale*, as well, since the people intend the common good but can be misled. The *volonté de tous* is the sum of the *volontés particulières*, while the *volonté générale* contains the congruence of the individual wills. The latter therefore includes only the fundamental and atomistic interests that all citizens accept as collective duties and rights. Thus, the common will has the form of unity that includes the will of all, with respect to identical aspirations. (Shklar 1969: 188.) Since the people would not always decide in well-informed and independent ways, there would be a danger of factions. If such factions arose, there would be only as many individual interests as there are factions, rather than citizens. Eventually, a faction could become so powerful that it could dictate its *volonté particulière* to the whole. Thus, it was necessary to prevent or increase partisanship so that none could become hegemonic. (Rousseau 1964: 372; O'Hagan 1999: 114-119.)

However, the sovereign is only concerned with general acts, such as laws. Therefore, the law is universally valid and not limited to individual objects. Otherwise, a disproportion would be formed in the state between the whole and a part of it. Then, it would be a matter of separated entities –the individual and the community minus the individual –which mathematically and morally would no longer be the whole. (Rousseau 1964: 379).

To guarantee this concept of popular sovereignty, Rousseau intends a small state. The social bond is tighter among fewer people and direct participation can only be realized in small states. In general, a small state is stronger than a large one. While there are reasons for large and small states, per se, the arguments for enlargement are subordinate to those for reduction. The former are only external and conditional, while the latter are internal and unconditional. In the *Contrat Social*, Rousseau does not specify exactly what size a republic should have but lists various factors to figure it out. (Ibid.: 387f.; Fetscher 1975: 175f.)

One of the unconditional reasons is the people's ability to assemble. In a small republic, the small group of citizens who know each other could easily assemble for public affairs. It is already difficult to organize a popular assembly in smaller states. Also, to make the circumstances and contexts easy to analyze, the laws shall remain simple and general. (Rousseau 1964: 318-325/ 425f.; Shklar 1969: 174f.) He largely perceives a small-state philosophy of the periphery. He also calculates how popular sovereignty would gradually decline as the population becomes larger. If the state consisted of, say, 10,000 citizens, the ratio of the sovereign as a whole to the individual would be 10,000 to one; but if the state consisted of 100,000 citizens, the ratio would increase tenfold, leaving the individual with only one-tenth the political influence as if there were 10,000. Thus, the quantitative freedom and qualitative equality of citizens would be minimized. In the latter, the executive must be strengthened, to control the people. But then, in turn, the legislative sovereign would have to be strengthened to control the executive. From this, he also infers a small, socially homogeneous citizenry that could more easily

determine the *volonté générale*. (Rousseau 1964: 397-399; Dahl 2000: 106-108) "Now the less the particular wills relate to the general will, that is to say, the morals to the laws, the more the force represses right increase." (Rousseau 1964: 397)

Rousseau emphasizes several times that there must be a great sense of community in society and similar interests with which people can identify to determine the *volonté générale* because a blind mass, that does not know what it wants, cannot create a legislative system. A homogeneity of interests in the state was needed for the formation of the common will. Emotional identification possibilities for homogeneity of interests would be offered by a concrete, manageable place, and a small, self-sufficient community. In such a collective identity, egoistic interests should become unthinkable. In a small state, the private interest is more congruent with the common interest, whereas large states and complex sociopolitical interdependencies make the congruence unlikely. The *volonté générale* would be grasped in an isolated but rational act by the morally autonomous subject. So that the laws would also fit uniformly well on the whole country, a unity of the sovereign is necessary.² Although Rousseau intends homogeneous small states, he does not do it because of nationalistic motives, but because it is a social condition of the *volonté générale*. To generate a culturally and socio-economically homogeneous population, Rousseau conceives of several mechanisms, such as a civil religion, education in virtuous patriotism, stabilizing Roman republican institutions, and even property regulation. (Rousseau 1964: 380/ 437-470; Levy 2003: 13-10; Crignon 2007: 493-496; Dent 2006: 139; Fetscher 1975: 184-224.) The reciprocal dependence on the will of the sovereign collective is therefore characterized by Pettit (2014: ch. 5f.) as a break with the classical republican mixed constitution. Instead, Rousseau would be a communitarian, since, to Rousseau, the collectivist common good and individual would not be contradictory.

So, the social and political conditions of the common will suggest the complete rejection of representation and the need for a small republic. By just reading the *Contrat Social* it is implausible to interpret Rousseau as a theorist of representation at all, as Fralin (1978a) does, nor as one who just criticizes the elitist or feudal elements of representation, as Rosenblatt (1997) does. According to Rousseau, representation per se is elitist and generates political slavery of the voters. The *volonté générale* needs direct participation, and it is in danger as soon as the need for representation (because of a growing size of the territory or the number of citizens) or an ideological diversity arise. No form of representation can generate the *volonté générale* as a people's assembly does. However, later he will accept some tools of representation in a bigger state.

