

Rousseau's *Considerations on the Government of Poland* and the General Will Beyond Borders

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Jean Jacques Rousseau's thought is typically understood as avowing either cosmopolitan principles or patriotic ones. While a few studies have considered the compatibility of these principles, mostly Rousseau's cosmopolitan ideas seem impractical or even incompatible with his approach to republican political theory. This is especially asserted in regard to the affective or emotional ties and commitments that allow Rousseauian citizens to practice the politics of common goods. Karma Nabulsi argues, outside of this typical dichotomy, that Rousseau's General Will and the affective ties between people that go with it are actually compatible with global politics. This article returns to this issue and shows that Nabulsi is right but that the General Will can only be transnational; it cannot be cosmopolitan. Using Rousseau's *Considerations on the Government of Poland* to show the connection between the General Will in federal and transnational circumstances, I argue that the traditions necessary to maintain these affective ties can be dissociated from unitary political communities but cannot be extended at once to all of humanity. This recognition may be important since the focus on instituted traditions may prove a precondition for actually building transnational affective commitments, which in turn may be pivotal for realising other normative concerns in international political theory.

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Introduction

In the *Discourse on Political Economy* Rousseau avows patriotism for it 'produced the many immortal actions whose brilliance dazzles our weak eyes, and the many great men whose antique virtues are treated as fables ever since patriotism has been turned into derision'.¹ When writing 'Profession of Faith of the Vicar Savoyard' in *Emile*, Rousseau had become a cosmopolitan:

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¹ Jean Jacques Rousseau, 'Discourse on Political Economy', in Rousseau, *The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997, p. 16.

[...] the good man orders his life with regard to all men; the wicked orders it for self alone. The latter centres all things round himself; the other measures his radius and remains on the circumference.²

Rousseau's attitude toward cosmopolitanism and patriotism is a vexed theme among Rousseau scholars, particularly regarding his international political theory. Commentators typically consider patriotism and cosmopolitanism separately or as opposing tendencies in his *oeuvre*.³ While cosmopolitanism may have a kind of hypothetical superiority to patriotism, it is probably inappropriate to real world communities of 'men as they are, and the laws as they might be'.⁴ This is because most of the time, for Rousseau, so-called cosmopolitans use this commitment to avoid moral duties to their neighbours. Where cosmopolitanism is not crass hypocrisy, Rousseau is troubled that it simply lacks the affective moral force to produce real cosmopolitan commitments. Patriotism, by contrast, readily combines passionate moral attachments with earnest and equitable principles.

This interpretive conundrum matters for drawing insights from Rousseau for contemporary world politics. The patriot Rousseau lines up easily with realist imperatives for state security and defence, which Rousseau himself explores.⁵ Meanwhile, Rousseau's cosmopolitanism, as Karma Nabulsi argues, may provide inspiration for theorising global forms of humane solidarity.⁶ She finds that the General Will is one of the essential features of Rousseau's cosmopolitanism. The General Will is the object of intense patriotism in *Political Economy*, but Nabulsi thinks it can also extend beyond borders. A cosmopolitan General Will promises to be a momentous contribution of Rousseau's thought to international affairs today. As Nabulsi asks, imagine the costs of third parties standing up for the human rights of Palestinians in Gaza. Campaigning for them potentially incurs significant costs upon academics, politicians, activists, and others. A cosmopolitan solidarity of deep affective interconnection must be explicated for human rights and other aspects of global justice to be serious objects of moral action.

² Ibid.

³ Annaelien de Dijn, 'Rousseau and Republicanism', *Political Theory*, 2015, Online, <http://ptx.sagepub.com/content/early/2015/10/08/0090591715609101.abstract> (accessed on 26 November 2015); Christopher Kelly, 'Rousseau on the Foundation of National Cultures', *History of European Ideas*, 1993, Vol. 16, No. 4-6, pp. 521–525. Jason Neidleman, 'Rousseau's Rediscovered *Communion des Coeurs*: Cosmopolitanism in the *Reveries of the Solitary Walker*', *Political Studies*, 2012, Vol. 60, No. 1, pp. 76–94. An important exception is Georg Cavallar, 'Educating Emile: Jean-Jacques Rousseau on Cosmopolitanism', *The European Legacy; Toward New Paradigms*, 2012, Vol. 17, No. 4, pp. 485–499.

⁴ Jean Jacques Rousseau, *The Social Contract*, in Rousseau, *The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997, p. 41.

⁵ Rousseau, *The State of War*, in Rousseau, *The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997, pp. 171–176.

⁶ Karma Nabulsi, 'That the general will is indestructible: From a citizen of Geneva to the citizens of Gaza', in Kate E. Tunstall (ed.), *Self-Evident Truths? Human Rights and the Enlightenment*, London: Bloomsbury Academic, 2012, pp. 43–58.

Nabulsi's thesis is, nonetheless, a remarkably controversial one as an interpretation of Rousseau. Even at his most cosmopolitan, Rousseau thinks such powerful global affections are accessible only to a small few, whereas Nabulsi believes a cosmopolitan General Will may animate the political engagements of a broad number of distant comrades. Yet there is an element of Rousseau's thinking on global affairs that is poorly captured by this patriotic/cosmopolitan dichotomy. These positions do not exhaust the kind of global engagements that were possible in Rousseau's thinking. What is missing in this picture is recognition that Rousseau relied upon a set of political engagements which are best described as a form of transnationalism. Now such a claim is problematical for historical reasons for the simple reason that the vocabulary of transnationalism was unavailable to Rousseau. Nonetheless, I want to show in this paper that Rousseau practiced, theorised, and developed a transnational account of the General Will. This account was not present in *The Social Contract*, but it takes centre stage in his involvement with Poland and his *Considerations on the Government of Poland*.

In this paper, I first review understandings of the General Will. I then show that in *The Social Contract* it is impossible to resolve the General Will and its effective basis with cosmopolitanism. The final section traces Rousseau's modified views that allow a federalised General Will to be salient for 18th-century Polish reforms. The federal version of the General Will is supportive of transnational passions and transnational civic commitments. The paper concludes with remarks on the empirical challenges of researching, substantiating, and realising such transnational affect for citizens and political theorists in the 21st century.

