

Rousseau and Republicanism

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Abstract

Rousseau was arguably one of the most important and influential of eighteenth-century republican thinkers. However, contemporary republican theorists, most notably Philip Pettit, have written him out of the republican canon by describing Rousseau as a “populist” rather than a republican. I argue that this miscasting of Rousseau is not just historically incorrect but that it has also led to a weakening of contemporary republican political theory. Rousseau was one of the few early modern republican thinkers to take seriously the problem of the tyranny of the majority and to attempt to formulate a cogent answer to that problem. Ignoring his contribution to republican political thought therefore cuts off contemporary republicans from an important resource for thinking about this problem.

Keywords

Rousseau, republicanism, freedom

Jean-Jacques Rousseau was one of the most sophisticated republican thinkers of the early modern period. And yet, his ideas are all but ignored by contemporary republican theorists. While the remarkable resurgence of republicanism in the last decade or so has reacquainted political theorists with previously obscure figures such as Algernon Sidney and Richard Price, Rousseau’s name is rarely mentioned in the literature. When his ideas are invoked at all, it is usually to

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emphasize the distance between Rousseau and a purportedly more “mainstream” republicanism. Philip Pettit, for instance, has described Rousseau as the originator of a “populist” or “communitarian” way of thinking “wholly at odds” with the older, Italian-Atlantic republican tradition.¹

It is not hard to see why contemporary republican theorists have attempted to dissociate themselves from Rousseau. In the 1790s, French Jacobins like Maximilien de Robespierre invoked his authority to legitimate a cycle of shocking violence. Rousseau’s reputation has never really recovered from that bloody association, however involuntary it may have been. (And involuntary it was: the Swiss thinker died eleven years before the first whispers of the Revolution were even heard.) In addition to being unlucky in his disciples, Rousseau’s own writing style has also added to his ill repute. He had a preference for penning down paradoxes like you can “be forced to be free,” thus almost seeming to encourage misunderstandings of his work.

Nevertheless, there are good reasons, as I argue in this essay, to bring Rousseau back into the republican canon. Ignoring or miscasting Rousseau as a nonrepublican thinker is not just historically incorrect, but it has also led to a weakening of contemporary republican political theory. Rousseau was one of the most theoretically interesting early modern republican thinkers. In particular, he was one of the few early modern republican thinkers to take seriously the key problem of the tyranny of the majority and to attempt to formulate a cogent answer to that problem. Overlooking his contribution to republican political thought therefore cuts off contemporary republicans from an important resource for thinking about this key issue.

In what follows, I develop this claim in three steps. First, I show that Rousseau squarely belongs in the republican tradition stretching from Niccolò Machiavelli to Richard Price. Second, I argue that Rousseau made an important and novel contribution to this tradition, first, by highlighting the problem of the tyranny of the majority in his *Social Contract*, and second, by formulating an innovative solution to this problem. Third, I evaluate Rousseau’s solution to this problem and I explain what his work can contribute to contemporary republican theory.

Republicanism, as most theorists now agree, can best be understood as a political tradition centered on a particular conception of freedom. Like liberals, republicans typically start from the assumption that freedom is a key political value on which well-ordered communities need to be based. However, they have a very different view on what this entails than liberals. Republicans typically argue that you can only be free if you are not subjected to the arbitrary will of another. This means that political freedom consists not in the absence of legal constraints (as liberals like Isaiah Berlin would have

it), but in living under a particular kind of legal constraints: constraints that do not reflect the arbitrary will of another, but that can be seen as reflecting the will and interests of the ruled; or, as Pettit expresses it, that “track” the “shared interests” of the public.² Republicans therefore have typically pleaded for making government subject to popular control.³

That is not to say that, historically speaking, republican thinkers were always in favor of fully fledged democracy. Many (but not all) early modern republican theorists explicitly denied that they were in favor of democracy, arguing that such a form of government would lead to mobocracy rather than freedom for all. Nevertheless, throughout time, republicans did consistently argue that, for a state to be free, the government should be subjected to the control of at least part of the people, rather than being left to a hereditary ruler. They were therefore in favor of institutions that we now associate with democracy, like making important officials accountable to the public and subjecting the legislature to popular control. From the late eighteenth century onwards, republicans also began to argue for universal male suffrage.⁴

This body of ideas originated in the Renaissance, when humanists like Niccolò Machiavelli began to sing the praises of the republican governments of antiquity. The peoples living under those governments had been free, Machiavelli claimed, because they had been able to make their own laws and to consent to government policy. These features of classical governments, Machiavelli believed, should be reintroduced in sixteenth-century Europe in order to make its peoples free and prosperous again.⁵ In the seventeenth century, Machiavelli’s advocacy of republican freedom was picked up by English and Dutch radicals like Algernon Sidney, who praised “free nations” such as the “Grecians” and “Italians,” because “they were, and would be governed only by laws of their own making.” The “principle of natural liberty,” Sidney explained, entailed that “nations have a right to make their own laws, constitute their own magistrates; and that such as are so constituted owe an account of their actions to those by whom, and for whom they are appointed.”⁶

In the eighteenth century, this conception of freedom was at the heart of the discourse of the American revolutionaries and their British sympathizers like Richard Price. Indeed, Price’s 1776 pamphlet *Observations on the Nature of Civil Liberty* was probably the most succinct statement of republican doctrine to be published in the early modern period, and it has been hailed as such by contemporary republicans like Philip Pettit.⁷

In the *Observations*, Price attempted to legitimate the American Revolution by portraying it as a struggle for freedom. By arrogating the right to impose taxes on the American colonists without consulting them, the British were threatening to impose “slavery” in the colonies, as Price put it.⁸ Price realized that this was a claim that might seem overblown to at least some of his

readers. After all, compared to actual slaves, the fate of American colonists seemed relatively benign. George III was hardly proposing to introduce white chain labor into the colonies. But, as Price underscored, describing George III's policies as potentially enslaving was not so strange if one had a clear view of what freedom, and in particular political freedom, meant.

