

AN ESSAY ON POLITICAL PARTICIPATION OF CITIZENS, LEGISLATION, AND GOVERNMENT IN ROUSSEAU'S *THE SOCIAL CONTRACT* AND CONSIDERATIONS ON THE GOVERNMENT OF POLAND

Rousseau'nun *Toplum Sözleşmesi* ve Polonya Hükümeti Üzerine
Düşünceleri'nde Yurttaşların Siyasal Katılımı, Yasama ve Hükümet
Üzerine Bir Deneme

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Abstract

Rousseau's political philosophy is the subject of this essay. Rousseau's understanding of legislation within the context of citizen participation, the relationship between lawgiver and general will, and finally the position of government in its relationship with legislation are interconnectedly analyzed. This analysis is done within the scope of his *The Social Contract* and *Considerations on the Government of Poland*, thereby relating one of the cornerstones of Rousseau's political philosophy with a sample of his writings in actual political matters of his age. The essay is divided into two parts. In the first section, Rousseau is positioned in republican thought. This positioning stems from Rous-

Öz

Bu denemenin konusu, Rousseau'nun siyaset felsefesidir. Rousseau'nun yurttaş katılımı bağlamında yasama anlayışı, yasa koyucu ve genel irade ilişkisi ve nihayet, hükümetin yasamayla olan ilişkisi birbiriyle bağlantılı olarak incelenmektedir. Bu inceleme, Rousseau'nun *Toplum Sözleşmesi* ve *Polonya Hükümeti Üzerine Düşünceler* çalışmaları kapsamında yapılmaktadır. Böylece, Rousseau'nun siyaset felsefesinin en önemli eserlerinden biriyle, çağının güncel siyasal meseleleri hakkında yazdıklarının bir örneği ilişkilendirilmektedir. Çalışma, iki bölüme ayrılmıştır. Birinci bölümde Rousseau, cumhuriyetçi düşünce içine konumlandırılmaktadır. Bu konumlandırma, Rousseau'nun aynı bölümde tartışılan yurt-

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seau's understanding of civic participation discussed in the same chapter. Especially the role of legislation in Rousseau's political philosophy is examined and taken into consideration in combination with the lawgiver and exigences of general will. It is also pointed that his view was turned towards day-to-day political activities of citizens, rather than theorizing a direct democracy. As a matter of fact, Rousseau expects from citizens to keep their government in check in order to prevent the government from taking over the legislative power. In the second section, the issues discussed in the previous part of the study are associated with Rousseau's thoughts on Poland. In this context, it is pointed that Rousseau implicates Polish citizens' political immaturity. Since he deals with a lawgiver, draws attention to the importance of education and advises caution even in social issues. He, on the other hand, also envisages the means of keeping the government in check in order to protect the legislature.

Keywords: Civic Participation, Lawgiver, Legislation, Rousseau, The Social Contract.

taş katılımı anlayışından kaynaklanmaktadır. Rousseau'nun siyaset felsefesinde özellikle yasamanın rolü, yasa koyucunun ve genel iradenin gerekleriyle birlikte incelenmektedir. Ayrıca Rousseau'nun, bir doğrudan demokrasi teorisi yapmaktansa bakışını yurttaşların günlük siyasal aktivitelerine çevirdiğine işaret edilmektedir. Nitekim Rousseau, hükümetin yasama gücünü ele geçirmesini önlemek için yurttaşlardan hükümeti kontrol altında tutmasını beklemektedir. İkinci bölümde, çalışmanın bir önceki bölümünde ele alınan konular Rousseau'nun Polonya hakkındaki düşünceleriyle ilişkilendirilmektedir. Bu bağlamda Rousseau'nun Polonya yurttaşlarının siyasal açıdan olgunlaşmamış olduklarını ima ettiğine işaret edilmektedir. Zira kendisi, bir yasa koyucuyu muhatap almakta, eğitimin önemi-ne dikkat çekmekte ve toplumsal meselelerde dahi ihtiyatlı olmayı tavsiye etmektedir. Öte yandan, yasamayı korumak adına hükümeti denetim altında tutmanın araçlarını da öngörmektedir.