Furthermore, Rousseau justifies the necessity of a government with the fact that it must be the power to implement the will of the people in a managerial way and thus separates the executive and legislative branches, whereby only the legislative branch should lie with the sovereign. The government is the servant of the sovereign and acts as a medium between the people as subjects and the people as sovereign. This creates a hierarchy between the executive and legislative branches. He calls the executive *prince*. This is a moral person and a body as the sovereign. However, if the *prince* had his own *volonté particulière*, the relationship of the two powers would illegitimately loosen and the *prince* would carry out his own will so that in the end there would be two sovereigns and the political body would dissolve. Thus, although the executive was not allowed to have its own will, fulfilling an imperative mandate, it had a special existence with specific powers, rights, titles, etc. (Rousseau 1964: 395-400; O'Hagan 1999: 141f.)

Rousseau distinguishes three forms of government: democracy, in which at least half of the people rule; aristocracy, in which less than half of the people rule; and monarchy, in which one individual governs. In addition, he says, there are also republican hybrids, which he prefers as particularly workable. He favors small governments. They depend on the types of will: There would be the individual will of the official, a corporate will, which would be general in relation to the executive, but particularly in relation to the state, and the common will. If the government was monarchic, the individual and corporate will would be identical, which would be most efficient. If, however, the executive and legislative power lay equally democratically with the people, corporate and common will would be mixed. This would be no more efficient than individual wills. The more the citizens were entrusted with administration, the more difficult state affairs would become. But since a particular will is predominant with the monarch, it is the art of the sovereign to generate a balance between the strength and the will of the government. The assembled people indeed know best how their laws should be implemented; but then sovereign and *prince* would be identical. Likewise, a majority could never rule a minority. "If there were a people of Gods, they would govern themselves democratically. Such a perfect government is not convenient for men," Rousseau concludes (1964: 406). The people could not always remain assembled as the executive, and this system of government was unstable and suitable only for gods. (Ibid.: 400-405; Dent 2006: 155f.; Shklar 1969: 210-212.) Fetscher (1975: 152-162) states, the government must be as a tightrope act so large and strong that it can command the subjects individually; on the other hand, again, the

²Crocker (1968: 84) therefore calls Rousseau's social conception a closed monistic community of the people since the individual interest is negating in favor of homogeneity.

government should be so weak and small that the sovereign can defeat it. With popular assemblies, one could prevent the evil of usurping *princes* as an immanent tendency of the executive, since the *prince* with an imperative mandate could always be deposed and offices could be reshaped legislatively.

Rousseau thinks that executive power is closely related to the concept of size. A heterogeneous large state is weak since most executive energy must be spent on maintaining cohesion. Poor states would have to be small to avoid the financial costs of a large administrative apparatus. There would be the danger that a large executive administrative apparatus would be repressive, too. Fetscher (ibid.: 176) justifies it: "The administration of a large state is so costly because it ascends from the villages and towns through a myriad of intermediate stages [...] to the very top, and all these administrative bodies must be paid for and borne by the people." Rousseau argues that a small state is advantageous, too, because, in it, the people would be more likely to develop patriotism and love for the *prince* if there are face-to-face relationships in the *pólis*. For "but the people have less affection for their leaders whom they never see, for the country, which is in their eyes like the world, and for their fellow citizens, most of whom are strangers to them." (Rousseau 1964: 387.) In an extended state, by contrast, talents and virtues would be unnoticed, and the *prince* would have to rely on sub-organs for information.

However, Rousseau partially relativizes this by seeing – following Charles-Louis de Montesquieu – the size of the executive branch as determined by the size of the state: The larger the state, the smaller and more efficient the government would have to act in direct proportion (with a growing bureaucratic apparatus). Consequently, democracy is suitable for a small state with face-to-face relations but remains unstable, and a monarchy is suitable for a large state. However, in a large state, there is the danger that the *prince*, concentrated in a monarch or a few aristocrats, gains power and distances itself from the will of the sovereign. (Durkheim 1960: 124f.) An executive democracy, however, would be difficult to realize because of the geographical, demographic, and socio-economic conditions – namely, a small state in which everyone knows each other, political and juridical equality prevails and there are hardly any luxuries. This consideration shows that Rousseau already classifies a democratic and republican small state in the modern era as not very realistic. The fulfillment of its conditions is unrealistic. (Rousseau 1964: 403-406)