I. The General Will

For Rousseau, human individuals are able to expand their moral compass to recognise common needs, interests, and obligations, and to act concertedly upon this recognition. Put in Rousseau's own terms, people can come to recognise and to embrace the General Will. Such a General Will is a noteworthy development in republican societies and small national states. The General Will plays a role both in the particular argument Rousseau makes in *Considerations on the Government of Poland* and secondary debates about the international dénouement of Rousseau's political thought. Yet in *Government of Poland*, and in most of Rousseau's political writings, the concept is not well articulated. Before considering whether the General Will might be extended beyond such communities, it is important to detail more thoroughly what this concept is in Rousseau's writings. The purpose of this section is to roughly outline the idea of the General Will.

The conceptual core of the General Will is most fully explicated in *The Social Contract* and this chapter focuses on its conceptualisation in that text. While Rousseau had used the concept in earlier works, it was not until *The Social Contract* that Rousseau

fully elaborated it. It is an integral part of the overall political theory of that text, and on further examination it seems this idea of the General Will matters in *Government of Poland*. In later sections, differences between the General Will in *The Social Contract* and in *Government of Poland* will be canvassed.

To identify the General Will it is necessary to put it into the narrative argument of *The Social Contract*. As Rousseau sees it, there comes a time when certain natural obstacles force scattered individuals in a 'state of nature' to unite.⁷ Rousseau believes the exact arrangements of the social contract must be meticulously prescribed. These include terms by which each and every member of such a political body would have an equal say, fair assurance of the participation and obligation of other members, basic equality of living conditions, and basic equality of rights and liberties. One condition that cannot be avoided is that each and every member of this community must agree that they are to retain personally no rights, resources, or property of any kind from before their mutual arrangements, and only their mutual arrangements can determine what rights and resources they will have.⁸ This is an intensive commitment. Since everyone is an equal participant, it follows, Rousseau thinks, that everyone will be equally protected and privileged by their participation in this corporate body.⁹ One conclusion of this arrangement that is crucial here is that sovereignty, or supreme and legitimate political authority in this community, must lie with the community as a whole acting in concert. Rousseau calls this the Sovereign, and it is simply all citizens solely in their capacity as joint or corporate legislators for the incorporation they together form. It is important to note that the Sovereign and sovereignty only prevail when citizens act in concert, or in unanimity.¹⁰ There may be cases in which sovereign decisions can be reached without unanimity through democratic procedures, but the principle of sovereignty remains one of unanimous agreement.

Such a Sovereign includes a principle of decision making appropriate to the unanimity condition. This decision making principle is what Rousseau calls the General Will, and it only ever prevails under the precise conditions of *The Social Contract* noted above. Of course, it may be that Rousseau later relaxes or rethinks some of these

⁷ Rousseau, *The Social Contract*, pp. 49–50. The state of nature was a common hypothetical position in political theory of the 17th and 18th centuries. Thinkers including Hugo Grotius, Thomas Hobbes, John Locke, and Jean Jacques Rousseau, amongst many others, asked readers to imagine a state of affairs in which there was no governing authority amongst individuals and further no socialisation amongst them either. Under what conditions would these individuals come to reach agreements with each other to establish authoritative political institutions? What rules, expectations, and conditions would they establish, if any, regarding authoritative political institutions? This line of thinking is of historical interest for international relations theory in general, since it helped articulate structural theories of anarchy and, indeed, some important counter arguments to such formal models, including ones reminiscent of Alexander Wendt's critique of anarchism in realist and liberal international thinking.

⁸ Jean Jacques Rousseau, *The Social Contract*, p. 50.

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 58.

conditions, allowing the General Will to be found in some other political or social arrangements. This issue will be addressed in later sections.

Some of Rousseau's other thoughts about the General Will are also worth delineating, both to better grasp it and as a resource for analysis to come. Since the Sovereign has supreme authority, it is important to note that this authority does not extend to the administration or government of the political community. Rousseau draws a line between sovereignty and government, and this means that supreme authority lies in what could be called 'legislative power'.¹¹ This separation is a corollary of the view that sovereignty is inalienable and cannot be represented,¹² whereas the nature of government, administration, or the 'executive power' cannot involve all citizens administering all citizens all of the time.¹³ This point means, further, that the General Will is a will to legislate in a certain way.

Rousseau's remarks in *The Social Contract* also clarify some of the epistemic conditions that this legislative principle must meet in order to qualify as *General Will*. The General Will is freedom-respecting in several ways. First, since everyone contributes to the General Will there is, presumptively, no rationale for limiting the freedoms of members beyond what common life, regulation, and mutual benefits require.¹⁴ Indeed, freedom might be classed amongst mutual benefits, meaning any trade-off between common goods and common freedoms would be a false construal of the appropriate comportment of the General Will. Furthermore, the legislative outcome of the General Will is an exercise in autonomy since it represents people living under laws they have themselves selected. There may also be a sense in which the General Will itself represents a kind of exercise concept of freedom, perhaps as a form of ongoing self-mastery.

Secondly, Rousseau famously insists that the General Will tends toward equality. Again, this makes sense since general legislative decisions are made by and must be justifiable to the political community as a whole. Deviations from a particular kind of equality would be hard to justify without enlisting an argument about benefits for equality of some other kind.¹⁵ In addition, the background conditions of Rousseau's social contract require that equal citizenship, equal political rights, and roughly equal distributions of resources and property would need to be maintained for the basic conditions of the contract to be maintained. Deviations from equality, such as those suggested by Rawls' difference principle,¹⁶ would be hard to justify in Rousseau's ideal setting.

¹¹ *Ibid.*, p. 82.

¹² *Ibid.*, pp. 58–59.

¹³ *Ibid.*, pp. 82–83.

¹⁴ *Ibid.*, pp. 49–50.

¹⁵ For incisive discussion of the trade-offs amongst equalities in different domains see especially Amartya Sen, *Inequality Reexamined*, Oxford: Oxford University Press, 1992, pp. 12–30.

¹⁶ John Rawls, *A Theory of Justice*, Revised Edition, Cambridge, MA: Harvard University Press, pp. 130–139, 153–160, 228–292.