Anahtar Kelimeler: Rousseau, Toplum Sözleşmesi, Yasa Koyucu, Yasama, Yurttaş Katılımı.

INTRODUCTION

Jean Jacques Rousseau is one of the most well-known figures of the 18th Century. His fame is due to many factors including his views on concepts such as general will, the lawgiver, legislation, and government. These concepts are addressed throughout this essay not independently but within the scope of their relationship with Rousseau's *The Social Contract* and his later considerations on Polish constitution.

In *The Social Contract*, Rousseau proposed that the state of nature in which people lived peacefully ended with the appropriation of the property (Rousseau, 1997a: 161). From that point on, humans had to form societies and become civilized (Rousseau, 1997a: 161; 1997b: 49). In order to do that, individuals should alienate themselves from their powers for the benefit of the public (Rousseau, 1997b: 49-50). The public itself would be nothing but the sum of individuals (Rousseau, 1997b: 49-50). As parts of such a public, individuals would become citizens who choose to obey the laws (Rousseau, 1997b: 50-51), and who would be the chasers of public utility rather than private interests (Rousseau, 1997b: 53-54). In such a society, individuals would find their personalities shaped in such a way as to act in accordance with the law (Putterman, 2001: 485).

In his view, the individual ought to lose all their particularity by participating in the general will (Rousseau, 1997b: 123). There is no significant place for individual rights and freedom as understood in liberal philosophy in such a *social contract*. Every individual should get rid of all their selfish individuality and only then could they free themselves from servitude and become law-abiding free citizens (Rousseau, 1997b: 123). Such freedom is not the same with its pre-societal counterpart. Citizens' freedom was based on the principle of being free of others' arbitrary will (de Dijn, 2018: 60-61).

As a prominent philosopher of his age, he also expressed his own ideas about contemporary constitutional matters, thereby having the opportunity to make concrete proposals for real-life political problems. Although he held particularly negative views towards a pure representative system and he considered the British people (who were the citizens of a polity that could be considered as the closest to a contemporary representative democracy) only free in the election day (Rousseau, 1997b: 114), no individual melted away in participation to general will within the political system that was envisaged by Rousseau for Poland. This could easily raise

questions regarding his political thought and this has been the case. Firstly, as Putterman shows, seriousness of his views has been under question (Putterman, 2001: 481). Secondly, Rousseau's political philosophy is associated with direct democracy, thus limiting the practical value of his political thinking for modern nation-states (Colón-Ríos, 2016: 3).

On the other hand, there could still be found traces of representation in Rousseau's political thought (Marini, 1967: 453). As will be discussed below, his constitutional considerations on Poland reverberate with concepts such as legislation, government, lawgiver. They also contain implications of political participation in concert with *The Social Contract*. Ever growing criticism of classical theories of representative democracy (Philips, 2015: 29) could make his vision of politics even more relevant for contemporary political thinking.

This paper is a short examination of the coherence between Jean-Jacques Rousseau's constitutional proposal for Poland and his political philosophy mostly within the scope of his views in *The Social Contract*. It is also limited as much as possible to interconnected concepts of legislation, government, lawgiver, and political participation. Examining the coherence in Rousseau's political philosophy within the scope of this study is relevant especially under the light of aforementioned criticism of classical representative democracy and current advancements in possibilities of political participation (Noveck, 2009: 18-21).

In order to do this, related aspects of his political philosophy in *The Social Contract* will be tried to be examined in the following section (I.). It is only then his constitutional proposal for Poland will be discussed (II.).

I. SOME ASPECTS OF POLITICAL INSTITUTIONS IN THE SOCIAL CONTRACT: POLITICAL PARTICIPATION OF PUBLIC-MINDED CITIZENS THROUGH LEGISLATION, THE LAWGIVER, AND THE ROLE OF THE GOVERNMENT

Rousseau is considered, albeit with serious contestation, as one of the forebearers of the modern republican political thought (de Dij, 2018: 59-60). It is hard to thoroughly explicate republicanism within the scope of this essay. Therefore, we will rather try to mention some of its aspects.