In order to substantiate this claim, Price devoted a large part of his treatise to an exploration of the meaning of the concept of freedom. He began by arguing that an agent was free to the extent that he was able to follow his own will or, in other words, to the extent that he was "self-directed" or "self-governing." Conversely, one was unfree or in "servitude" when one was under the will or direction of "a force which stands opposed to the agent's own will."⁹ This was also true for civil or political liberty. For if freedom consisted in being self-directed, it followed that a state could only be free when it was self-governing; when its government, in other words, was exercised by the people themselves or by their representatives. Just like an individual was free only to the extent that he was guided by his own will, and did not depend on the will of another, so a state could be called free only when all laws were established "by common consent."¹⁰

When read in conjunction with Machiavelli, Sidney and Price, there can be no doubt that Jean-Jacques Rousseau was a republican thinker. Like the aforementioned theorists, Rousseau believed freedom as nondomination to be the most important political value. In the *Discourse on the Origin and Foundations of Inequality Among Men*, he explained that "in the relations between man and man the worst that can happen to one is to find himself at another's discretion." To submit to another's authority was "to debase one's Nature, to place oneself at the level of Beasts that are the slaves of instinct, to offend the Author of one's being."¹¹

And again like Machiavelli, Sidney and Price, Rousseau also believed that the preservation of individual freedom in a political community required the introduction of institutions capable of submitting government to popular control. In the *Discourse on Inequality*, he described how the Roman people had become the "model of all free peoples" as soon as it shook off the oppression of the Tarquins and started to "govern itself."¹² In the *Social Contract*, he explained at length how only a community that governed itself could allow its members to remain free, because this was the only community in which "each man, while uniting with all, nevertheless obeys only himself and remains as free as before."¹³

It is of course true that Rousseau in some respects differed from other republican thinkers. Thus, contrary to English republicans such as Algernon Sidney, Rousseau maintained in the *Social Contract* that representative government was incompatible with republicanism. In his opinion, no truly free

people could delegate their right to participate in the lawmaking process. Thus, as Rousseau famously put it, the English believed themselves to be free, but in reality they only were so once every seven years, when they were given the opportunity to participate in the parliamentary elections. In between elections, the English were no better off than slaves. More generally speaking, this meant that freedom was all but impossible in larger states, and that true freedom was limited to city-states like Rousseau's home-town Geneva.¹⁴

Rousseau's remarks on representative government in the *Social Contract* have often been invoked to dismiss him as a utopian thinker far removed from the more hard-headed republicanism of the Italo-Anglo tradition.¹⁵ But that is to pass judgment too quickly. Thus, it could be pointed out that in his later writings, Rousseau backpedalled on his rejection of representative government. In his *Considerations on the Government of Poland*, written ten years after the *Social Contract*, Rousseau argued that Poland might be able to preserve its freedom even while maintaining a representative government. He was still convinced that it was "difficult" to preserve freedom in "large States." But he now claimed that it was not impossible. If elections for the legislature took place on a regular basis, and if the representatives were required to adhere exactly to the instructions they received from their constituents, then the corruption of the representative body might be avoided, and it might act as an "organ of freedom."¹⁶

It should also be noted that Rousseau's concerns about the compatibility between freedom and representative government were shared by at least some English republicans. Richard Price, for instance, admitted that freedom "in its most perfect degree," could only be enjoyed in "small states, where every member is capable of giving his suffrage in person, and of being chosen into public offices." Price therefore recommended, like Rousseau, that representatives should be elected only for short terms, and that they should be subjected to the instructions of their constituents in order to counteract the downsides of representative government.¹⁷

A second reason why Rousseau is often disqualified from membership in the republican tradition is because he was in favor of the absolute sovereignty of the people. This, it is sometimes argued, put him at odds with the republican tradition and its celebration of the mixed constitution, a government based on checks and balances.¹⁸ However, this criticism is based on a misunderstanding of Rousseau's views. Rousseau did indeed believe that the people should have absolute sovereignty, that is, that it should have control over legislative power. But he was by no means opposed to a mixed constitution on the governmental level. Quite the contrary, in the *Social Contract* he explicitly advocated placing executive power in the hands of different bodies of magistrates, and he described such a "mixed government" as far superior

to “simple governments.”¹⁹ Indeed, exactly like Machiavelli, Rousseau expressed considerable enthusiasm for the Roman mixed constitution and especially for the institution of the tribunate, which, he believed, was largely responsible for the longevity of Rome’s freedom.²⁰

Rousseau, in short, belongs squarely in the republican tradition. And that is also, one might note, how he portrayed himself. Thus, Rousseau made it quite clear that he thought of canonical republican thinkers like Machiavelli and Sidney as his intellectual forbearers. He praised Machiavelli as “an honest man and a good citizen,” and he quoted the Italian’s *Discourses* repeatedly in the *Social Contract*. Indeed, Rousseau even admired Machiavelli’s *The Prince*, which he read as a critical satire on absolute monarchy, and which he described as “the book of republicans.”²¹ He was equally eager to emphasize his kinship with English republicans, writing, for instance, that the “unfortunate Sidney” “thought like me.”²²

I will now take my argument one step further. So far, I have attempted to show that there are no good reasons to exclude Rousseau from the republican canon. I will now set out to make clear why we need to do more than that; why we need to bring Rousseau back into the republican canon. When it comes to thinking through the institutional implications of the republican theory of freedom, few if any republicans can match Rousseau. In particular, Rousseau made a key contribution to republican theory with his reflections on the problem of majority rule—a problem usually identified as the tyranny of the majority.

The problem of the tyranny of the majority, one might argue, represents the Catch 22 of republican theory. Republican theory states that people can only be free if they do not depend on the will of another, such as a hereditary monarch, but if they govern themselves; if they are ruled, as Sidney put it, “by laws of their own making.” But since very few laws will be made with the unanimous consent of the governed, it follows that all states—even the most democratic ones—will include citizens that are, at least part of the time, governed by rules imposed by others—albeit it the majority of their fellow-citizens rather than a king. These citizens, it seems, cannot be counted as free. From this perspective, republican freedom becomes a chimera, an ideal impossible to institutionalize.

