

Tadeusz Manteuffel Institute of History
Polish Academy of Sciences

JERZY MICHALSKI

*Rousseau and Polish
Republicanism*

Translated from the Polish by
Richard Butterwick-Pawlikowski

Warsaw 2015

<http://rcin.org.pl>

*Rousseau and Polish
Republicanism*

Tadeusz Manteuffel Institute of History
Polish Academy of Sciences

JERZY MICHALSKI

*Rousseau and Polish
Republicanism*

Translated from the Polish by
Richard Butterwick-Pawlikowski

Warsaw 2015

<http://rcin.org.pl>

Originally published in Polish as *Rousseau i sarmacki republikanizm*
Warszawa: Instytut Historii Polskiej Akademii Nauk
and Państwowe Wydawnictwo Naukowe, 1977

Copy-editing
Grażyna Waluga

Layout and cover
Karol Górski

© Copyright by Witold Łagowski
© Copyright by Richard Butterwick-Pawlikowski
© Copyright by Instytut Historii im. Tadeusza Manteuffla
Polskiej Akademii Nauk

ISBN 978-83-63352-60-8

Publication founded by the Ministry of Science and Higher Education
of the Republic of Poland, in 2014–2016, as a part of the National
Program for the Development of the Humanities, no. 31H 13 0036 82



NARODOWY PROGRAM
ROZWOJU HUMANISTYKI

Instytut Historii PAN
Rynek Starego Miasta 29/31
00-272 Warszawa
+ 48 22 831 02 61-62 ext. 44
www.ihpan.edu.pl
wydawnictwo@ihpan.edu.pl

<http://rcin.org.pl>

Translator's note

Quotations from Rousseau's political works, which Jerzy Michalski almost invariably gave according to Jean-Jacques Rousseau, *Œuvres Complètes*, vol. iii, ed. Bernard Gagnebin and Marcel Raymond, Bibliothèque de la Pléiade, Paris: Éditions Gallimard, 1964, have been checked against this edition, in which the texts are unmodernized. No corrections have been made to Rousseau's spelling, punctuation or grammar.

Taking into account Rousseau's own usage, as well as the English translation of the *Considérations sur le gouvernement de Pologne* by Victor Gourevitch (Rousseau, *The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997), the Polish word 'ustrój' has been translated interchangeably as 'form of government', 'system of government' and 'constitution'. For the same reasons, 'sejm' and 'sejmik' have been translated as 'diet' and 'dietine', 'województwo' and 'województwo' as 'palatinate' and 'palatine', and 'stan rycerski' as 'equestrian order'. However, given Rousseau's views on representation, it is particularly important precisely to translate 'poseł'/'nonce' as 'envoy' and not as 'deputy'.

The translator's interpolations (in square brackets) and explanatory footnotes (marked by letters rather than numerals) have been kept to an absolute minimum. Authors' initials have been expanded to their given names, unless they themselves preferred to use their initials.

Table of Contents

Introduction	9
1: <i>The Confederate Source</i>	19
2: <i>A Vision of Poland</i>	39
3: <i>The Sovereign – The Legislative Power</i>	52
4: <i>Mores, Patriotism, Education</i>	80
5: <i>The Libero Veto, the Confederation and the Theory of the ‘General Will’</i>	103
6: <i>The Government and the Executive Power</i>	120
Conclusion	138

Introduction

Rousseau's *Considérations sur le gouvernement de Pologne* is a doubly surprising work: first in regard to the Polish confederates who commissioned the work, and second in regard to its author. From the voluminous sources left by the Confederation of Bar, among thousands of traces of the confederates' mentality, moods, aims and deeds, almost nothing allows us to surmise that they would approach one of the prominent thinkers of the French Enlightenment with a request that he compose an outline of the future form of the Commonwealth. In turn, it is astonishing that Rousseau, whose psyche was plunged deep in crisis, who increasingly avoided other people, overcome by a mania of persecution, and ever more absorbed by the problems of his own personality, should have agreed to draw up a project for the reform of 'the Polish government' in the autumn of 1770, and then created a work which betrays nothing of his state of mind at that time. As one of Rousseau's biographers puts it, 'Il retrouva d'un coup cette grande langue autoritaire qui lui avait servi quand il écrivait le *Contrat Social*. Pas un mot, dans cette longue consultation, qui laisse deviner son angoisse, ni sa manie'.¹

Michał Wielhorski arrived in Paris at the end of January 1770, as the representative of the Confederation of Bar at the court of Versailles. At forty years of age, this 'count of Horochów and Tyśmienica' was counted as a magnate more through his relations, the Zamoyskis, Mniszechs and Jabłonowskis, and his marriage to an Ogińska, than because of his own rather modest fortune. As an accomplished and polished gentleman who had