If the General Will is a principle by which the Sovereign makes legislation befitting the conditions of the basic social contract, it is not clear in what sense it is a *will*. One tendency in Rousseau scholarship is to treat this as a metaphorical will. It can be seen as a figurative way of discussing something that would today be called social choice.¹⁷ The General Will is hence a procedural democratic theory which arrives at a particular kind of epistemic outcome and which justifies the outcome in terms of both its epistemic value and the method by which it was selected. While this view has appeal, it is of very little interest for understanding affective connections between individuals.

Patrick Riley argues that the General Will cannot be understood simply in terms of epistemic general interests. It is an actual will, which is a psychological phenomenon of reason, affect, and choice.¹⁸ In some sense the General Will *qua* legislative decision results from a democratic combination of the wills of particular individuals. This is because individual voluntarism is the only kind Rousseau theorises. But the General Will can never result from just any correspondence of individual volitions; the General Will is not the will of all, for the will that contributes to legislative decisions of the Sovereign must be *group regarding* volitions that line up with the constraints hitherto explored. To distinguish these group regarding volitions from the self-regarding volitions of individuals, I will call the former ‘general volitions’. I will reserve General Will for the legislating amalgamation of such volitions.

The General Will is grounded on a psychological description of the characteristics of particular individuals. This is why Rousseau believed that ‘the *better constituted* the state the more public business takes precedence over private business in the *minds of Citizens*’.¹⁹ The General Will results from intentions and consists of volitions regarding the *binding* duties citizens would expect of compatriots and what obligations they themselves would be willing to accept toward others. The reciprocal and duty making characteristic is integral because the General Will only consists in corporate choices about general interests that can be articulated in legislative form. These choices must also respect the conditions of freedom and equality outlined above, or they would void the basis of political community.

The specific moral psychology that lies behind the General Will is widely contended in Rousseau scholarship, and this paper makes no claims amongst the range of psychological interpretations. What is important is that psychological interpretations of the General Will as a group are connected to the general debate about Rousseau’s

¹⁷ Bernard Grofman and Scott L. Feld, ‘Rousseau’s General Will: A Condorcetian Perspective’, *American Political Science Review*, 1988, Vol. 82, No. 2, pp. 567–576.

¹⁸ Patrick Riley, *Will and Political Legitimacy*, Cambridge, Ma: Harvard University Press, 1982, p. 112. Riley argues that philosophically speaking the General Will can only possibly make sense as the will of an individual, and Rousseau *ultimately* does exactly this. Geraint Parry, ‘Thinking one’s own thoughts: autonomy and the citizen’, in Robert Wokler (ed.), *Rousseau and Liberty*, Manchester: Manchester University Press, 1995, pp. 100, 108–110. For Parry, the Rousseauian political individual must be autonomous and ‘think his own thoughts’. When this is achieved in a political community, the individual pursues his own General Will.

¹⁹ Rousseau, *The Social Contract*, p. 113. Italics mine.

patriotism and his cosmopolitanism. Whatever the scope of an individual's moral universe, it is disposition, sentiment, passion, or some other psychological affect that makes a patriot or a true cosmopolitan. This vein of interpretation is also particularly relevant to Nabulsi's claims about the General Will as the *affective* and *long suffering* solidarity she describes make no sense otherwise.²⁰ More generally, the interpretive debate regarding cosmopolitanism and patriotism in Rousseau's works often turns on the fit between affective force and ethics amongst cosmopolitans and patriots. Reconsidering the place of the General Will outside the borders of sovereign republics is the burden of the following section.

II. The General Will and National *Moeurs*

The issue I want to turn to now is a version of one raised in debates on Rousseau's patriotism and cosmopolitanism. Recent studies seem convincing that Rousseau espoused an individual cosmopolitan ethic.²¹ Aspects of this individual cosmopolitanism are brought out in works such as *Emile*, *Julie*, and the *Reveries of a Solitary Walker*. But this cosmopolitanism is also exclusive, and recent scholarship fails to substantiate it as more than a rarefied phenomenon.²² It is also not easy to see how the cosmopolitan disposition of such dissociated individuals could result in any General Will, though it might produce general volitions. Hence, one way of developing a cosmopolitan General Will lies in widening the estimate of how many can obtain this outlook, but this rewrites an element of Rousseau's social theory dramatically. Another, less well developed claim in the literature is that the patriotism of political communities may already serve as a pedagogical step to broader cosmopolitan identity and affect.²³ But the cosmopolitan didactics of the patriotic General Will have only been briefly discussed, so this is worth more concerted investigation.

Before this interpretive work, it is helpful to better elaborate the logic of cosmopolitanism for it is not always clear that Rousseau uses the term consistently. It is appropriate to distinguish between different types of cosmopolitanism that are conceptually distinct from each other.²⁴ These include political cosmopolitanism, or the belief that some global political institutions ought to exist, as well as affective cosmopolitanism, which describes concern and effort for the benefit of distant strangers. Another form of cosmopolitanism is a kind of normative egalitarian cosmopolitanism,

²⁰ Karma Nabulsi, 'Being Palestinian', on *Ted Honderich Website*, http://www.ucl.ac.uk/~uctytho/Being_Palestinian.html (accessed on 20 March 2016).

²¹ Georg Cavallar, 'Educating Emile', pp.485-499; Jason Neidleman, 'Rousseau's Rediscovered *Communio des Coeurs*' pp. 76-94.

²² *Ibid.*

²³ Cavallar, 'Educating Emile', p. 489.

²⁴ *Ibid.*, pp. 486-487. Cavallar is incisive on this point, but my taxonomy of cosmopolitans differs from his.

which holds that all human individuals, whatever their place of origin, should have similar access to the main sources of well-being and similar opportunities to live a moral life.

These different forms of cosmopolitanism can be held in weaker or stronger variants. For instance strong political cosmopolitanism would hold that a global, legitimate, and authoritative government should come about. This would be incompatible with versions of egalitarian cosmopolitanism that stipulate the necessity of distinct sovereign communities. Conversely, when endorsing a strong sense of the moral significance of patriotic communities for all individuals, egalitarian cosmopolitanism might require rejection of strong political and strong affective cosmopolitan logics. This is because a patriotic republic along with patriotic citizens may be preconditions for the enjoyment of wellbeing and for leading a reasonably moral life. From this taxonomy alone, there is neither reason to think these forms of cosmopolitanism do or do not co-exist in Rousseau's thought nor that he holds any at all. The weight of the textual and contextual evidence must still be brought to bear on these questions. The point here is to provide a useful framework for that reading. Before this, note that the affective cosmopolitanism mentioned above is closely affiliated with the affective General Will found in Nabulsi's work, yet it is the impracticality of widespread affective cosmopolitanism in Rousseau's thought that is frequently emphasised in other studies.