It is important to emphasize that the problem of the tyranny of the majority does not just affect “sticky” or “permanent” minorities, that is, minorities that distinguish themselves from the majority of the population by relatively fixed characteristics, like race or religion (even though it is especially salient in those cases).²³ When it comes to collective decision making, all minorities that have to live by rules they did not consent to might legitimately feel that

they are ruled according to the will of another and hence unfree. When the majority of the population decides to impose higher taxes on rich people, for instance, that particular minority might with reason feel that this decision was taken without their approval and that hence they are being treated as slaves whenever the tax man comes around—even though rich people clearly do not qualify as a sticky minority.

It is therefore unsurprising that liberal thinkers have tended to focus on this problem in order to reject the republican theory of freedom. In his essay *On Liberty*, for instance, John Stuart Mill emphasized that metaphors such as “self-government” or “the power of the people over themselves”—metaphors central to the republican theory of freedom—were inherently misleading.

The “people” who exercise the power, (Mill wrote) are not always the same people with those over whom it is exercised, and the “self-government” spoken of is not the government of each by himself but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active part of the people: the majority, or those who succeed in making themselves accepted as the majority. The people, consequently, may desire to oppress a part of their number, and precautions are as much needed against this, as against any other abuse of power.²⁴

Mill—and with him most other liberals—believed that this problem was so fundamental that an entirely different theory of freedom was required than the republican theory of freedom. Political freedom, he argued, consisted not in popular self-government but in the existence of a private sphere that government should not be allowed to infringe. Freedom in other words depended on instituting the fewest laws possible, rather than on establishing popular control over the lawmaking process. Or, as Mill put, freedom depended on “the limitation . . . of the power of government over individuals.”²⁵

Despite the problems created by the issue of the tyranny of the majority for the republican theory of freedom, surprisingly few republican theorists have attempted to provide a coherent answer to it. Major republican thinkers like Machiavelli, Algernon Sidney and Richard Price did not address this problem at all. They seem to have simply assumed that popular rule could never lead to tyranny. Richard Price, for instance, wrote that “if the persons to whom the trust of government is committed hold their places for short terms; if they are chosen by *the unbiassed voices of a majority of the state*, and subject to their instructions,” then “liberty will be enjoyed in its highest degree.”²⁶ And this was not a slip of the pen: elsewhere, he also remarked that a state was free if and only if it was governed according to the will of “the Majority of a Community.”²⁷

If early modern republican thinkers seemed little worried about the potentially tyrannical nature of majority rule, this was not because they were impossibly naïve. Rather, it was because they worried, not unreasonably, far more about another potential tyranny: that of the governing minority. Early modern republicans, writing in an age before press freedom or even the existence of a press capable of holding elected public officials to account, constantly worried that these officials would start operating in their own interest rather than in the public interest—or even worse, that they would try to perpetuate their power by turning themselves into unaccountable dictators. There were many precedents for this danger: both in republican Rome and in early modern republics, popular leaders like Julius Caesar, Cosimo de Medici and Oliver Cromwell had turned into lifetime dictators while preserving the outward trappings of republican government.

Much of early modern republican theory focused on how to make this impossible. Republicans proposed several solutions. The first, and most obvious, one was to make the government subject to constant popular control. But they also argued that the institutional framework should be constituted in a way so as to make the usurpation of power by elected officials or lawmakers less likely. In order to achieve this goal, many republican thinkers put their hopes in “mixed” or “balanced” constitutions, in which governmental power was divided over many different institutions, which were to check each other and to prevent republican government from turning into an unaccountable dictatorship. Machiavelli, for instance, attributed to freedom of the ancient Romans to a large extent the existence of the tribunes, elected officials whose main job it was to keep an eye on the consuls so that the latter would not abuse their power.²⁸

Contemporary republican theorists have paid more attention to the problem of the tyranny of the majority than their early modern predecessors. Philip Pettit in particular has repeatedly pointed out that this form of domination can be just as problematic as the tyranny of a single individual or an elite. In response, he has argued for a wide variety of counter-majoritarian measures designed to protect minorities, including the introduction of a bill of rights, which would take some issues out of the domain of popular voting altogether. Such measures, Pettit writes, would “preserve the possibility of people’s sharing equally in influencing and controlling government” and hence foster republican freedom precisely “by denying government authority over issues where the equal sharing of influence and control is just not possible.”²⁹

By defending these measures, however, Pettit seems to undermine the central claim of republicanism: that one can remain free while living under laws made with popular consent. Instead, his reliance on instruments such as a bill of rights brings him closer to the liberal tradition and its Millian definition of

freedom as the limitation of the power of government over individuals. As David Miller has pointed out, “The counter-majoritarian measures described by Pettit may look more like liberal devices aimed at protecting individuals from encroachment by the state than genuinely republican institutions. For they appear to involve removing certain questions from political debate, and entrusting them instead to a small group of citizens—judges, say—who are assumed to be impartial dispensers of justice according to the principles of the constitution.”³⁰

And that brings us back to Rousseau. For one of the major goals of Rousseau’s political writings was to provide a solution for the problem of the tyranny of the majority while holding on to the central claim of the republican tradition—that political freedom consisted in living under laws made with popular consent. Rousseau was acutely aware of the fact that any collective decision-making process knew winners and losers, and that, as a result, even in the most inclusive republics, there would always be citizens who were ruled by laws that they had not actually consented to. How was it possible, Rousseau asked himself in the *Social Contract*, for such citizens to be “both free and subject to laws to which they have not consented?” Could one be asked to “conform to wills which are not his own” and yet remain free?³¹

Rousseau recognized that this was a difficult problem to solve; so difficult, indeed, that he compared it to squaring a circle. However, he believed it could be resolved, if the laws were framed so as to reflect the “general will” rather than the “will of all.” It was only when that condition was fulfilled that majority rule would be different from majority tyranny.³²