¹ Jean Guéhenno, *Jean-Jacques, histoire d'un conscience*, Paris, 1962, vol. ii, p. 254.

lived in the world and seen something of Europe (in his youth he had lived for a while in Paris and Dresden), he had aimed to play a major part in Polish politics during the 1760s as a principal activist of the Saxon party. He led its far from numerous representatives at the 1766 diet, when he entered into contacts with the Prussian envoy G edeon Benoit and the Russian Ambassador Nikolai Repnin; with their support he had achieved the statutory embedding of the *liberum veto* in the Commonwealth's form of government. In the following year he was the most active member of the four-person mission sent by the Confederation of Radom to Moscow, in order to ask Catherine II to guarantee the Polish constitution, and to obtain her agreement to the implementation of the Saxon party's programme. His party was disappointed in its expectations by Repnin's policies, which from the confederates' point of view was too favourable to Stanisław August and his uncles Michał and August Czartoryski. As late as the beginning of 1768 Wielhorski advised Michał Pac, the future general marshal of the Confederation of Bar, but at that time one of the leaders of the Confederation of Radom, that he should make a solemn protest at the diet which was then in session, that 'the nation was not satisfied regarding its injuries and grievances, that abuses, violence, absolutism^a and the overthrow of the old form of government remain'. Such a protest would not, however, encompass the introduction of equal rights for religious dissidents, which were passed at the insistence of Catherine II. The protesting confederates of Radom were to leave Warsaw and go to Moscow to seek the direct protection of the empress. Wielhorski had assured Pac that there they would obtain 'respect and protection' and 'the desired and favourable change in our affairs'. These were of course illusions. Catherine II had not the slightest intention of undermining Repnin, who was carrying out her orders. And so the unfortunate envoy of the Confederation of

^a In the original Polish: 'absolutyzm'.

Radom appeared two years later in Paris, to call on the assistance of France in the defence of ‘Sacrae Romanae Ecclesiae immunitatis, legum, libertatum, privilegiorum et independentiae’, in the words of the Latin instruction given him by the General Council of the Confederation of Bar. This instruction envisaged the declaration of an interregnum dating from the death of King Augustus III (such an act was indeed proclaimed in October 1770). The envoy was instructed to gain the support of France for the candidacy of the Elector of Saxony, Frederick Augustus, and to obtain monetary subsidies for the confederation.²

Apart from these largely fruitless efforts, Wielhorski engaged in propaganda – principally the editing, and publication of the *Manifeste de la République Confédérée de Pologne* early in 1771, on the basis of an earlier version composed in Poland in 1769. It repeated familiar confederate accusations against Stanisław August and the Czartoryskis. Wielhorski wished to include the act declaring an interregnum, but the French authorities forbade this, on the grounds that Stanisław August was a king recognized by France.³ The memorandum presented by Wielhorski to Choiseul on 24 August 1770 ‘par un ordre exprès de la Généralité’ expressed the official programme of the Confederation of Bar. It proclaimed that the confederated nation ‘a levé le bouclier moins pour se débarrasser des Russes dans le moment actuel que pour recouvrer tous les droits de sa religion dominante, toutes les prérogatives de sa liberté et pour assurer à jamais l’indépendance de la République. Il ne suffit pas de chasser les Russes pour parvenir à ce but. Le roi et sa famille qui ont toujours été les instruments et les premiers mobiles de leurs entreprises trouveront par les intrigues, dont ils sont capables, assez de moyens pour

² Władysław Konopczyński, *Konfederacja Barska*, Warsaw, 1936–1938, vol. i, pp. 377, 379, vol. ii, p. 576. On Wielhorski, see Waclaw Olszewicz, ‘Z archiwum Wielhorskich’, *Przegląd Humanistyczny*, 1970, 1, pp. 93–97.

³ Konopczyński, *Konfederacja*, vol. ii, pp. 579–586.

faire subsister une grande partie des loix nouvelles, onéreuses à la nation et utiles à leur propre ambition et de faire influencer toujours la Russie sur notre gouvernement afin de les soutenir contre la nation. Il est d'une nécessité indispensable de déclarer l'élection du roi illégale. La vraie intention de la confédération de Radom étoit d'abatre tout esprit d'ambition. La confédération de Bar fait renaître tous ces motifs et les remet dans toute leur vigueur'.⁴