As noted above, *The Social Contract* leaves no room for *legitimate* and *authoritative* political community beyond the level of sovereign community. While some associations amongst these communities remain plausible, these cannot have any legislative traction since Rousseau associated supreme power with and only with the Sovereign. Meanwhile, Rousseau thinks that people, or at least most people, ought to live in communities like that in *The Social Contract*. Rousseau writes that the original compact puts man into a framework in which 'his faculties are exercised and developed, his ideas enlarged, his sentiments ennobled, [and] his entire soul is elevated'.²⁵ These changes are nothing less than the transformation of man from a 'stupid and bounded animal' into 'an intelligent being and a man'.²⁶ It is a kind of inequity that many peoples do not and probably will not live in such communities. It follows that he does hold a particular normative egalitarian cosmopolitanism which presupposes the moral importance of distinct, independent sovereign communities. It is not clear how strong this endorsement of sovereign communities is, since there are other pathways to meaningful moral life in Rousseau's *oeuvre*. What is not yet evident is whether Rousseau thinks the affective cosmopolitanism of an extended General Will is either compatible with or may be promoted by individual sovereign communities.

Rousseau's actual views do not bear out either of these possibilities. When Rousseau comes to discuss the legislative structure of actual sovereign states, he is keen to show that they are and *must be* dissimilar to each other. Indeed, the General Will

²⁵ Rousseau, *The Social Contract*, p. 53.

²⁶ *Ibid.*

must be represented in its laws and reinforced by their effects in ways which must always be exceptional. This can be seen when Rousseau criticises Peter the Great for his malformation of the Russian polity. Instituting a people is always *exceptional*; it 'could not even happen twice with the same people'.²⁷ Moreover:

The Russians will never be truly politically organized because they were politically organized too early. Peter's genius was imitative; he did not have true genius, the kind that creates and makes everything out of nothing. Some of the things he did were good, most were misguided. He saw that his people was barbarous, he did not see that it lacked the maturity for political order. He wanted from the first to make Germans, Englishmen, whereas he should have begun by making Russians; he prevented his subjects from ever becoming what they could be by persuading them that they are what they are not.²⁸

Peter the Great failed because he overlooked the foundational legislation of sovereign communities. Yet what is this foundational law? Rousseau elaborates several types of law, including political (constitutional), civil, and criminal law, yet none of these are foundational. Rousseau continues:

To these three sorts of laws must be added a fourth, *the most important of all* ... which is *the State's genuine constitution*; which daily gathers new force; which, when the other laws age or die out, revives or replaces them, and imperceptibly substitutes the force of habit for that of authority. I speak of *moeurs*, customs, and above all opinion; a part [of the laws] unknown to our politicians but on which the success of all the others depends: a part to which the Legislator attends in secret, while he appears to restrict himself to particular regulations which are but the ribs of the arch of which *moeurs*, slower to arise, in the end form the immovable Keystone.²⁹

The reasoning here follows from Rousseau's view that a General Will must be maintained over time and general volitions amongst citizens need to be cultivated. Sovereign communities must be different in the sense of their culture and their most vital cultural practices if they are to remain sovereign communities at all. Because *moeurs* both revitalise and *replace* regular and constitutional law over time, it is perfectly reasonable to suggest that they are foundational to the General Will and to individuals' general volitions. Put another way, the general will as an affective solidarity among members can only prevail where such *moeurs* prevail. Since the globalisation of *moeurs* is not an option, the General Will cannot be rendered cosmopolitan in form.

²⁷ Ibid., p. 73.

²⁸ Ibid., p. 73.

²⁹ Ibid., p. 80. Italics mine. Gourevitch translates *moeurs* as morals. I retain the original because of the capaciousness of the French term and its difference from the more ethically connoted English term. *Moœurs* means, possibly at the same time, the way of life of an individual and of a people, including also their moral practices, habits, and beliefs.

Rousseau's General Will in *The Social Contract* is not amenable to generalisation beyond cultures. For the General Will to be maintained, it must be associated with distinct and unique traditions which continually reinforce the recognition by members of one another and their common determination to pursue common legislative goods in their collective decisions. Such thick traditions do not extend to a global level.

So long as the choice is put between the plausibility of a cosmopolitan General Will and a patriotic General Will, it is clear that Rousseau's cosmopolitanism must not be of the political and affective types in *The Social Contract*. Yet suspiciously, this very cosmopolitan and patriotic dichotomy looks far too much like the predicament of late 20th-century international political theory.³⁰ Is this apparent dichotomy in fact appropriate for parsing Rousseau's thought? Thinking about international politics and globalisation in the 20th century suggests that political, economic, and social connections amongst individuals, groups and communities are possible amidst, over and through existing state boundaries.³¹ Such relationships can be described as transnational and these are not necessarily a cosmopolitan phenomenon though they are often associated with each other. The possibilities of transnationalism have yet to be considered in Rousseau's case, and it is to this question that the next section turns.