As a movement of thought, republicanism puts “...lesser emphasis on individual freedom...” than liberalism (Daly, 2019: 14-15). Republicanism’s conceptualization of freedom is also different from that of liberalism. In republican thought, freedom is understood as absence of domination rather than as non-interference (Daly, 2019: 15). One is considered free only when they participate in decision making on public issues thus freeing themselves from arbitrary rule of others (de Dijn, 2018: 60-61).

According to this description, republicanism could be identified with having a different point of view on the concept of liberty than liberalism (de Dijn, 2018: 60) that considers one free when they are safe from State’s or other individuals’ interference on their personal autonomy (Spector, 2010: 784-785).

It must also be noted that there exist different veins of thought in republicanism which cannot be, unfortunately, thoroughly analyzed within the scope of this article. However, it is also impossible to overlook the issue if one wishes to position Rousseau in republicanism. Therefore, two different veins of republican thought will be briefly treated below.

According to some followers of the republican thought, emphasize must be put on the institutional side of political freedom (de Dijn, 2018: 61). From this aspect, what matters most is “...the bundle of legal claim rights, powers and immunities that constitutes civil liberty...” (Spector, 2010: 795). On the other hand, there are also those who put emphasis on popular participation in political decision making in public sphere (Şirin, 2020: 167-175).

Although it is quite hard to claim that Rousseau positioned himself in either vein of thought, it is also obvious that he deemed political participation of individuals the most crucial act of civilized people (Cohen, 1986: 280-281). On the other hand, one also could not deny that Rousseau’s thinking had an institutional aspect (de Dijn, 2018: 62). As soon as individuals are united in order to form a society, they would found institutions in order to be free (Daly, 2019: 21-22). He considered civic freedom as national self-government (Smith, 2003: 412) safe from arbitrary rule of others in accordance with republican tradition rather than as a pursuit of luxury and wealth that would result in civic disintegration and despotism (Smith, 2003: 421).

He envisaged a governmental institution (Rousseau, 1997b: 57-58) that ought to act in accordance with the will of the people who has the ultimate legislative authority (Rousseau, 1997b: 82). It is within this framework that sovereignty, legislation, and Rousseau's understanding of freedom are related. If the people were to decide to leave their legislative authority to any other (including an elected group of their own), they would lose their freedom since sovereign will cannot be represented as much as it is unalienable (Rousseau, 1997b: 114). Therefore, his skepticism on institutions was mostly about qualities of a pure representational system.

In his writings, Rousseau seems to be aware of the practical impossibility of a whole body of citizens' constantly coming together and legislating (Rousseau, 1997b: 110). There, he turns his view to citizens' participation in political and judicial matters just as those in Roman Republic. (Rousseau, 1997b: 111-112). Even from these, one could discern that Rousseau did not limit legislative authority to gathering of a whole body of citizens. As a result, it could be claimed that citizens are not members of a direct democracy in Rousseau's theory. They are rather public-minded and politicized individuals (Marini, 1967: 454). And such citizens could not be found easily in modern nation-states (Marini, 1967: 455-456). Civic education which will be treated below comes into play within this context in Rousseau's political thinking (Marini, 1967: 456).

Legislator in Rousseau's thought is an institution founder (Colón-Ríos, 2016: 4). It "...sets the fundamental laws of the body politic, sets the legitimate form of government, and is the basic will in accordance with which legitimate government ought always strive to govern." (Marini, 1967: 457). It is within this context that Rousseau is seen as an early "theorist of constituent power" (Colón-Ríos, 2016: 4). Since constituent power could be described as the authority to found a new constitution when there has been none or it has ceased to exist (Favoreu et al., 2019: 132). However, legislative authority is not limited to constituting. It also includes oversight of day-to-day government as will be treated throughout this essay.