2.2. Autonomy and autarky

The size of the people and the state depend on climate and soil, too. Rousseau says the minimum limit of any state size must – again in Aristotelian terms³ – guarantee the self-sufficiency of the community. Not only must climatic, geographical, and demographic factors be considered, but also the international situation, such as military dangers, as well. Finally, the population and the territorial size would have to be in balance. Then, the territory would be large enough to support the people, and the inhabitants would have to be few enough to feed themselves from the soil. "[I]t is the men who make the state, and it is the land that feeds the men." (Rousseau 1964: 389) Anything else would be a disproportion. It would have consequences for international politics: If, say, the population density was too high and the territory too small to be able to feed the inhabitants, there would be a scarcity, and resources from neighboring states would be needed to supplement subsistence. This would increase the danger of a war of aggression, to compensate for the shortage with a policy of expansion; if, however, the people were too small in relation to the size of the country, there would be a surplus of resources, and the territory would have to be guarded because the danger of external military attacks and defensive wars would arise. So, Rousseau pushes the utopian ideal of foreign policy isolationism. Peaceful transnational trade or even globalization of the *volonté générale* are also considered harmful because the danger of interdependencies and wars increases. (Ibid.: 388-391; Dingeldey 2020: 125; Levine 1987: 44f.)

Ergo, the self-sufficient people would be the optimum: the people would constitute a state and the land would nourish them, "the one that can do without other people and that any other people can do without." (Rousseau 1964: 390) The exact size of the territory in the correct proportion of the population would depend on various climatic and geographical factors, such as the fertility of the soil, as well as biological factors, such as the fertility of women.⁴ (Bertram 2004: 162f.)

³ Aristotle thinks a state with too few inhabitants is not self-sufficient. The nation must be at least large enough to live self-sufficiently and autonomously and to enable people to live at leisure. (Arist. Pol. 1252 b 16-1253 a 40/ 1326 b 2-7.)

⁴ It depends on the climate whether free governments would emerge, too, since warm states were primarily despotic and cold states barbaric, while good politics could be conducted in Mediterranean regions. (Cf. Rousseau 1964: 414-420; Masters 1968: 375-380.)

3. The size of the republic in the drafts of the constitution

"Not imperial Rome, but the Greek city-states form the historical example, not France or Switzerland, but Geneva forms the contemporary example of a community capable of republicanizing with a suitable size receptive to the reform of the legislature." That is how Kersting (2002: 187) judges Rousseau's theory of size, whereby the scope of application of his political philosophy is limited to small, peripheral societies and territories. However, Rousseau wrote constitutional drafts for larger, real states (apart from his ideal theory), as well.

Rousseau's constitutional designs for Corsica and Poland will be compared with the *Contrat Social* regarding the question of why these states are conceived larger and what consequences this has for popular sovereignty and the *volonté générale*. Concerning Corsica, the factors of popular sovereignty and representation as well as autarky and autonomy are addressed. Concerning Poland, the confederation of 33 small states, representation, and pedagogical patriotism are addressed. The comparative analysis always takes place in the respective sections.

3.1. The size of the Republic in the *Projet de Constitution pour la Corse*

3.1.1. Popular sovereignty and representation

Rousseau's *Projet de Constitution pour la Corse* (published in 1764) functions as a special case of the size conception because already in the *Contrat Social*, he considers Corsica to be suitable for the ideal legislation due to its geographical, and historical insularity – also due to its economic and moral self-sufficiency and autonomy. (Rousseau 1964: 391) Indeed, Corsica is not a classical *pólis*; it is larger than Rousseau's ideal republic, but as an island, it is isolated from Europe and smaller than its neighbor states. Political loyalty and a common good should not be generated by abstract principles, but via norms such as patriotism, based on solidarity, equality, and liberty. As *alégitateur* for Corsica, he did not dictate laws to the people, but wanted to educate them to legislate, so that the citizenry could adopt simple laws of nature; so, the Corsican people could start anew. (Ibid.: 901f.)

Rousseau wants to differentiate Corsican society into three classes: Candidates (*aspirans*), patriots (*patriotes*), and citizens (*citoyens*). However, the boundaries of the classes are permeable because an *aspirant* could marry and acquire land, and thus rise to the *patriot*. The latter, on the other hand, had to have at least two children to become a *citoyen*. Those who were still unmarried at the age of 40 would not be eligible for citizenship for life. However, Rousseau also proposes that every child born on the island should become a *citoyen*. Only the *citoyens*, i.e., landowning family fathers, would have full political participation rights. (Ibid.: 919f./ 944; Siroky and Sigwart 2014: 403) Even here, there is an oligarchic-biological restriction of access.