III. Federalism, Transnationalism, and Considerations on the Government of Poland

Rousseau's masterpiece *Emile* points in an interesting direction. Nearing the end of a long education, the titular character travels on a version of the grand tour undertaken by early modern European aristocrats. Emile is no aristocrat, but this experience introduces him to small societies that are not associated with any particular nation, city, republic, etc. Emile remains a citizen of his own country and reasonably attached thereto. But the point is simply this, a description of Emile's experience is not captured with the terminology of cosmopolitanism. While Rousseau's goal is to bring Emile to a cosmopolitan perspective, the experience itself is not one which embraces *all* humanity. Rather, Emile's experience is interlocution with a number of

³⁰ The debate between cosmopolitanism and pluralism in contemporary international political theory is much like the interpretive dichotomy here. Seminal cosmopolitan contributions question the importance of state borders in the proper moral respect and justice owed to individuals. Cf. Charles Beitz, *Political Theory and International Relations*, Princeton: Princeton University Press, 1979; Thomas Pogge; Simon Caney, *Justice Beyond Borders; A Global Political Theory*, Oxford: Oxford University Press, 2005. Pluralists by contrast believe in the moral particularity or significance of individuals states. Cf. John Rawls, *The Law of Peoples*, Cambridge, MA: Harvard University Press, 1999; David Miller, *National Responsibility and Global Justice*, Oxford: Oxford University Press, 2007. In some sense this dichotomy is not a fundamental one, since many pluralists are actually cosmopolitans of a kind who believe each individual deserves a coherent moral community only available in some kind of state, nation, or something of the kind. Cf. Mathias Risse, *Global Political Philosophy*, Basingstoke: Palgrave Macmillan, 2012, pp. 88–113.

³¹ Joseph S. Nye, Jr and Robert O. Keohane, 'Transnational Relations and World Politics: An Introduction', *International Organization*, 1971, Vol. 25, No. 3, pp. 329–349.

distinct and small communities. Emile crosses borders, but his network of confidants remains small. This is a transnational phenomenon. It is worth remembering that the number of persons included in *this* commerce may be smaller than even the smallest political community. This shows that the limiting conditions facing the General Will in individual sovereign communities may not be necessary or sufficient conditions. Whilst Emile and his interlocutors access this cosmopolitanism, could it be practiced among wider networks? Could the General Will include real and affective links amongst different communities or allow such difference to be transcended without a broadening fatal to its affective force?

The logic of transnationalism cannot readily fit within the idealised world of individual communities and their abroad that Rousseau stipulates in *The Social Contract*, or even in his earlier work in *Political Economy*. But it may be that when forced to confront theory with practice, Rousseau would have also encountered transnational possibilities. It is the contention of this section that just such a possibility is broached in Rousseau's *Considerations on the Government of Poland*.

The historical context of this work is important for understanding the purpose and object of Rousseau's remarks and also for the assumptions Rousseau makes about his readers. Rousseau was approached in 1770 by Michal Wielhorski, a representative of the Bar Confederation, to make reform recommendations for Poland. This was a period of crisis and instability in Poland–Lithuania, shortly before its partition. There was a sense that the forces of the Bar Confederation, whose history the journal's readers are familiar with, were capable of carrying the day. Hence, Rousseau would have been assured his considerations would be taken seriously, and his work was written specifically for Wielhorski and the Bar Confederation. It was not for public consumption and was only published posthumously. The targeted nature of the audience and the particular purpose of the intervention they desired made for a project somewhat different than the speculative political philosophy of *The Social Contract*. It is a common reading of Rousseau's works in general that he only meant to engage in social criticism or to educate corrupted Europeans, but this general view has little credibility here given the actual rhetorical context.³² *Government of Poland* was meant to have real practical denouement.

Because of this practical context, Rousseau must address the complex federal political arrangement that was the Polish–Lithuanian Commonwealth of the time. While Rousseau endeavours to find a way of extending his previous reasoning in his recommendations, he cannot sensibly use the principles of *The Social Contract* because the constitutional structure of Poland–Lithuania is unlike that of sovereign republics.

³² Judith Shklar, *Men and Citizens*, Cambridge: Cambridge University Press, 1969, pp. 14–15; Arthur Melzer, *The Natural Goodness of Man: on the System of Rousseau's Thought*, Chicago: The University of Chicago Press, 1990, pp. 253–282. For a thorough evaluation of this tendency in Rousseau scholarship see: Ethan Putterman, *Rousseau, Law and the Sovereignty of the People*, Cambridge: Cambridge University Press, 2010.

Rousseau's understanding of this constitution was far from perfect, but it was incisive enough to show that it was unlike his community in *The Social Contract*.

In light of this, it is important that Rousseau did not simply recommend the constitutional design or state size limitations of *The Social Contract*. Poland–Lithuania could be downsized, and Rousseau speculated that Russia, Prussia, and Austria might soon impose this.³³ If a smaller Poland emerged, perhaps Rousseau's earlier political theory might be applied, but if not, he elaborated a separate recommendation which makes up the rest of the text.³⁴ Since Rousseau addresses the size and complexity of Poland–Lithuania head on whilst assiduously avoiding what he believes to be radical institutional changes, it must mean he came to identify ways in which this commonwealth could be like sovereign communities with a General Will and republican legislation. All this must have been obtainable within this federal, multi-cultural community as evident and important in Rousseau's analysis.

In light of the differences between unitary, small republics and the vast, federal Poland–Lithuania, it may be puzzling that Rousseau carried over substantive theory from *The Social Contract* at all. Yet Rousseau's remarks show the principles of *The Social Contract* did matter. The relationship between legislation and affect is particularly noteworthy, and Rousseau promotes this as the central challenge of the first chapter of the text. He writes, 'No constitution will ever be good and solid unless the law rules the citizens' hearts. So long as the legislative force does not reach that deep, the laws will invariably be evaded. But how can men's hearts be reached?'³⁵ That Rousseau thinks legislation must move the hearts of citizens fits with general volitions in *The Social Contract* but need not be seen as a commitment to those particular principles. Rousseau's means to this goal cleave closer still to his seminal work. The laws of the fatherland come to be loved 'with children's games; with institutions which appear trivial in the eyes of superficial men, but which form cherished habits and invincible attachments'.³⁶ The application of the fourth form of legislation, *moeurs*, to the revitalisation and re-legislation of Poland–Lithuania could not be clearer.

Rousseau imports his earlier rejection of cosmopolitanism in this domain. Rousseau laments the spread of French *moeurs* and other pan-European manners.³⁷ Putting it most closely to the reasoning of *The Social Contract*:

There are no more Frenchmen, Germans, Spaniards, even Englishmen, nowadays, regardless of what people may say, there are only Europeans. All have the same tastes, the same passions, the same morals, because none has been given a national form by a distinctive institution.³⁸

³³ Rousseau, *Considerations on the Government of Poland*, p. 194.

³⁴ *Ibid.*, p. 194.

³⁵ *Ibid.*, p. 179.

³⁶ *Ibid.*

³⁷ *Ibid.*, p. 185.