Besides this overt and traditionally conducted démarche, Wielhorski began to draft, in the strictest secrecy, a plan for the Commonwealth's future constitution, which a victorious Confederation of Bar would implement. During the Confederation of Radom, he and other matadors of the Saxon party had prepared some fragmentary projects, with a view to undoing the reforms of 1764–1766.⁵ We know that Wielhorski presented at least some of them to Nikita Panin during his mission to Moscow in 1767. Some imprecise notions of constitutional reforms were aired in the first years of the Confederation of Bar, always in secret.⁶ Wielhorski's mission to France, with whom the projects of the future form of government to be introduced by the victorious Confederation were to be agreed,⁷ seems to have contributed to

⁴ Archives du Ministère des Affaires Etrangères, Paris, Pologne 297. The instructions of the Generalcy to the envoys to be sent to Istanbul and Vienna (that is, to the French ambassador in Vienna, Durand) and the so-called *gravaminum* manifesto against the Czartoryskis were all drafted in the same spirit; Konopczyński, *Konfederacja*, vol. i, pp. 473–476.

⁵ Copies of a few of them appear in the same copy-book from Wielhorski's archive (Archiwum Główne Akt Dawnych in Warsaw [henceforth AGAD], Zbiór Anny Branickiej 9) which contains copies of Mably's projects and accompanying materials. See below, pp. 19–21 and note 1 to chapter 1.

⁶ Konopczyński, *Konfederacja*, vol. ii, pp. 575–578, 585–586.

⁷ That the drafting of a 'good form of government' was to be accomplished in conjunction 'with politicians assigned by the French court' was to be asserted clearly only in a project of a memorandum to the court of Versailles, dating from February 1772. Jerzy Michalski, *Schylek Konfederacji Barskiej*, Wrocław, 1970, p. 47. Earlier evidence, from October 1770, that the plans

the efforts to draft them. These decisions, in any case, were taken in secret by a small group among the Confederation's leaders. The result of these efforts was the *Projet sur le gouvernement de Pologne*, drafted by the Generalcy's representative at the Dresden court, Franciszek Rostworowski, and sent to Wielhorski in June 1770.⁸ It is not known, however, whether these efforts were connected with the despatch to the French Ministry of Foreign Affairs of *Projet sommaire de reformatons dans le gouvernement de la Republique de Pologne à la pacification future*, by César Pyrrhis de Varille, a member of the household of the Sanguszko family.⁹

Rostworowski's disquisition seems not to have been to Wielhorski's taste, as he never subsequently referred to it. Similarly, there is no trace of his showing interest in Pyrrhis's *Projet*. It is probable that Wielhorski and his principals had already abandoned the idea of drafting a project by themselves, given that they decided to entrust the task to someone with a Europe-wide reputation in constitutional questions – Abbé Gabriel Bonnot de Mably. We know nothing further about the circumstances in which Wielhorski and Mably reached agreement, or about the role played here by the French Ministry of Foreign Affairs. Wielhorski probably acted having consulted several leading figures in the Confederation, such as the marshal Michał Pac, and

were agreed to with Choiseul is cited by Konopczyński, *Konfederacja*, vol. ii, pp. 584–585.

⁸ The copy in the copy-book from Wielhorski's archive (note 5 above) is marked 'envoyé de Dresde au mois de juin 1770'.

⁹ Władysław Konopczyński, *Materiały do dziejów genezy Rady Nieustającej*, Archiwum Komisji Historycznej, vol. xii, part 1, Kraków, 1919, p. 33–38. This project is probably (given the almost identical phrasing) connected with the 'Notte sommaire sur l'intérêt des puissances du midi de l'Europe de secourir la Pologne et de lui aider ensuite à reformer son gouvernement', which Col. Dumouriez, the French agent to the Generalcy, sent the Ministry on 15 August 1770 via [François] Durand, the ambassador in Vienna, and which he mentioned in a letter to him on 24 August 1770; Archives du Ministère des Affaires Etrangères, Paris, Pologne 297.

the general secretary Ignacy Bohusz, as well as backstage personages, such as Amelia Mniszchowa. We can state confidently that Pac, Bohusz and Mniszchowa, as well as [Charles-François] Dumouriez, knew Mably's projects and expressed their opinion of them. Undoubtedly several other persons were admitted to the secret and expressed their views regarding plans for the future form of government.¹⁰ The Generalcy itself, however, knew nothing about these projects. Mably's *Observations sur la réforme des loix de Pologne*, finished on 31 August 1770 (and preceded by earlier sketches discussed in detail with Wielhorski) were intended, as the foreword written by Wielhorski put it, 'uniquement à des citoyens philosophes et vertueux exempts des prejugsés de la nation'.¹¹ Mably's *Observations* provoked many reservations from Wielhorski, who expressed them in his critical written responses. Despite the fact that he did not discontinue with the services of Mably, who, taking up the polemic with the comments of Wielhorski and other readers of his manuscript, continued his work (finishing it on 9 July 1771), Wielhorski approached another authority – the author of the *Contrat Social*. He asked Rousseau to write an analogous work, providing him with Mably's manuscript and the materials previously supplied to Mably, containing information about Poland.