The executive system was supposed to be a mixed constitution, a democratic form of government because this corresponded to Corsica's peasant way of life. Exceptionally, the *demos* would hold the legislative and executive power because while Rousseau still favored the republican government in the *Contrat Social*, the democratic one was better suited for the island, since Corsica could not afford an expensive government, and thus, the people should take over the administration, too. To get social solidarity and the required degree of homogeneity, he conceives a government that is far from his original contractualism. Citizens should vote on bills (initiated by the government) in provincial assemblies. The assemblies of the provinces would elect frequently rotating executive deputies, bound by instructions, with seats in each provincial center. To avoid capitals that lived at the expense of the country, state finances were to be met by *domaines*, complemented by services provided by citizens. The most important authority was the Court of Audit, which regulated prices and tax rates for grain and other elementary products in a protectionist manner. (Ibid.: 906-917; cf. Trousson 1992: 139)

Thus, Rousseau thinks, Corsica is still small, self-sufficient, and cohesive enough to guarantee the unity of the people, which is why he wants to limit federalism, separate regions, and make the state more complex. Despite the decentralized subdivision, he negates an oppressive administration. Instead, he conceives alternating centers of government, with a subdivision of Corsica into individual states. But since the island was too small for federalism and too large for decentralism, Rousseau pushes for an administrative center, rather than a capital. (Riley 1973: 11) Rousseau's *Projet* is still in many ways congruent with the ideals of the *Contrat Social*: the island with the so-called savagery of its people is small and natural enough to hold regular popular assemblies with a republican citizenry. (Hills 2017: 474-493) Thus, it can partially maintain its ideal of a democratic legislature. The imperative mandates of the executive are also preserved, as is the pursuit of sociocultural and socioeconomic homogeneity. However, Rousseau can transfer his theory, which is tailored to the small state, to the special case of medium-sized Corsica only under certain conditions: For example, access to full citizenship is limited. Rousseau had not made such criteria explicit in the *Contrat Social*, especially since the property is at issue and the petty-bourgeois socio-economic homogeneity of the people is conceived for the political equality

of everyone and not just of an economic elite. These new restrictions of political participation would generate a social homogeneity of the citizens of Corsica. According to Rousseau, property qualifications are necessary to realize the common will with simple laws, but it is the acceptance of structures that tend to be oligarchic, because of the exclusion of most of the inhabitants. So, he even prefers property qualifications instead of giving up social homogeneity and creating a political power of representatives. In addition, there is the problem of federal structures. Only this way, regional assemblies could still be held. Regarding the executive branch, he also refers to the classifications of the *Contrat Social*, but recommends a democratic-aristocratic government, with classic republican principles such as rotation and short terms of office. This suggests that Rousseau tends to interpret Corsica as a smaller state since democracy is suited to smaller territories. However, because of the numerous compromises in popular sovereignty, Rousseau can only partially retain the basic concept of his *volonté générale* for Corsica. Because of the imperative mandate, however, scholars like Fralin (1978b) or Douglas (2013) state that Rousseau changed his thought and accepts representation – so, his theory would be pragmatic and would go an evolutionary step. Nonetheless, this article suggests that this is not an evolution in Rousseau's philosophy. In the *Projet*, he is just confronted with a medium-sized state – and because of this size (and the prognosis that the population will grow) adjustments become necessary; the realization of the common will become more unlikely. His theory and critique on representation is still the same, but the connection between a bigger size of the state and a representation (he already states in the *Contrat Social*) suggest the institutionalization of a weak form of representation. Furthermore, the imperative mandate is not the *representation* of the people in a traditional way, but a *presentation* of the will of the local assemblies by the delegates.

3.1.2. Autonomy and self-sufficiency

According to Rousseau, Corsica is capable of ideal legislation because, as an island, it is socially, economically, and morally isolated from other countries. Therefore, Rousseau deals with the principles of autarky and autonomy. Corsica should not engage in foreign trade, its inhabitants should hardly leave the island, and should neither want to nor need to be confronted with foreign societies. Rousseau wants to secure this by an agrarian economy, with large social equality of the citizens and limited needs of the people. To do so, Corsica, should not be rich. Then, it should not become a victim of the expansionism of foreign states. To generate a balance between the size of the island and the population, as well as to prevent a foreign threat, the population had to grow, with the help of agriculture, because: "The island of Corsica, unable to enrich itself with money, must try to enrich itself with men." (Rousseau 1964: 904) Everyone should be able to live, but no one should get rich. The state should be autonomous and self-sufficient, but individuals should be tied to the executive through nationalized manufactures. (Ibid.: 902-929; Trousson 1992: 138f.) Herein, Fetscher (1975: 243) sees a deviation from Rousseau's concept of autonomy: "The absolutely self-sufficient peasant could - theoretically - exist in an anarchic order, therefore, Rousseau here becomes unfaithful to his economic ideal and explicitly desires an albeit limited promotion of needs [through luxury, trade, and industry], the existence of which he would actually have to regret." Therefore, it remains questionable whether this can still be a republic people's sovereignty if the executive elite keeps citizens in economic dependency.