What did Rousseau mean by this? Commentators have often derided the notion of the general will as obscure; a meaningless term at best, or a dangerously confused concept at worst. And yet Rousseau meant something pretty straightforward by it. When he argued that collective decisions should reflect the general will rather than the will of all, he simply meant to say that they should reflect the long-term interests of the community as a whole, rather than the interests of a specific group of people, be they the majority or not (which is what he meant by “the will of all”). He meant to say that collective decisions should reflect the public interest, rather than particular interests—even if those particular interests were shared by the majority of the people.³³

If collective decisions did reflect the public interest rather than particular interests, then everyone should be able to recognize that these decisions tracked their own particular interests as well (since these were subsumed under the general interest). Being compelled to obey such decisions would not diminish one’s freedom, even if one had voted against them. In that case, laws would not be coercive and all citizens, when obliged to obey the laws, would remain free, even the minority of individuals who disagreed with these

laws. In being obliged to obey them, as Rousseau famously put it, these citizens would be “forced to be free.”³⁴

An example might help to further illuminate what exactly Rousseau meant by this. Imagine, for instance (to go back to our earlier case), a community in which the majority of the population decides to impose higher taxes on the wealthy. In Rousseau’s version of republicanism, the brute fact that these taxes had not been consented to by the wealthy few would not suffice to allow them to complain about being unfree. Rather, the wealthy would also have to be able to show that the increase in taxes served not the public interest, but only the particular interest of the majority of the (poor) people. However, if the tax increase on the wealthy did serve a truly public or communal interest—the interest of the population as a whole, including the wealthy—then the wealthy, in having to pay these taxes, would not be rendered unfree.

Rousseau’s solution to the problem of the tyranny of the majority was therefore quite different from John Stuart Mill’s. Mill, as we saw, claimed that majority rule could not be differentiated in any meaningful way from majority tyranny. Hence, he had come to the conclusion that political freedom had to be sought in the limitation of governmental power, rather than in establishing popular control over government. Rousseau, by contrast, did believe that it was possible to distinguish majority rule from majority tyranny—as long as the rule of the majority could be said to be in the interest of the community as a whole, and not simply in the particular interest of the majority. By formulating this solution to the problem of the tyranny of the majority, Rousseau was able to continue to subscribe to one of the central claims of the republican tradition: that one could be free even while being under the constraint of laws—as long as these laws were made with popular consent.

That brings me to the final part of this paper. How should Rousseau’s contribution to republican political theory be evaluated? Granted that the problem of the tyranny of the majority is indeed a key issue in republican theory, did Rousseau manage to resolve it satisfactorily? In the following, I will explain why I believe that this question needs to be answered in the affirmative, and why Rousseau’s views need to be taken into account by contemporary republicans.

In the existing literature, two distinct and indeed contradictory criticisms have been formulated in response to Rousseau’s solution for the problem of the tyranny of the majority: first, that Rousseau has proved too much and second, that he has proved too little. Too much, because Rousseau’s distinction between the general will and the will of the majority undermines the very

principle of majority rule and hence the ideal of popular government at the heart of republican theory. Too little, because it is unclear that the convergence between public and private interests, on which Rousseau's theory is based, is at all possible.

Let us start with the first objection: that Rousseau, with his distinction between the general will and the will of the majority, has undermined the very principle of majority rule. At first glance, there seems to be something to this claim. After all, if it is true that political freedom depends on the laws being made in accordance with the general will rather than the will of the majority of the people, then one might come to the conclusion that government by an elite or even a single individual—as long as these had a special insight into the general will—might be substituted for majority rule without any loss to liberty. Hence, Rousseau's theory seems to be opening up the way for a Platonic rule by experts, rather than being a crucial contribution to republican theory.³⁵

This, however, is not a fair criticism of Rousseau's theory. Rousseau at no point suggested that the decision-making process could be left to an expert elite or a philosopher king. The public interest or general will, he argued again and again, could only be decided through a collective decision-making process in which the people as a whole would participate. The only test he proposed to determine whether a law was in the common interest rather than the interest of the majority was a procedural test: Was the law general, was it made by all, for all? Rousseau, as Arthur Melzer has pointed out, made this perfectly explicit in the formal definition of the general will he presented in Chapter 2 of the *Social Contract*: "The general will, to be truly such, should be general in its object as well as in its essence . . . it should come from all to apply to all."³⁶ It is therefore wrong to claim, as many commentators have done, that Rousseau's ideas could lead to rule by a Platonic elite or dictatorship.³⁷

Quite the contrary, Rousseau was one of the very first thinkers to attempt to make clear why majority rule by the people was just as likely, if not more likely, to be in the public interest than rule by a philosopher-king or an expert elite. Throughout the *Social Contract* and his other writings, he repeatedly emphasized that majority rule by the people as a whole was very likely to lead to rule in the public interest. As he expressed it in his essay on *Political Economy*: "The voice of the people is indeed the voice of God."³⁸

Rousseau's faith in majority rule was not based on a naïve belief in the people's infallibility. He was keenly aware of the fact that people were often mistaken about what their true, long-term interests were. Yet, he was less worried about this than many of his contemporaries because he believed that, in ideal circumstances, the votes of those citizens who were wrong about

what was in their interest would always be cancelled out by those who were right. As long as citizens made a genuine effort to vote in the general interest, and were not swayed by factions, chances were that the outcome would be in the public interest. As Rousseau explained in the *Social Contract*:

There is often a considerable difference between the will of all and the general will: the latter looks only to the general interest, the former looks to private interest, and is nothing but a sum of particular wills; but if, from these same wills, one takes away the pluses and the minuses which cancel each other out, what is left as the sum of the differences is the general will.