³⁸ *Ibid.*, p. 184.

Part of Rousseau's problem with the spread of tastes and morals of the French kind was simply that they were too associated with luxuriousness and self-promotion.³⁹ Rousseau's moral objections to selfishness *tout court*, and against the idea that private vices made public virtues, *contra* Adam Smith, David Hume and Bernard Mandeville, is represented in his point here.⁴⁰ Morals grounded in simple selfishness can never align with the General Will.

But the problem for Poland–Lithuania was not selfishness alone. That pan-European loss of *distinctive* institutions was the key threat to Polish liberty and General Will.

The virtue of Citizens, their patriotic zeal, the distinctive form from which its national institutions may give their soul, this is the only rampart that will stand ever ready to defend it, and which no army could subdue by force.⁴¹

The significance of this point is evident in light of Rousseau's earlier views on distinctive *moeurs*. The affective aspect of sovereignty and good government cannot be produced at a global level. Since Rousseau reiterates just this fear regarding possible Polish reforms, it is safe to say that that Poland's revitalisation depends on both distinctive *moeurs* and the General Will they stand to support.

In both *The Social Contract* and *Government of Poland*, Rousseau advocates *moeurs* for the same reason, so it is unsurprising that he highlights a number of particular customs for Poland–Lithuania. Some of these are well established, such as the maintenance of traditional dress and manners over and against the inroads of French fashion.⁴² But in other cases the advent of traditions is imagined. New egalitarian *moeurs* for educating the Polish nobility,⁴³ public festivals and games with public pomp and spectacle,⁴⁴ and other festivities are recommended. In these unique practices, a kind of bespoke national physiognomy could be expected.

Not all of Poland's political *moeurs* were acceptable, however. The grudging exception is the practice of the *liberum veto*, which rendered the Polish community hostage to the particular will of any dissenting nobleman. Since the *liberum veto* was a veto by any member of the Diet (Sejm) against all that Diet's legislation, it was a remarkable obstruction to group-wise decisions, and it greatly empowered *particular* dissenters. Here the exception proves the rule on the significance of *moeurs*. While there was no reason the *liberum veto* could not be used for the common good, most of

³⁹ Ibid.

⁴⁰ Cf. Rousseau, 'Letter to D'Offreville', in Rousseau, *The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997, pp. 261–262. For Rousseau's engagement with ethics of private vices made public virtues see especially: Helena Rosenblatt, *Rousseau and Geneva*, Cambridge: Cambridge University Press, 1997, pp. 46–52.

⁴¹ Rousseau, *Government of Poland*, p. 183.

⁴² Ibid., p. 185.

⁴³ Ibid., chap. 4.

⁴⁴ Ibid., pp. 187, 191.

the time this *moeur* worked diametrically against the General Will. Such an unchecked individual right was deleterious to affective solidarity amongst Poland–Lithuania’s people.

These *moeurs* do not advert a General Will traversing bounds of narrow community. Rather, it seems as if Rousseau is following the template of *The Social Contract* in showing the contradistinction between patriotic general will and the disposition required of cosmopolitanism. As a recent study elaborates, Rousseau’s Poles depended on their cold indifference to strangers and on their values.⁴⁵

Nonetheless, there remains a complexity to Rousseau’s recommendations that is not quite captured in the model of nation-wide traditions. The problem Poland–Lithuania faced was essentially one of size as mentioned above. Against political and affective cosmopolitanism, Rousseau asserts, ‘only God can govern the world’.⁴⁶ But this remark already applies to Poland–Lithuania since ‘it is wondrous that the vast expanse of Poland has not already a hundred times converted its government into a despotism, bastardized the Poles’ souls, and corrupted the mass of the nation’.⁴⁷ Poland–Lithuania’s size itself would threaten to dislodge the General Will, and this would happen even if pan-European *moeurs* were rejected and distinctive Polish ones celebrated. Note that the chapter on the size of Poland–Lithuania is entitled ‘The Radical Vice’ and follows Rousseau’s thoughts on public and educational *moeurs* for the state. There is an impasse here that the paradigm of *The Social Contract* cannot address. Yet this impasse was only an apparent one according to Rousseau’s reasoning because the peoples of Poland–Lithuania had not experienced corruption or despotism.

Rousseau is prepared to abandon the simplistic dichotomy of global and local *moeurs* and with it the exclusive association of General Will with and only with distinct republican communities. This is the general impression conveyed in the second chapter of the text, entitled ‘Spirit of the Ancient Institutions’. Much of Rousseau’s love of ancient polities is well known. He normally wrote of Moses, Numa, and Lycurgus as *the* great Legislators, and he does so here too. Just as in *The Social Contract*, he asserts that it is distinct national traditions that are ‘bonds that might attach the Citizens to the Fatherland and to one another’.⁴⁸ While Rousseau normally thinks this is a phenomenon of small republican states, this chapter diverges from the pattern. Rousseau ponders Sparta’s influence on other Greeks:

Sparta was but a city, it is true; but by the sheer force of its institutions this city gave laws to the whole of Greece, became its capital, and made the Persian Empire tremble. Sparta was the center from which the effects of its legislation spread in all directions.⁴⁹

⁴⁵ Karen Pagani, *Man or Citizen: Anger, Forgiveness, and Authenticity in Rousseau*. University Park: The Pennsylvania State University Press, 2015, pp. 63–69.

⁴⁶ Rousseau, *Government of Poland*, p. 193.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 181.

⁴⁹ *Ibid.*

The point is hard to grasp since Rousseau inserts a claim about Sparta's potency and resilience against the Persians, but the discussion of laws in Greece is noteworthy. Sparta's distinct institutions allow its legislation to spread to the whole of Greece. This comes without the permanent political unification of the Greeks into a single polity, and it comes without the moral dereliction like the invasive French-European traditions. Another way of reading this is that in some ways, Sparta's institutions created opportunities for pan-Greek legislative and political practices, institutions, and traditions without politically unifying any of these. While this spread of norms and practices need not be read as perfectly peaceful, its outcome is a pluralistic Greece with important interconnections, a transnational melange of Greek communities.