As Rousseau did not consider legislative authority as making and passing of laws in contemporary sense, the existence of a lawgiver figure also indicates that he did not bestow upon citizens a monopoly in legislative process (Putterman, 2005: 148). The lawgiver is a figure of mythical stature rather than being an ordinary person (Putterman, 2005: 149). They appear when individuals who would live under law

has not matured yet (Bertram, 2020)¹. Lawgiver would need to convince the people to form a political society (Bertram, 2020). Therefore, the people could only serve themselves as legislators when they are matured enough to be a part of general will. Until then, the lawgiver would assume the role of legislator so as to constitute a political society. It must be underlined that such “laws” given by the lawgiver figure are not equivalent of contemporary statutes, they are rather constitutive principles of a political society (Marini, 1967: 459).

It is necessary to treat the concept of “general will” a little more in detail in order to comprehend the “state of maturity”. Primarily, general will is not an ordinary majority rule. Rousseau made this clear by making a distinction between the two. The people could be fooled, misled, or the majority could simply choose what is wrong for it (Rousseau, 1997b: 59-60). Enlightened people, on the other hand, could have *general will* (Rousseau, 1997b: 60).

Enlightenment means the maturation of the people within this context (Putterman, 2003: 460). Such a maturity is reached by having a sense of civic virtue that is comprised of self-sacrifice, compliance with laws, having common interest as sole purpose in politics (Putterman, 2003: 461; Rousseau, 1997c: 147-150). Only through such a maturation process, the people could become the sovereign (thereby having legislative authority) and form general will (Marini, 1967: 457). Therefore, general will could be described as “...corporate will of a political community directed towards the common interest of its members.” (Daly, 2019: 25).

As mentioned above, there is a separation between government and legislation in Rousseau’s thinking. This leads Colon-Ríos to propose that institution founding legislator in is actually the user of constituent power (Colón-Ríos, 2016: 11-12). Government, in this sense, is the constituted power (Colón-Ríos, 2016: 11). In other words, it is what we know today as legislation (should not be confused with its counterpart in Rousseau’s thought), executive and judiciary. According to Colon-Ríos, Rousseau was opposed to representative government only in the sense of an institution founder (Colón-Ríos, 2016: 12). However, one must also note Rousseau’s aforementioned acknowledgment of necessity for a lawgiver figure in immature societies.

¹ Maturation is the state of enlightenment that ought to be reached by the individuals in a society. It will be explained below.

This could also be seen from Rousseau's writings. English people who voted (and of course still votes) for their legislation in Rousseau's age did not elect an institution founder. They elected representatives who had *the potential* to do so (Dicey & Wade, 1979: 39-40). Therefore, it must be underlined that Rousseau did not reject ideas of government and representation. What he did reject was the use of sovereignty by aristocratic political elites who would dominate the will of the people (Urbinati ve Warren, 2008: 391).

It is only within this context that Rousseau considered English people to be free only on the election day (Rousseau, 1997b: 114). There could not easily be sensed any clear distinction between constituent and constituted powers. However, separation between the government and legislation might be an indication that Rousseau had an idea of constituent power (Colón-Ríos, 2016: 22-23). Therefore, Rousseau's claim on English people not being free rested on the Parliament's potential to function as the lawgiver (Colón-Ríos, 2016: 13) which itself was a sign of immaturity of English people who could not form a general will.

As will be discussed below, people's legislative power might turn into strong public oversight of government officials who lack sovereignty after the foundation of political society as it is not quite physically possible to wield authority for a whole body of people as Rousseau also conceded (Rousseau, 1997b: 110). Nor do they need to function everyday as institution builders. What they can do is to make use of a certain asset, which is the government that is under strong oversight of politically active citizens after the constitution of their political society.

The sense of realism becomes clearer with Rousseau's despair regarding the possibility of democracy (Rousseau, 1997b: 91). Even though he believed democracy to be worthy of Gods, he also thought that it was both inappropriate and impossible to exist within human societies (Rousseau, 1997b: 92). It is inappropriate for human societies because democracy merges the legislation and the government (Rousseau, 1997b: 91). And it is impossible for democracy to exist because there could never be a government comprised of majority, rather than a minor part of the society (Rousseau, 1997b: 91)².