The agrarian state would corrupt, however, if oversaturation occurred. If, say, the island was eventually overpopulated, the surplus from handicrafts and industry would have to be used to meet the needs of the larger and more heterogeneous population from abroad. Manufactures and transnational trade would give rise to decadency that would corrupt the community. The powerful existence of a state would thus corrupt the increasing population, but to Rousseau, it seems inevitable in the long run. (Rousseau 1964: 922-929; Fetscher 1975: 239-244) So, he is aware of the problem of a growing population and a more diverse society that must be controlled by property qualification, etc. So, Rousseau implies a series of institutional arrangements, but he knows that the outcomes cannot be controlled completely by such an institutional design. Therefore, his model of Corsica is much more dynamic than his *Contrat Social*. (Schaeffer 2012: 427-441) However, Daly (2019: ch. 3; 2013: 173-203) has argued, that Rousseau's constitutionalism for Corsica and Poland shall guarantee austerity, cultivation of a social directive, and stabilization of the specific national traditions within republicanism. An important part of stabilization is the homogeneity of the citizens, but the guarantee of the citizens' power.

In his *Projet*, Rousseau presented a minimal program that points to the factors of autarky and autonomy in the *Contrat Social*. The congruence between the two books is the demand for a self-sufficient and autonomous republic. Likewise, Rousseau transferred the balance between the size of the land and the population from the *Contrat Social* to the *Projet*. The population would have to grow first, but natural overgrowth could hardly be prevented. Rousseau also tries to maintain the ideal of the agricultural state, largely isolated, although, he says, this cannot be maintained forever in Corsica, and social corruption and international trade would occur because of population growth. He thus transfers the norms of autonomy and autarky to Corsica but makes constitutional relativizations, too. This is not in line with Rousseau's contractarian and civilization-critical

principles, since thus both, external sovereignty (by transnational trade) and internal sovereignty (since citizens would depend on a paternalistic executive), would be undermined. There may be two reasons for this: *First*, while the medium-sized island is small enough to live self-sufficiently as a whole over a limited period, it is too large for the peasants to act autonomously with each other (without administrative coordination), so that the executive takes over economic control; *second*, Rousseau refers on the classical republican premise that any political system will eventually corrupt. To delay this and keep Corsica a republic as long as possible, he accepts the intermediate step of weakening the individual autonomy of the workers through the executive branch.

3.2. The Size of the State in the *Considérations sur le Gouvernement de Pologne*

3.2.1. The Confederation of 33 Small States

Corsica is the threshold between the *polis* and the extended state. While in the *Projet*, it seems still possible to maintain small statehood and popular sovereignty – with cutbacks and modifications –, in his *Considérations sur le Gouvernement de Pologne* (published in 1772), he is confronted with the already existing monarchical territorial state of Poland and its large number of aristocrats and supporters of the estate's system. Derathé (1950: 11f.) concludes that Rousseau's Polish constitutional draft does not limit his political principles to small states. However, this thesis is opposed to the small-state philosophy of the *Contrat Social*. Can Rousseau apply these principles to Poland?

In the *Considérations*, too, Rousseau does not initially deviate from the ideal of the small state: he recommends that Poland transforms itself into a confederation of 33 small states. This, however, he considers hardly feasible. He continues to prefer the small state but does not reduce his theory to it. Instead, he tries to adapt this idea to geopolitical reality as far as possible. Thus, he seems to intend a world of peaceful small states, under the acceptance of a confederation, to preserve principles such as popular sovereignty, unity, and autonomy. Every large state, Rousseau writes in the *Considérations*—in accordance with the *Contrat Social*—, would be destroyed by its mass, while small states could prosper since only God could rule the world, and it would take superhuman abilities to govern a large state. However, this approach to create an adequate constitution for Poland is less plausible. (Rousseau 1964: 971) Rousseau (*ibid.*: 1010) justifies a confederation of 33 small states as follows:

"[B]ut if such a large State refuses to conduct itself according to the maxims of the small republics, it should not seek the advantages, nor should it want the effect by rejecting the means of obtaining it. If Poland were, according to my desire, a confederation of thirty-three States, it would unite the strength of the great Monarchies and the liberty of the small Republics; but for that, it would be necessary to renounce ostentation, and I am afraid that this article is the most difficult."