Rousseau comes to just this point again. This time it is shared Greek public events that matter. He writes:

It is the poems of Homer recited before the Greeks solemnly assembled, not in stalls, on stages and cash in hand, but in the open and before the national body, it is the tragedies of Aeschylus, Sophocles and Euripides often performed before them, it is the prizes with which, to the acclaim of all Greece, the victors in their games were crowned, which, by constantly kindling in them emulation and glory, brought their courage and their virtues to that pitch of energy of which nothing now gives us any idea and which the moderns are not even capable of believing.⁵⁰

These athletic and dramatic traditions do not line up with any particular city state. They do not create a unified Greece, though a Greece that can interact, share in the giving of public accord, and cooperate for mutual defence, as Persia learned. The model here is not political cosmopolitanism because it remains limited to particular interactions amongst Greeks. It is not affective cosmopolitanism because only the Greek world is included in this affective celebration. But what the model does show is that political community and affective commitment need not correspond precisely. The model shows that distinctive *moeurs*, while crucial, need not be the *moeurs* of and only of single communities. This model verges on the transnational and carries much potential for directing Rousseau's General Will toward 21st-century global problems.

The model is too terse to say anything more about it. Returning to Rousseau's understanding of the constitutional traditions and practices in Poland – a blend of political law and *moeurs* – we find a more thorough engagement with this less bounded approach to the General Will. Many of the constitutional *moeurs* Rousseau identifies are part of the distinctive federalism of Poland–Lithuania and do not line up with fully national distinctive traditions. To see this, it is first important to see how sovereignty is arranged within this federal system.

Rousseau thinks that the federal elements of Poland–Lithuania must be kept as separate as possible. This is instrumental in preventing the radical vice of state size

⁵⁰ *Ibid.*, p. 182.

from reducing Poland–Lithuania to domestic despotism. This distinction between different elements of Poland approximates that of distinct states. He writes:

Let the separation between the two Polands be as pronounced as that between them and Lithuania: have three States united into one. If possible, I would wish you to have as many as you now have Palatinates.⁵¹

This identification of each part of Poland–Lithuania, and indeed each Palatinate district as a state, or state-like political association is important. Poles should ‘seek to extend and perfect the system of federative Governments, the only system which combines the advantages of large and of small States...’.⁵² While large states may have martial force, wealth, and glory, in Rousseau’s view they are almost always despotic. That is why this advice is so pivotal and perhaps Rousseau’s most important point in the entire document. As he warns, ‘if you ignore this advice, I doubt that you can ever do a good job’.⁵³

The difficulty of this task lies in ensuring that the Palatines become state-like in their individual constitutions without becoming unlimited and independent. Common legislation must bind them and they must remain subordinate to ‘the body of the Republic’. This task itself is simply inconceivable according to *The Social Contract*. In *Government of Poland* Rousseau developed a system in which local sovereignty is the basis of national sovereignty yet also *somewhat* limited and standardised by that national polity. The key local institution for sovereignty is the palatinate district, and while we shall see they behave in many ways like sovereign polities themselves, they are each to be structured similarly and to have the same powers as each other constitutionally. This results in a national sovereignty, along with a national government, that is representative at the level of the whole federation. In another sense, the local palatinates will serve as governors representing the nation to the locality. It need not seem odd that these local and national institutions might partake in several distinct constitutional roles, for this is often the nature of real-world mixed, federal or confederal governments. But it is a marked change from Rousseau’s earlier political thought, for he came to promote dual level, federalised sovereignty.

This federal state allows many local political institutions and traditions to have a foundational role in the envisioned Polish constitution. The most important of these is the institution of the Dietine (Sejmik). These are local assemblies made up of all members of the Polish nobility within any Palatinate. Whereas *The Social Contract* assigns sovereignty to the entire body politic, *Government of Poland* assigns a parallel principle in a different sense. All nobles (and eventually all Poles, Rousseau

⁵¹ Ibid., p. 194.

⁵² Ibid.

⁵³ Ibid.

recommends) are part of a common political community, but they are also members of individual Palatinates.

As Rousseau notes, the Dietines are the 'true Palladium of freedom'.⁵⁴ A large state like Poland–Lithuania would normally have no choice but to make its legislative power representative in the national Diet (Sejm), which would separate the real Sovereign and the General Will from the legislature and risk the corruption of individual legislators.⁵⁵ But the Dietines give Poland a way to keep its legislative Sovereign continually active, whilst concurrently representing legislative power. Sovereignty takes shape in the Dietines. When appropriately empowered, they approximate a joined up national Sovereign, but through *local* constitutional activities.

They are to have a number of particular powers crucial for this sovereignty. Rousseau recommends that each Dietine have the power to determine eligibility of, instruct, hold accountable, and *discipline* Deputies to the Diet.⁵⁶ The scrutinising of the accounts of Deputies must be very serious, and failure to satisfy punished by lifelong ineligibility for the Deputy position. The goal is to encourage each Deputy to constantly 'anticipate himself under the scrutiny of his constituents, and sense the influence their judgment will have on his projects for advancement as well as on the esteem of his fellow citizen'.⁵⁷ This expedient ensures that Deputies do not state private sentiments but engage in general volitions to 'declare the wills of the Nation'.⁵⁸ This precise representative arrangement and their very extensive directive powers are crucial for the Dietines to cultivate sovereignty and the General Will. They should have the power to select the Palatin (prince) candidates for the Polish Senate, who would then be chosen by the Diet or directly elected by the Dietine.⁵⁹ This was a change from the existing system, in which the Senators were selected by the King, and it would effectively put national administration – the Senate's role upon Rousseau's recommendations – under their Sovereign's authority. Likewise, local administration would also be influenced by Dietines as they select the Palatin (prince) of each Palatinate.⁶⁰

Even the dangerous *liberum veto* is retained in highly modified form and placed under the oversight of Dietines. Any member of the national Diet who uses it must render an account to his local Dietine. Failure to satisfy is punishable by death without pardon, while justifiable use is rewarded with public honours for life.⁶¹ Under this severe condition, this national institution is able to energise Polish courage and love of freedom for it gives citizens the patriotic opportunity to risk life to save the state.⁶²

⁵⁴ *Ibid.*, p. 201.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, pp. 201, 204.

⁵⁷ *Ibid.*, p. 202.

⁵⁸ *Ibid.*, p. 202.