If, when an adequately informed people deliberates, the Citizens had no communication among themselves, the general will would always result from the large number of small differences; and the deliberation would always be good.³⁹

The defense of majority rule formulated in this passage might sound strange and obscure. However, as scholars now realize, it must be understood as an early version of Condorcet's jury theorem. A few years after Rousseau's death, the mathematician marquis de Condorcet provided mathematical proof for Rousseau's intuition. As Condorcet explained, if one assumes that individual voters have to decide issues on which they have slightly more than average competence, the probability that the majority will hit upon the "right" answer or decision is always larger than 0.5. The larger the size of the group of voters, the greater the probability that the decision of the majority will be the right one. When the decision-making assembly approaches the size of a small town—let's say, forty thousand—that probability is near 100 percent. From this it follows that democracy is highly likely to result in decisions in the public interest, or, as Rousseau would put it, to result in decisions that conform to the general will.⁴⁰

Condorcet's jury theorem has generated a huge amount of research among social-choice theorists, and it is still a matter of debate whether Condorcet (and therefore also Rousseau) was indeed right to believe that, in ideal circumstances, democratic majority rule leads to decisions in the public interest. This debate is often quite technical and I will not attempt to summarize it here. However, it is important to know that Condorcet's proof is still seen by many social-choice theorists as one of the most important theoretical defenses of popular rule, and more specifically of the idea that popular rule leads to decisions in the public interest. Thus, in a recent overview of the relevant literature, Christian List and Robert Goodin conclude that "assuming there are any truths to be found through politics, democracy has great epistemic merits."⁴¹

In short, not only is it wrong to say that Rousseau's views lead to Platonism, quite the opposite is true. At a time when most political thinkers were still convinced that popular rule equaled the rule of the ignorant, and that hence it was much more likely to lead to decisions that were not in the public interest, Rousseau provided his readers with reasons to believe that, at least in ideal circumstances, the opposite was the case—and these reasons have not been fatally undermined even after fifty years of intense debate by modern social scientists.

That leaves us with the second objection against Rousseau's solution to the tyranny of the majority: that he has proved too little. It will by now have become clear that Rousseau's distinction between majority rule and majority tyranny depends on a rather controversial presupposition: that whenever communal decisions need to be made, it will be possible to determine a solution in the public interest. If this is not the case, if most political debates reveal the existence of irreconcilable differences between individuals, then it is clear that Rousseau's solution simply cannot work, and that majority rule will always be in the interests of some but not of others—and hence, that republican freedom is a chimera.

This objection will seem plausible to many. Liberal theorists in particular have since long argued that there is no such thing as the public interest and that on many if not most political questions citizens will have inherently incompatible views and interests. To assume otherwise, it is often argued, is to start from a laughably naïve view of human nature. By assuming that citizens would be able to identify their own private interests with the interests of the community at large, Rousseau was therefore guilty of utopianism. The political theory of the *Social Contract* was based on an unworkable view of the natural goodness of human beings.⁴²

But is this objection really as strong as Rousseau's liberal and other critics would have us believe? I would argue that it is not. If one reads Rousseau's political writings carefully, it becomes clear that he did not start from a naïve belief in the goodness of human nature. Quite the contrary, throughout his *oeuvre* he made clear that the human beings he saw around him in eighteenth-century Europe were sadly lacking in civic virtue and that they were prone to putting their own interests front and center. But Rousseau also made clear that this was not a fatal objection to republicanism. Instead, he claimed that carefully designed institutions and social practices could instill solidarity among the citizenry and hence change human beings' predisposition towards moral egoism.

In order to achieve this goal, Rousseau further explained, no force was more potent than patriotism. Human beings simply did not have the capacity to learn how to empathize with all of mankind. It was only through their

identification with a particular group that the ability to empathize with others (what Rousseau called the “sentiment of humanity”) could be truly activated. This was why “the greatest marvels of virtue” had been produced by “love of fatherland.” As Rousseau explained:

It would seem that the sentiment of humanity dissipates and weakens as it spreads to the whole earth, and that we cannot be as touched by the calamities of Tartary or Japan as we are by those of a European people. Interest and commiseration must in some way be constricted and compressed in order to be activated. Now since this inclination in us can be useful only to those with whom we have to live, it is good that [the sentiment of] humanity, concentrated among fellow-citizens, acquires in them added force through the habit of seeing one another, and the common interest that unites them.⁴³

Rather than ascribing a belief in the natural goodness of human nature to Rousseau, it is therefore more accurate to argue that Rousseau believed in the plasticity of human nature. In Rousseau’s view, civic virtue was not a quality people either had or did not have. Instead, a virtuous people was something that could be *created* by stimulating individuals’ attachment to their common fatherland.

However, Rousseau’s advocacy of patriotism as an antidote to the human propensity for egoism, it should be noted, has engendered its own line of critique. Thus, many commentators have argued that Rousseau’s reliance on patriotism has undermined the ethical basis of his political theory, since patriotism, like all particularisms, should be seen as a moral vice.⁴⁴ More to the point, it has been argued that Rousseau’s solution simply would not work in our modern, pluralistic societies. In today’s world, where citizens often come from very different cultural backgrounds, it is just not realistic to expect that they will be able to come to the kind of strong emotional identification with the fatherland required for patriotism.⁴⁵

There is certainly something to be said for this latter criticism. In certain parts of his *oeuvre*, Rousseau definitely talked as if the fostering of patriotism depended on the creation of an exclusive national identity through distinct cultural practices. Thus, in the *Considerations on the Government of Poland*, he outlined a detailed program of practices and ceremonies that would give Polish citizens a feeling of being apart from others. Polish legislators, he wrote, should introduce national games such as horse races (since Poles were a horse-loving people), they should commission spectacles that would remind citizens of the history of their ancestors, and they should stimulate the wearing of a distinctive mode of dress. All of this would help to give the Poles a particular national identity, which would in turn stimulate patriotism.⁴⁶