This conception of a confederation combined the advantages of both: large and small states. In terms of foreign politics, the confederation would be more stable and would not become a victim of other despotic states as easily as a small state would. So, Poland could remain autonomous. Domestically, popular legislation at the provincial level, like that of Corsica, would still be possible. The solution for Rousseau is a voluntary cession of territory and separation into states. However, this is a distant goal for him. Until then, he feels compelled to entrust delegates with legislative power. Federalism is a compromise for Poland, a modification to integrate the effects of the smaller state into a larger state. However, the authorities were to be based on the local units rather than the large state, so, the 33 states would be largely autonomous. (Parry 1995: 114; Riley 1973: 10)

3.2.2. Popular sovereignty and representation

Rousseau's proposals regarding popular sovereignty in his *Considérations* fall short of the free, egalitarian, and democratic claims he still advocated in the *Projet* or the *Contrat Social*. This is the case because Poland is a territorial state with distinctive traditions and politically existing systems and interdependencies that could not easily be changed. Given the traditions and the existing size, he postulates moderate reforms rather than radical changes. His reforms aim at a cautious change of constitutive elements to achieve a spiritual renewal that strengthens old virtues, partially shakes off modern vices, and strengthens patriotism. (Rousseau 1964: 953-961/ 1023-1025)

With these supposed constraints, if Poland should not be divided into 33 confederate states, Rousseau accepts a representation of the popular will – which he demonizes in the *Contrat Social* as unfreedom and fatal to the republic. (Douglas 2013: 742f.) However, he does not call for representation in the sense of a modern representative republic as the *Federalist Papers* did, but as a specific application of constitutional law, thus continuing to try to refuse early modernity in Poland. Furthermore, he criticizes representation with a free mandate in the large state as a surrender of political power and (positive) freedom. Although a *deputation* in

Poland seems inevitable to him, he interprets it as a precarious substitute for the assembled people. In the *Considérations*, too, Rousseau thus sees a conflict between the corruptible will of representatives and the infallible *volonté générale*. In the former, the (democratic) identity between rulers and ruled would be abolished. To minimize the danger of corruption in the Polish representative system, Rousseau proposes frequent elections, which would lead to more frequent changes in the composition of the parliament. That, he argues, would have a preventive effect against the multiple re-elections of delegates, thus distancing his model of parliamentarism from the English form. (Rousseau 1964: 978f.) Moreover, he prefers imperative mandates for elected deputies. They would have to act according to instructions, conform to the written direct democratic will of the people, and be subject to meticulous regulation. Thus, the transparency requirement from the *Contrat Social* remains intact since the deputy may only act following the will of the people. Equivalent to the imperative mandates of the executive in the *Contrat Social*, Rousseau conceives a legislative representative system in which the will of the people takes precedence over the will of the delegates, thereby partially preserving popular sovereignty. The representatives should not represent the interests of the estates but act in the general interest. While the people were supposed to make unlimited legislative decisions in the *Contrat Social*, the deputy is subject to tight control mechanisms. Rousseau also wants to reform the monarchy. The king should only have executive functions. In the *Contrat Social*, too, a monarchy is the appropriate form of government for a relatively large state. Furthermore, the king should not be legitimized dynastically, but electorally. (Ibid.: 978-980/ 989-994; Saydak 1996: 262-264; Wokler 2001: 435f.)

Derathé (1950: 279) interprets the concept of representation as to the victory of political realism over the self-legislating logic and principles of the *Contrat Social*. It would bring Rousseau closer to the previously rejected modern parliamentarism – albeit with stricter restrictions on the powers of the delegates in an imperative mandate and short terms of office. However, Rousseau fails in projecting his ideal of legislative popular sovereignty onto the large state of Poland. This result is congruent with his geographical and demographic principles in the *Contrat Social*, where Rousseau thinks the ability to assemble at the state level is impossible in a large state. Therefore, he can only resort to a representative system for Poland. By doing so, the unrepresentable *volonté générale* necessarily get weakened. Rousseau shows an attempt to transfer parts of his concept of popular sovereignty, tailored to a classical democratic small state, as far as possible to the territorial state, although he can hardly maintain this. He is aware of the latter; he also criticizes representative systems in the *Considérations* and prefers a confederation. Thus, Rousseau tries to minimize the dangers and damages inherent in large states in a reformatory way and wants to stop or delay the triumph of modern parliamentarism (with free mandates, immunity of deputies, etc.) in Poland.

3.2.3. Patriotism and education

The territorial size of Poland as well as the heterogeneity and the number of people make the formation of the *volonté générale* extremely difficult. However, as in the *Contrat Social*, Rousseau recommends in the *Considérations* a strong patriotism, through public education. So, Rousseau seeks to educate a heterogeneous people uniformly, in terms of a virtuous national ethos. This is consistent with the principle of isolationist self-sufficiency and autonomy of the people. For Poland, as in the *Projet*, he suggests agrarian, pre-modern conditions, reduction of needs, renunciation of luxuries, little or no foreign trade, a minor role of gold, the raising of land militias, the generation of equality, and the appeal to patriotism in which the program culminates. The motive that only a national Poland with patriotic citizens (capable of military service) could defend itself against the Russian Empire and preserve external sovereignty plays an enormous role for him, too. (Rousseau 1964: 960-962; Dingeldey 2020: 125f.)