⁵⁹ *Ibid.*, p. 207.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, p. 219.

⁶² *Ibid.*

It is also worth noting that Polish traditions are particularly important for they not only maintain the patriotic national spirit but tie into the particular affective practice and judgments – the General Will – that should allow Poland–Lithuania’s constitution to be maintained. Beyond the local traditions that must be associated with each Dietine, Rousseau singles out another constitutional *moeur* of the greatest significance: the Confederations, such as the Confederation of Bar that had invited his recommendations. The role of these confederations is just like that of *moeur*, meaning we should not identify them only as part of Poland-Lithuania’s ‘political’ (constitutional) law. They are a ‘means of consolidating and restoring a constitution under great strain’, which can ‘tighten and reinforce the slackened spring of the State without ever being able to break it’.⁶³ This institution, like the Dietines, is integral in evoking general volitions:

I see only one way of giving [Poland] the stability it lacks: to infuse, so to speak, the soul of its *confederates* into the entire nation, to establish the Republic in the hearts of the Poles so thoroughly that it endures there in spite of all its oppressors’ efforts.⁶⁴

And pivotally for my point here, Rousseau sees this as a ‘federative form’.⁶⁵ Confederations are neither local nor national but require emergent and unplanned coordination amongst local actors without normal institutions of national legislative and executive power.

Taking stock, it is evident that Rousseau modifies his principles of sovereignty and the General Will only to the extent that they are compatible with federal arrangements. The intense civic affect of general volition is maintained in *Government of Poland*, and so too is the relationship between *moeurs* and general volitions. What is interesting in this text is that a complex federal arrangement allows local, federal, and national *moeurs* and constitutional practices to generate and maintain these general volitions. Logically, this shows us that small unitary states need not be necessary for the General Will. Nevertheless, a cosmopolitan approach to the General Will remains inconceivable despite these important modifications to Rousseau’s political thought.

Conclusion

Earlier in this article I suggested that Rousseau’s understanding of Greek *moeurs* pointed to a theory of transnational affect and engagement. I believe this is born out in the design of Poland–Lithuania as well. The distinctiveness of the Polish Palatinates, the mix of national, federal, and local *moeurs*, and the complex ways in which the Polish people assemble both according to plan and unpredictably when emergency

⁶³ Ibid., p. 219.

⁶⁴ Ibid., p. 183.

⁶⁵ Ibid., pp. 219–220.

calls all point to a flourishing Sovereignty and General Will in a federal state. More so than the Greek example, Poland–Lithuania was culturally diverse.

What is the connection between the federal and the transnational? Given the definition of transnationalism earlier, the difference is *not* categorical. Both federal and transnational affection may connect culturally different groups and allow them to coordinate, sometimes unexpectedly. Both federal and transnational engagement must allow common interests to be identified amongst diverse communities. Neither federal nor transnational linkages extend to all humanity. This does not mean federal and transnational associations are identical. One difference is that federal associations are constitutionally fixed, and the members of a federation formally unified. There is no question that general volitions and the General Will can come to be identified amidst these groups. There is no such formal and complete institutionalisation of transnational associations. But if one turned from the properties of ongoing federal association to their origins, it is clear that every federation must begin with transnational encounters later entrenched formally. Otherwise, the diversity of membership is rendered implausible.

This being the case, the demands made of a kind of affective transnationalism are not necessarily greater than the affective requirements of citizenship in a federal organisation. Federal citizens can expand their general volitions to include members of culturally distinct communities and members of other distinct state-like divisions within the federation. This places no greater demand on these individuals than the patriotism of *The Social Contract*, because at no point must these general volitions be stretched to include all humanity. There is no reason on Rousseau's psychological understanding that similar general volitions could not be evoked toward strangers from other political communities and other cultures who do not share the constitutional unity of a federal state, presuming that these too are not stretched to include too many persons.

Rousseau was greatly concerned that distance dimmed moral affect, which may explain why both the properly transnational affective links and *moeurs* in ancient Greece and in Poland seem to have a geographical limit. Whilst Emile and a few others might have the privileged opportunity to communicate with quite distant contacts – on a European scale – most people could not form any such relationships at all. Such distant transnationalism would be as empty as global cosmopolitanism within this historical context. Nonetheless, this condition is empirical rather than logical and may be safely discarded if, as in the 21st century, technological means of meaningful interaction over greater distances emerge.

What matters then in this analysis is twofold. Firstly, it is clear that transnational general volitions are possible, and they may be globally distributed today in ways that they could not be in Rousseau's time. This means that Nabulsi is right, we can consider the General Will, or at least the affective solidarity it presupposes, for our contemporary political predicaments. But this tendency of Rousseau scholars to contrast between Rousseau's patriotism and his cosmopolitanism does not adequately describe the direction of his thought or its application to contemporary problems. Federalism and

transnationalism show how insular and unitary political communities and the inward looking general volitions of those communities are not necessary for the functioning of the General Will. Cosmopolitanism against patriotism, therefore, may be a conceptual cul-de-sac for 21st century Rousseauianism.

Rousseau asserts that solidarity is important, but unless his very particular moral psychology is accepted, does his understanding of general volitions add any value for contemporary theorists working on transactional political theory? It is perhaps too early to be sure for the answer turns on empirical rather than theoretical issues. Nonetheless, recognising these issues is itself a potent lesson. Consider whether Rousseau may be right that general volitions can only be extended to others and maintained over time thanks to the endurance of *moeurs*. Consider also that these *moeurs* must be sufficiently distinct amidst distinct associations, whether national, local, federal, or transnational. They must be constructed to actually incline toward general volitions and not particular ones. If Rousseau is right about these propositions, then real world evidence concerning the relationship between traditions, both old and emerging, and affective transnational solidarity is worth seeking out. If Rousseau is right about these propositions, then existing local and global practices that efface general volitions should also be studied. If Rousseau is right, then the strength and qualities of many distinct transnational interactions and the health of politics in an age of increasing transnationalism is at stake. If Rousseau is right, the relationship between culture and ethical life in transnational relationships must become as well studied and fittingly developed as in local and national communities. This set of tasks is different than typical normative work in international political theory, which suggests a Rousseauian approach may prove a powerful resource for contemporary theorists.