However, Rousseau's writings also allow for a different understanding of how patriotism was to be engendered. Thus, in the essay on *Political Economy*, he put just as much emphasis on the importance of patriotism for the proper functioning of republics as in the *Considerations on the Government of Poland*. However, he now refrained from mentioning cultural practices at all. Instead, he argued that this powerful sentiment could be engendered by equitable institutions. Rousseau approvingly referred to the ancient Romans who, he wrote, "distinguished themselves above all peoples on earth by the government's regard for private individuals, and its scrupulous care to respect the inviolable rights of all members of the state." Hence, Romans, united in their love for their government, had been the most patriotic people on earth: "Everything in Rome . . . (Rousseau wrote) breathed the citizens' love for one another, and the respect for the name Roman which roused the courage and animated the virtue of anyone who had the honor to bear it."⁴⁷

In the essay on *Political Economy*, in short, Rousseau defended a view on patriotism that is closer to Jürgen Habermas's constitutional patriotism than to the cultural nationalism Rousseau's name is usually identified with. Like Habermas, Rousseau here described patriotism as an attachment engendered by a common commitment to particular institutions, rather than to a pre-political cultural or ethnic identity. And like Habermas, he emphasized that such an attachment could only come into existence when those institutions treated all citizens with fairness and impartiality. On this interpretation of Rousseau's writings, it would therefore be possible to engender patriotism in heterogeneous, culturally diverse societies.⁴⁸

But would it work? Would this kind of patriotism suffice to counteract human beings' propensity towards moral egoism? Would it be capable of engendering citizens' identification with the common weal? That question is of course rather harder to answer, and many political theorists have expressed their doubts on the issue.⁴⁹ And yet, social science research suggests that this idea is not as naïve as it may seem at first sight. It is a well-documented fact that different societies are characterized by different levels of interpersonal trust and solidarity. What exactly causes these differences remains a topic of considerable debate. However, a growing body of literature has linked these differences to differences in quality of government, in particular its fairness and effectiveness. If government officials consistently behave in a trustworthy manner, the reasoning goes, then ordinary citizens too will be less inclined to take advantage of others and of the system.⁵⁰ This suggests that Rousseau was not necessarily a utopian thinker. Instead, he might very well have been right in thinking that solidarity is indeed something that can be learned, that civic virtue is something that can be fostered, and that patriotism plays an important role in doing so.

To conclude: in this essay, I have argued that Rousseau needs to be brought back into the republican canon, even though many contemporary republican theorists, most notably Philip Pettit, have insisted on excluding him from that tradition. I have argued that the miscasting of Rousseau as a nonrepublican is not just historically incorrect, but that it has also led to a weakening of contemporary republican political theory. Rousseau was one of the few early modern republican thinkers to take seriously the problem of the tyranny of the majority and to attempt to formulate a cogent answer to that problem. Ignoring his contribution to republican political theory therefore cuts off contemporary republicans from an important resource for thinking about this problem.

More specifically, Rousseau allows us to see that for republican freedom to be anything other than the tyranny of the majority, the majority needs to rule in the public interest. If collective decisions reflect the public interest rather than the particular interests of some, then everyone should be able to recognize that these decisions track their own interests as well (since these are subsumed under the general interest). Being compelled to obey such decisions does not diminish one's freedom, even if one had voted against them.

By formulating this solution to the problem of the tyranny of the majority, Rousseau was able to rescue from the charge of incoherence one of the central claims of the republican tradition: that one could be free even while being under the constraint of laws—as long as these laws could be said to be made with popular consent. Contemporary republicans can take heart from the fact that, even after two hundred fifty years of vigorous criticism, his arguments have not been fatally undermined.

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Notes

1. Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), 14. It should be noted that on some occasions, Pettit does talk about Rousseau as a republican, but he always emphasizes that Rousseau's particular version of republicanism differs substantially from the classical republicanism Pettit himself aims to resurrect. See for instance Pettit's *Republicanism: A Theory of Freedom and*

- Government* (Oxford: Oxford University Press, 1997), 30; and Pettit “Two Republican Traditions,” in *Republican Democracy: Liberty, Law and Politics*, ed. Andreas Niederberger and Philipp Schink (Edinburgh: Edinburgh University Press, 2013). Other contemporary republicans have disavowed Rousseau just as vehemently; see for instance: John Maynor, *Republicanism in the Modern World* (Cambridge: Polity Press, 2003), 14; Henry Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (Oxford: Oxford University Press, 2002), 57–60; Maurizio Viroli, *Republicanism* (Hill and Wang: 2001), 8 (however, compare by the same author *Jean-Jacques Rousseau and the Well-Ordered Society* [Cambridge: Cambridge University Press: 1988], which does portray Rousseau as being in the republican tradition inspired by Machiavelli). As Céline Spector concludes, “Rousseau . . . est peu présent dans les sources du républicanisme classique” as defined by contemporary Anglo-American republicans. Spector, *Au Prisme de Rousseau: usages politiques contemporaines* (Oxford: Voltaire Foundation, 2011), 184. Even when Rousseau is explicitly placed in the republican tradition, he is portrayed as the propagator of a *sui generis* republicanism rather than the mainstream version. E.g. J. S. Maloy, “The Very Order of Things: Rousseau’s Tutorial Republicanism,” *Polity* 37, no. 2 (2005): 235–61, which places Rousseau in a “Greek” republican tradition going back to Plato.
2. Pettit, *Republicanism*, 56.
 3. This definition of republicanism is based on Quentin Skinner’s and Philip Pettit’s pioneering work. See, in particular, Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); Pettit, *Republicanism*; and Pettit, *On the People’s Terms*. As Pettit puts it, under a republican conception of liberty, “while the properly constituted law—the law that answers systematically to people’s general interests and ideas—represents a form of interference, it does not compromise people’s liberty.” Pettit, *Republicanism*, 35. For the most important alternative characterizations of the republican tradition, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975); and Michael Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1995). Pocock and Sandel argue, respectively, that republicanism is a tradition centered on “civic virtue” or “communitarianism” rather than freedom. However, the Skinner-Pettit definition of republicanism is by now the most generally accepted among political theorists. See, for instance, Viroli, *Republicanism*; Iseult Honohan, *Civic Republicanism* (London: Routledge, 2002); Richardson, *Democratic Autonomy: Public Reasoning about the Ends of Policy* (Oxford: Oxford University Press, 2002); Maynor, *Republicanism in the Modern World*; D. Weinstock and C. Nadeau, eds. *Republicanism: History, Theory and Practice* (London: Cass, Taylor & Francis, 2004); Cecile Laborde and John Maynor, eds., *Republicanism and Political Theory* (London: Blackwell Publishing, 2008).
 4. It is important to emphasize this, as some theorists have recently claimed that republican freedom was about the rule of law, not popular control. See, for instance, Nadia Urbinati, “Competing for Liberty: The Republican Critique of