² It must also be noted that Rousseau's conception of democracy here is a direct form of it.

The government has public officials involved in it apart from the whole body of citizens in Rousseau's thinking (Rousseau, 1997b: 82-83). Therefore, it would be a mistake to relate Rousseau's theory with direct democracy (Marini, 1967: 453-454). However, public officials are not members of a constituted power of a classical constitutional democracy, since they are under stricter surveillance than their counterparts in such democracies, as will be explained below with the help of Rousseau's considerations on Polish constitution.

II. ROUSSEAU'S CONSIDERATIONS ON CONSTITUTION OF POLAND: POLITICAL CULTIVATION OF CITIZENS, THE LEGISLATION AND KEEPING THE GOVERNMENT IN CHECK

As mentioned earlier, Rousseau made concrete constitutional proposals alongside his philosophical writings. One must note that even in his writings on political philosophy, there are certain traces of constitutional rule. Under this section, we hope to uncover a few precepts of a Rousseauian nation-state constitution, especially with regards to the relationship between legislation and the government, within the scope of his considerations for Poland's constitution.

The political context in Poland at that age will be briefly examined before delving into Rousseau's constitutional proposals. Since the late 16th Century, Poland experienced a form of mixed government after the extinction of their ruling family (Lukowski, 1994: 67). However, throughout the 18th Century, political institutions of this mixed system, including the Sejm³, were not working properly due to foreign pressure (Lukowski, 1994: 67). The Sejm took advantage of the geopolitical situation at the end of 18th Century and enacted a constitution in 1791 (Lukowski, 1994: 67-68).

A written constitution had already been on the agenda of Polish jurists. They appealed to Rousseau to recommend constitutional solutions to their political problems long before 1791 (Lukowski, 1994: 70-71). In return, Rousseau wrote his *Considerations* in 1771 (Lesnodorski, 1962: 503).

At the beginning of his considerations, Rousseau tried to determine particularities of Polish land and people by looking into their history. Since he thought an

³ The Sejm is still the lower house of Parliament in Poland.

institution founder should recognize their nation's "...tastes, morals, prejudices and vices." (Rousseau, 1997c: 177) Therefore, he rather considered his proposals as an effort of enlightenment of the institutor rather than serving as a guide (Rousseau, 1997c: 177).

Rousseau exhibited his admiration for Poland and its people as both of them endured throughout the history despite many foreign attempts to enslave them (Rousseau, 1997c: 177-178). He also showed signs of admiration for what he calls Polish people's gallantry, young energy, love for freedom and homeland (Rousseau, 1997c: 178). On the other hand, one cannot help but notice his concerns about Polish people's political awareness and more importantly their willingness to be a part of a political society (Rousseau, 1997c: 179).

Therefore, even though he admired Polish people's love for freedom, he was also critical about their lack of love of *collective* liberty (Smith, 2003: 412). Such liberty depends on national self-determination (Smith, 2003: 412). However, Polish people's *fiery youth* (which was itself a result of Poland's alarming geopolitical situation) could easily let them institutionalize liberty (Smith, 2003: 422-423).

It is within this context that he proposed that it was hard for a nation so great in size (a modern nation-state) to survive without falling into tyranny (Rousseau, 1997c: 193-194). Yet he was still willing to make concrete recommendations in order to help Poles to keep their liberty intact from internal (tyranny) and external (invasion) threats (Smith, 2003: 423).

His considerations concentrate on what should be done by the lawgiver (Rousseau, 1997c: 179-182). As mentioned above, the lawgiver's role is to form a constitution for an immature people in Rousseau's political thought. As a result of his concerns on political maturity of Polish people, he did not consider Polish people to be ready to form the general will (Rousseau, 1997c: 196-197). It should be within the scope of this consideration that he proposed common people to cultivate themselves in political rights that he envisioned in the Social Contract (Rousseau, 1997c: 189-193). Therefore, one can observe, as also Lukowski shows, that one of Rousseau's main objectives was to get rid of the passivity of Polish citizens (Lukowski, 1994: 71).