The core statements of Rousseau's patriotism for Poland can be cataloged: *First*, in accordance with his ancient models, he advocates the mental connection of citizens and fatherland, supported by traditions, religious ceremonies, theatrical festivals, and sports exercises. *Second*, he said, national pedagogical institutions were needed for the formation of the unifying national character. *Third*, only patriotic, virtuous citizens would be able to make the state prosper. *Fourth*, patriotism functions as a support for renouncing luxury, since citizens would then strive for higher goals, such as the common good. *Fifth*, patriotism is a condition for social equality. *Sixth*, education must begin in early childhood for the creation of a stable republican loyalty to the law and a love of liberty. So, Rousseau contradicts contemporary cosmopolitanism. Specific mores would have to be formed in individual countries, not leveling the cultural differences of the continent. A close social bond, a national character would be necessary, and individual egoism should be combated. Thus, the people need to have a high opinion of their country and themselves. (Dent 2006: 175-177; Rosenblatt 2008: 60-63; Smith 2003: 418-422) In Poland, too, education should give men a national strength and guide views and preferences. Then, patriotic inclinations and passions would emerge. Already in early public education, the principle of political and juridical equality had to be internalized by the future citizen, for example, by teaching the pupils all the laws, customs, and geographical features of Poland, also because state legislation was considered legitimate only

where the people perceived it, by the love of the fatherland, not as a coercive character, which required an affirmative attitude of the people to the state. (Rousseau 1964: 960-969)

Pufelska (2013: 248f.) criticizes Rousseau's patriotism in the *Considérations* as undemocratic and collectivist since the individual must be ruthlessly absorbed into the community of thought and should only identify himself/ herself with the interest of the state. Regarding Poland, patriotism is a necessary element for Rousseau to create social equality and mental homogeneity.⁵ By doing so, the social bond of the larger state would not weaken. In this respect, he remains in accordance with the *Contrat Social*, in which he also wants to secure patriotism with civic religion. Here, no contradictions to the *Contrat Social* or the *Projet* can be seen, but a concretization and expansion of his patriotic ideas in national public education. However, that a propagandistic manipulative pedagogy is problematic, and that it undermines the critical reflection of an individual, which also impedes the *volonté générale*, is a very justified criticism. Here, the postulated social bond runs the risk of becoming a repressive chain for the individual and thus destroying the balance between individual and collective (which could still be stated for the *Contrat Social*).

4. Conclusion

In the *Contrat Social*, Rousseau develops a concept for small-state republics in which the legislature has a radically democratic and emancipatory legitimacy, with regular assemblies. So, this theory fulfills the democratic promise of political equality and participation. However, Rousseau thinks, that is only completely possible in a self-sufficient and autonomous *pólis*, in which citizens could know each other and can assemble quickly, and in which they were also socially homogeneous. The *volonté générale* could only emerge if the fundamental interests of the individuals were identical with each other. The degree of participation of the citizen is also higher in a smaller population. However, Rousseau also confronted larger states, Poland, and Corsica, for which he developed constitutional designs, which diverges with his theory of small republics. Corsica is the threshold between a small and a large state. As an isolated island with a young republican constitution, it is easier there, according to *Projet*, to isolate the state to reach autarky, autonomy, and unity. He also introduces the idea of federalism to maintain the direct democratic sovereignty of a popular assembly at the local level, with a central aristocratic-democratic executive. Via federalism, it seems possible to transfer many of the conditions of his democratic small-state republic to medium-sized Corsica. However, now, he demands narrower access to citizenship and participation – according to the categories of birth, marriage, and property, which undermines political equality. Here, Rousseau's thought shows that as the size of the state increases, the degree of positive liberty, political and social equality, and participation decreases proportionally. Furthermore, Poland is an existing territorial state. In the *Considérations*, Rousseau proposes moderate reforms, with imperative mandates for representatives and an elective monarchical executive. He even makes a conservative and realist turn by abandoning his verdict of a non-representable and indivisible *volonté générale* from the *Contrat Social* to a system of representation, even if the delegates are highly accountable, bound by instructions, and have shorter terms of office. This is because, in Poland, it is not possible to assemble the entire citizenry. He is aware of this fact but maintains his critique of parliamentarism by limiting powers and alternatively conceiving of a confederation of 33 small states for Poland in which direct democratic popular assemblies of a small, homogeneous citizenry could still take place. However, Rousseau characterizes the latter as desirable but unrealistic. By doing so, he wants to mentally guarantee the unity of Poland with a patriotic education to generate a unified will of the population. So, Rousseau's use of federalism or con-federalism should base on his ideal of the isolated, unitary state. (Riley 1973: 11) Thus, his treatment of medium-sized and large states is not a big contradiction to the theory of the *Contrat Social* – but the general will becomes unlikely.