- Democracy,” *American Political Science Review* (2012) 106: 607–21. But that interpretation is incorrect to the extent that it entails that republicans understood the rule of law as being different from popular control. Both to historical and contemporary republicans, legal constraints can only be seen as compatible with freedom to the extent that they are made with the consent of (part of) the people. See Pettit, *On the People’s Terms*, 153; and by the same author, “Law and Liberty,” in *Legal Republicanism: National and International Perspectives*, ed. Samantha Besson and Jose Luis Marti (Oxford: Oxford University Press, 2009), 39–59; as well as the early modern republicans cited in this paper.
5. Marcia L. Colish, “The Idea of Liberty in Machiavelli,” *Journal of the History of Ideas* 32 (1971): 323–50; Quentin Skinner, “The Republican Ideal of Political Liberty,” in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner, and Maurizio Viroli (Cambridge: Cambridge University Press, 1993), 293–309.
 6. Algernon Sidney, *Discourses Concerning Government by Algernon Sidney, Son to Robert Earl of Leicester, and Ambassador from the Commonwealth of England to Charles Gustavus King of Sweden*, ed. John Toland (London, 1698), 8.
 7. Pettit, *Republicanism*, 27, 40.
 8. Richard Price, *Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America. To which is added, an Appendix and Postscript, containing, a State of the National Debt, an Estimate of the Money drawn from the Public by the Taxes, and an Account of the National Income and Expenditure since the last War. The 9th edition.* (London: Edward and Charles Dilly and Thomas Cadell, 1776), 46.
 9. *Ibid.*, 6.
 10. *Ibid.*, 7.
 11. Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 176–78. As Robert Wokler also remarks, to Rousseau freedom meant first and foremost “the absence of personal dependence or domination.” Wokler, *Rousseau, the Age of Enlightenment and Their Legacies*, ed. Bryan Garsten, with an introduction by Christopher Brooke (Princeton: Princeton University Press, 2012), 178.
 12. Rousseau, *The Discourses*, 115.
 13. Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 49–50.
 14. *Ibid.*, 84, 113–16.
 15. Pettit, *On the People’s Terms*, 15.
 16. Rousseau, *The Social Contract*, 201. Helena Rosenblatt has moreover argued that Rousseau’s rejection of representative government in the *Social Contract* can be understood as a matter of political expediency and, more specifically, as an attack on elitist conceptions of representation embraced by the Genevan patriote. See Helena Rosenblatt, *Rousseau and Geneva: From the First Discourse to the Social Contract, 1749–1762* (Cambridge: Cambridge University Press, 1997), 247–50.

17. Price, *Observations on the Nature of Liberty*, 7–8.
18. Pettit, “Two Republican Traditions,” 184–88.
19. Rousseau, *The Social Contract*, 99.
20. *Ibid.*, 136–38.
21. *Ibid.*, 95.
22. Jean-Jacques Rousseau, *Political Writings*, ed. C. E. Vaughan (Oxford: Oxford University Press, 1962), vol. 1, 240.
23. For a contrary argument, see Pettit, *On the People’s Terms*, 213.
24. John Stuart Mill, *On Liberty with The Subjection of Women and Chapters on Socialism*, ed. Stefan Collini (Cambridge: Cambridge University Press, 1989), 7–8.
25. *Ibid.*, 8. For a similar argument about the liberal rejection of the republican conception of liberty, see Eric McGilvray’s *The Invention of Market Freedom* (Cambridge: Cambridge University Press, 2011). As McGilvray puts it, “The [liberal] insight that majority rule brings with it the threat of class legislation served as a reminder that a polity can be free in the sense of being self-governing without being free in the sense of providing for the secure enjoyment of property” (p. 149). Conversely, “if the power of the state is necessarily the power of the majority, as the argument of *On Liberty* seems to assume, then it follows that the only way to prevent majority tyranny is by placing strict limits on the sphere within which the state can legitimately act. This is, of course, the aim of the so-called harm principle” (p. 157).
26. Price, *Observations on the Nature of Liberty*, 8. Emphasis added.
27. *Ibid.*, 6. For a similar argument about the lack of debate about the tyranny of the majority in early modern republicanism, see Per Mouritsen, “Four Models of Republican Liberty and Self-Government,” in Iseult Honohan and Jeremy Jennings, eds. *Republicanism in Theory and Practice* (London: Routledge, 2006), 27.
28. Niccolò Machiavelli, *Discourses on Livy*, translated with an introduction and notes by Julia Conway Bondanella and Peter Bondanella (Oxford: Oxford University Press, 1997), 28–29. For a lucid discussion of Machiavelli’s views on the Roman tribunate, and more generally for the argument that Machiavelli was primarily concerned with the tyranny of the ruling minority rather than the tyranny of the majority, see John McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011), 92–97.
29. Pettit, *On the People’s Terms*, 217. It should be noted that some contemporary republicans remain closer to their early modern predecessors in denying that majority rule is a problem altogether. John Maynor, for instance, argues that the tyranny of the majority is not a danger as long as every citizen has been given the right to participate in the policy-making process: “If an agent feels that a decision has gone against her, it is not necessarily because she has been treated unfairly or subjected to domination if she has been given ample opportunity to register her interests in light of the high degree of democratic contestation that characterizes a modern republic, she has not been subjected to domination.” Maynor, *Republicanism in the Modern World*, 166. Similarly, Iseult Honohan has argued