Only after their cultivation could they become active and free citizens. National education is a prerequisite of such cultivation (Smith, 2003: 424). National education should aim to create virtuous and patriotic citizens (Smith, 2003: 424-426). One must also note that civic cultivation is also ensured by military service (Smith, 2003: 427), symbols and rituals such as feast days, commemorations and public games that emphasize the nation's specifics (Daly, 2019: 77-78). Therefore, civic cultivation is a process of ensuring one's affection for their homeland and nation (Daly, 2019: 77) that could make it easier for citizens to embrace political principles of their polity thus getting ready to be parts of the general will (Daly, 2019: 83-84). Their cultivation would help them shape their personality in order to act as law-abiding virtuous citizens (Putterman, 2001: 485-486). In such a society, individuals' *amour-propre*⁴ would be used so as to form general will (Putterman, 2001: 485-486).

Alongside his considerations on cultivation of citizens, he also made proposals regarding Polish constitution. He addressed to Polish lawgiver and envisaged ways of public oversight in the meantime, thus expressing his ideas on Polish legislation during and after the constitution of political society.

Even though Rousseau was skeptical towards the aristocratic class in Poland due to the danger of tyranny posed by hereditary institutions such as a senate (Rousseau, 1997c: 198), he proposed an assembly, members of which, on the other hand, could not see themselves as representatives of a whole nation (Rousseau, 1997a: 199-200), thus lacking legislative authority without public consent. Since according to Rousseau, governmental capture of legislative power would result in tyranny (Rousseau, 1997c: 197-198).

Therefore, public officials did not have the sole authority to determine what served the public interest in Rousseau's proposed constitutional setting just as those who would act in accordance with the classical theory of representation (Favoreu et al., 2019: 759). They were not directly allowed to speak for the whole nation (Favoreu et al., 2019: 759). Neither could they change the constitution and infringe upon legislative authority. However, they could rule as long as they stay true to constitutive ideals of *legislation* and are under public oversight (Marini, 1967: 466).

⁴ In Rousseau's philosophy, *amour propre* means one's desire for popular esteem and it is one of the leading motives of human behaviour (Putterman, 2001: 485).

As a result, it would be right to say that a certain form of representative legislative body in contemporary sense was present in Rousseau's proposed constitution. However, such representation was quite different from liberal ideals of the 18th Century on legislation that even separated citizens in two by creating a "passive citizenry" who did not have the right to vote in order to limit the people's political influence (Favoreu et al., 2019: 567). On the contrary, Rousseau invited citizens into political action.

Rousseau's considerations on constitution of Poland included concrete proposals in order to keep members of the assembly in check thereby avoiding tyranny and ensuring sovereignty of the people. Firstly, he claimed, it was essential for deputies' mandate to be as short as possible (Rousseau, 1997c: 199-201). This would result in them being subject to legislative authority of the citizens (Rousseau, 1997c: 199). Only through this, could citizens hold on to their authority which they had to delegate as a result of living in a huge country (Rousseau, 1997c: 200-201).

However, Rousseau was still vigilant against corruption of deputies, thereby necessitating an active public oversight (Rousseau, 1997c: 200-201). For this to be meaningful, acts of government should be open to public as much as possible (Putterman, 2001: 489). Moreover, the deputies ought to act in accordance with instructions of their principals and they should always be available to be held accountable of their doings (Rousseau, 1997c: 201). Deputies had no other choice than following their principals' will because of their imperative mandate (Tuck, 2016: 144). Deputies should not have any role in the formation of political will of their principals in such a constitutional setting (Urbinati ve Warren, 2008: 391). On the contrary, deputies should act in accordance with the agenda set by their respective principals (Putterman, 2003: 465) which lets legislative authority go well beyond the boundaries of constituent power (Putterman, 2003: 465).