It is still conceivable for Poland and Corsica to generate social homogeneity, mental unity, self-sufficiency, and autonomy despite the size of the state, using aids such as climatic and geographical location, agricultural structures, federalism, and a patriotic pedagogy. However, popular sovereignty, per limited access to the status of *citoyen* or legislative representation with imperative mandates, gradually decreases with increasing population size and state territory. In contrast, Rousseau adopts the goals of autarky, autonomy, and patriotism for Corsica and Poland as well, adapting them to the two states without making severe restrictions or concessions to reality in terms of content. They are simply tailored to the size, culture, and economy of the countries.

Thus, while there is no contradiction within Rousseau's thinking, there is a tension in conceptualization – the path from the popular-sovereign small state to the parliamentary and monarchical extended state of Poland. That is why Dent (2006: 177) believes that Rousseau recognized that the realization of his ideal small state required preparation and the appropriate context. Therefore, Rousseau does not deviate from his ideals at all, but

⁵ Besides Poland, see for a very similar but more general, and sometimes paradoxical critique: Talmon (1970: ch. 1) or Arendt (2006: ch. 2).

he does make concessions in terms of *realpolitik*. According to Rousseau, the contexts for a small state are not given in the cases of Poland and Corsica, for instance, due to the existing size of both states and the foreign policy threats. Also, in the *Contrat Social*, Rousseau classifies his republican and participatory goals as difficult to realize and dependent on the factors of foreign policy, climate, geography, culture, economy, and population. If these factors are disadvantageous for a small, homogeneous republic, the only option is to reactivate and preserve as many pre-modern and republican elements as possible. However, one center of Rousseau's political theory is his criticism of early modern civilizational progress, which generates inequality, and he sees it, according to Fetscher (1975: esp. 15-18/ 178f./ 255-257), as a task to slow down modernizing progress. Therefore, in the *Contrat Social*, he also directs the emancipative and nostalgic gaze back, to Sparta or republican Rome. By doing so, he reciprocates ancient republican or classical democratic norms. In his *Discours sur l'Origine et les Fondemens de l'Inégalité parmi les Hommes*, Rousseau says that it is impossible to go back in human development and enter once again the state of nature. One can only limit or decelerate the growing social inequality (cf. Rousseau 1964: 111-239). So, he is not the theoretical founder of modern large-scale capitalist states or global or supranational democracy. He establishes a petty-bourgeois, egalitarian, pre-modern order, which means that Rousseau's concept cannot be applied to liberal, representative democracies. Because of the impossibility of regressing in human development, large states could hardly be reorganized into smaller units, which is why he also calls a Polish confederation unrealistic. Progress (and therefore decline and corruption) can only be stopped in the long run, Rousseau states in a conservative but at the same time democratic and republican fashion, by maintaining states whose smallness and location still prevent a modern development, like the Swiss city-states or Corsica. In the case of Poland, he can therefore be primarily concerned with the units and maintenance of the state before it degenerates and corrupts due to population growth.

Ergo, Rousseau's political philosophy, regarding the size conception of a direct-democratic republic, is inherently stringent because he tries to avoid increasing the size of the state. His ideal theory is the *Contrat Social*, a concept that can only serve him as a utopian guideline to partially hand down elements of the small-state popular sovereign ideals and the common will to slow down the corrupting modernity.

This shows that, when it comes to criticizing political representation, Rousseau remains a theoretical point of reference. This is true even when he feels compelled to propose representative structures for larger states since here, he calls for imperative mandates instead of allowing representation with a free mandate and distinctive elements. So, even his theory of representation remains more participatory than other modern forms of it. That is why Rousseau cannot be a theorist of representation, as Urbinati (2012) or Fralin (1978a) think. Rousseau is still against forms of representation, but he is realistic enough to admit that representation (at least with an imperative mandate) becomes inevitable because of the crucial aspect of the state's size. Therefore, representation must be as weak as possible and popular assemblies as strong as possible to conserve at least some elements of the *volonté générale*. Rousseau still thinks that representation undermines or destroys the common will.

Nevertheless, his theory cannot easily be used as a radical democratic guide nowadays, since his model of popular sovereignty can be applied just in minimal ways to existing modern, pluralistic, large states in a globalized world. (Miller 1984: 158-160) This is because, first, imperative mandates also complicate or prevent the unrepresentable *volonté générale*; second, in a nation-state, no common will could be determined, since the millions of people would be too heterogeneous. Nevertheless, given the extreme divergence between Rousseau's small-state direct-democratic republicanism and systems of representation in large states, the conclusion suggests that the degree of positive freedom, political-judicial, but also social equality and direct participation in representative states is not at all sufficient for these states, measured against Rousseau's understanding of the republic, to actually be able to be called democratic or republican, so that direct democratic elements would have to function as a corrective.

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