- that majority rule is unproblematic as long as the decision-making process is sufficiently deliberative: "Policies that are not neutral may not be illegitimately oppressive of minorities if these have been the subject of extensive deliberation at different levels, if all voices have had opportunity to receive a hearing, to accommodate the deep concerns of all citizens equally, if certain provisions are made for cases of permanent minorities. Honohan, *Civic Republicanism*, 248–49.
30. David Miller, "Republicanism, National Identity and Europe," in Laborde and John Maynor, eds., *Republicanism and Political Theory*, 140.
 31. Rousseau, *The Social Contract*, 124.
 32. *Ibid.*
 33. For a good account of Rousseau's concept of the general will from a contemporary analytical-philosophical perspective, see Joshua Cohen, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010), 60–96. However, note that this interpretation is not shared by all Rousseau scholars. For a very different, influential interpretation emphasizing a more rationalistic understanding of the general will, see Patrick Riley, "A Possible Explanation of Rousseau's General Will," *The American Political Science Review* 64 (1970): 86–97. In his important contribution to this debate, Christopher Bertram has argued that Rousseau's notion of the general will can be understood in both a democratic and a more rationalistic, transcendental way. However, Bertram concludes that a textual analysis of the *Social Contract* offers more support for the democratic reading. See Christopher Bertram, "Rousseau's Legacy in Two Conceptions of the General Will: Democratic and Transcendent," *The Review of Politics* 74 (2012): 403–19.
 34. Rousseau, *The Social Contract*, 53.
 35. This criticism goes back to at least the 1950s, when it was famously articulated by Jacob Talmon in his attack on Rousseau, *The Origins of Totalitarian Democracy* (Secker & Warburg, 1952). For a more recent articulation, see for instance: Lester Crocker, "Rousseau's Soi-Disant Liberty," in *Rousseau and Liberty*, ed. Robert Wokler (Manchester: Manchester University Press, 1995), 244–66; and Stanley Hoffman, "The Social Contract, or the Mirage of the General Will," in *Rousseau and Freedom*, ed. Christie McDonald and Stanley Hoffman (Cambridge: Cambridge University Press, 2010), 119.
 36. Arthur Melzer, *The Natural Goodness of Man: On the System of Rousseau's Thought* (Chicago: University of Chicago Press, 1990), 154.
 37. On this issue, see Ethan Putterman, *Rousseau, Law and the Sovereignty of the People* (Cambridge: Cambridge University Press, 2010), 27–29. But compare John McCormick, "Rousseau's Rome and the Repudiation of Populist Republicanism," *Critical Review of International Social and Political Philosophy (CRISPP)* 10 (2007): 3–27. McCormick argues that Rousseau can be read as a defender of timocracy, rather than of popular rule. For counterarguments, see Putterman, *Rousseau*, 90–95.
 38. Rousseau, *The Social Contract*, 8.

39. Ibid., 60.
40. This reading of Rousseau as a precursor of Condorcet's goes back to Brian Barry's *Political Argument* (London: Routledge and Kegan Paul, 1965), 292–94. It was later elaborated by Bernard Grofman and Scott Feld in their important paper "Rousseau's General Will: A Condorcetian Perspective," *American Political Science Review* 82 (1988): 567–76. Note that Melissa Schwartzberg has recently argued that Rousseau's arguments for majority rule were not just based on epistemic reasons, but that moral considerations also played an important role. See Schwartzberg, "Voting the General Will: Rousseau on Decision Rules," *Political Theory* 36 (2008): 403–23.
41. Christian List and Robert Goodin, "Epistemic Democracy: Generalizing the Condorcet Jury Theorem," *The Journal of Political Philosophy* 9 (2001): 24. For a strong defense of the epistemic value democracy, relying, among other arguments, on Condorcet's jury theorem, see also Hélène Landemore, *Democratic Reason: Politics, Collective Intelligence and the Rule of the Many* (Princeton, NJ: Princeton University Press, 2012). Of course, Rousseau's and Condorcet's defense of the epistemic value of democracy depends on certain preconditions: that voters are sufficiently informed about the question at hand, that they are willing to vote in the public interest rather than in their own interest, and that the decision-making process is not affected by "factions" or organized interest groups. These conditions are of course difficult to meet in the real world, as it has been pointed out, for instance, by Jason Brennan, "How Smart Is Democracy? You Can't Answer That a Priori," *Critical Review: A Journal of Politics and Society* 26 (2014): 33–58. But that is a criticism Rousseau would have had no problem with: he was fully aware that the political ideal he defended was a demanding one.
42. For a recent articulation of this view, see Cohen, *Rousseau*, 98; and Alan Ryan, *On Politics: A History of Political Thought: From Herodotus to the Present* (New York: Liveright, 2012), 571–72.
43. Rousseau, *The Social Contract*, 16.
44. For a good overview of the debate about the ethical implications of patriotism, see Igor Primoratz, "Patriotism and Morality: Mapping the Terrain," in *Patriotism: Philosophical and Political Perspectives*, ed. Igor Primoratz and Aleksandar Pavkovic (Aldershot: Ashgate, 2007), 17–36.
45. E.g., William Connolly, *Pluralism* (Durham, NC: Duke University Press, 2005), 136.
46. Rousseau, *Social Contract*, 179–93.
47. Ibid., 18.
48. Jürgen Habermas, "On the Relation between the Nation, the Rule of Law, and Democracy," in *The Inclusion of the Other: Studies in Political Theory*, ed. Ciaran Cronin and Pablo De Greif (Cambridge: MIT Press, 1998).
49. See especially Margaret Canovan, "Patriotism Is Not Enough," *British Journal of Political Science* 30 (2000): 413–32.
50. Bo Rothstein and Dietlind Stolle, "The State and Social Capital: An Institutional Theory of Generalized Trust," *Comparative Politics* 40 (2008): 441–59.

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