One must note that there existed no sign of direct democracy in his constitutional proposal (Colón-Ríos, 2016: 20-21) in terms of making and passing of laws just as done in Ancient Athens or any other direct democracy. Government of the people is discouraged by Rousseau (Marini, 1967: 467) in *The Social Contract* and his considerations on Poland.

Finally, it should be emphasized that Rousseau's constitutional proposals were seen as more of a reform than a revolution in Polish politics (Baczko, 1988: S119; Lesnodorski, 1962: 504). He had a compromising approach not only on political

matters but even on social issues such as emancipation of serfs by proposing that they ought to be educated first (Lesnodorski, 1962: 505).

However, this is not a philosopher's contradiction since, he implicitly admitted that some of his views in the *Social Contract* was not directly applicable to the facts of real life, at least in Poland of that age, as explained before, as a result of political immaturity of Polish people and necessity of having representatives in a nation-state. One must not forget that Rousseau had the potential to be a philosopher and an actor of *constitutional design* (at least of his age) at the same time.

Moreover, theories of participatory democracy have been getting more relevant (Philips, 2015: 29-32) as classical theories of representative democracy have been under attack for many years (Philips, 2015: 29). This might make Rousseau even more important for contemporary constitutional design thus opening new topics of discussion on him⁵. Therefore, it is more relevant and important than ever to understand his political philosophy in its coherence.

CONCLUSIONS

Rousseau was not categorically opposed to the concept of constitution. This is apparent in his ideas on separation of the government and the legislation in *The Social Contract*. However, he was against a pure representative government since this latter robbed the people of their sovereignty.

Only a constitution that was not built upon the foundations of pure representation he should have proposed if he was determined to stay in line with his political philosophy in *The Social Contract*. And this was the case with his considerations on Polish constitution. Nonetheless, he was still less radical in his propositions than what he did in *The Social Contract*. This is due to two factors. Firstly, he did not trust most of the individuals of his age to be parts of the general will that he envisaged in *The Social Contract*. Since the polity he envisaged in *The Social Contract* necessitates the formation of a cultivated citizen body.

Secondly, exigences of real-life forced Rousseau's constitutional ideas to be closer to a representative democracy, at least on an institutional level, even when he did not

⁵ Unfortunately, such topics as contemporary constitution-building go well beyond the reach of this study each deserving their own separate research.

diverge from his views on people's political participation. Existence of nation states, reality of public officials, separation of powers et cetera made his constitutional proposals for Poland as we know them.

However, there still existed a clear difference from a classical representative democracy in his constitutional proposal for Poland. This was the lack of discretion for deputies in deliberation of the most general public affairs. They were not real legislators in the sense of *The Social Contract*. They only had a mandate that was imperative, that is the implementation of the will of their principals on most issues.

What is more, their principals ought to be active in their political participation. Therefore, there could exist no "passive" citizen in Rousseau's proposed constitutional arrangement in both legal and political senses. However, one must also notice that his active citizen was not like that of Athenian democracy. In Rousseau's political philosophy an active citizen in a modern nation state should function as a strict principal that made sure their personnel had been operating as commanded before their commissioning.

He also seemed to have a reconciliatory stance on some social issues evidenced by his views on serf emancipation, where he seemed like a reformer rather than a revolutionary. Despite acting as more of a radical in his more *abstract* works such as *The Social Contract*, he was a reformer in his constitutional considerations. However, it would still be an exaggeration to suggest that Rousseau's political philosophy is incoherent. He rather opened the door for participation in politics that seemed to him indispensable in order to be free. Therefore, it should also be made clear that participation of virtuous citizens into politics was one of the finalities of his political thinking.

His views are still relevant in areas of constitutional law, political science and political philosophy. Ever growing criticism of liberal democracy has led to discussion of many alternatives. Therefore, contemporary developments in participatory democracy might offer even more opportunities that could enable citizen participation for polities much bigger than Ancient Athens or other ancient democracies in the near future. Technological advancements could make it easier for participatory constitution-making and public oversight of the government. That should, most naturally, ameliorate Rousseau's already prominent position in many areas of politics and law, thereby having the potential of opening new topics of discussion on Rousseau's political philosophy.

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