Konopczyński hypothesized – convincingly – that Rousseau wrote his *Considérations* from October 1770 to April 1771. There is no need here to rehearse his arguments.¹² It is certain that Rousseau was already in contact with Wielhorski in February

¹⁰ Konopczyński, *Konfederacja*, vol. ii, pp. 586, 605–606; Jerzy Michalski, 'Gdyby nami rządziły kobiety', in: *Wiek XVIII. Polska i świat*, ed. Andrzej Zahorski *et al.*, Warsaw, 1974, pp. 141–142.

¹¹ The passage is cited by Aldo Maffey, 'Intorno agli inediti del Mably', *Studi Francesi*, 1959, p. 380.

¹² Władysław Konopczyński, 'Jan Jakób Rousseau doradcą Polaków', *Themis Polska*, series II, vol. 1, part 2, 1913, pp. 1–28; id., *Konfederacja*, vol. ii, pp. 596–597.

of 1771, to whom he wrote a letter of congratulations following the confederates' success near Częstochowa.¹³ Rousseau himself stated on several occasions that his work on the *Considérations* had taken him six months.¹⁴ It is not clear, however, by what means Wielhorski reached the *philosophe*, who was by now pathologically distrustful of people. It should be remembered, however, that after his arrival in the French capital in June 1770, for almost a year Rousseau's lifestyle was not yet as solitary as it became in the years that followed (when, as he put it, perhaps with a degree of exaggeration, in his second *Dialogue*, he was 'plus seul au milieu de Paris que Robinson dans son Île').¹⁵ He maintained existing contacts with other people and even sought new acquaintances. 'De retour à Paris, il avoit recommencé d'y vivre – he wrote about himself in the second *Dialogue* – D'abord, ne voulant se cacher en aucune manière, il avoit fréquenté quelques maisons dans l'intentions d'y reprendre ses plus anciennes liaisons et même d'en former de nouvelles'.¹⁶ Perhaps, as in a tradition

¹³ This letter is known only from the Polish translation which was circulated for propaganda purposes. It concerned the victory over [Col. Johann von] Drewitz in January 1771 (Konopczyński, *Konfederacja*, vol. ii, p. 596) and not, as Waclaw Olszewicz ('Z archiwum', p. 104) and Jean Fabre (in the commentary to his edition of the *Considérations: Jean-Jacques Rousseau, Œuvres complètes*, Bibliothèque de la Pléiade (henceforth *OC*), vol. iii, Paris, 1964, p. 1751) supposed, the taking of [the monastery and fortress of Częstochowa] by the confederates in September 1770 (which was not a significant military achievement).

¹⁴ He wrote this to Wielhorski in a letter dated 20 April 1774, quoted by Fabre in the introduction to his edition of the *Considérations* (*OC*, vol. iii, p. CCXXXIV). He stated the same in his second *Dialogue*: 'J.J. au milieu de tout ce travail manuel, a encore employé six mois dans le même intervalle tant à l'examen de la constitution d'une Nation malheureuse qu'à proposer ses idées sur les corrections à faire à cette constitution'; *OC*, vol. i, Paris, 1959, p. 836.

¹⁵ *Ibid.*, vol. i, p. 826.

¹⁶ *Ibid.*, vol. i, pp. 791–792. See also Fabre's introduction to the edition of the *Considérations*, *OC*, vol. iii, p. CCXXIII.

written down much later (in the 1820s), Wielhorski's acquaintance with Rousseau was facilitated by common musical interests.¹⁷ Perhaps, however, the intermediary was Claude-Carloman de Rulhière, who on Choiseul's instructions was working on a memorandum about events in Poland. This task brought him into contact with Wielhorski at a time when Rulhière still maintained close relations with Rousseau.¹⁸

Rousseau himself would later state, in his autobiographical *Dialogues* and in letters to Wielhorski, that he had yielded to the latter's insistent requests, indeed to his pleadings 'au nom de l'humanité, de la justice et de la vertu'.¹⁹ On one occasion, however, he used the third person plural, suggesting that it was not only Wielhorski who made the requests. In the third *Dialogue* he wrote: 'Si vous saviez par qui, pour qui, pourquoi cet écrit (*Considérations*) étoit sollicité, l'usage qu'on s'est empressé d'en faire et le tour qu'on a su lui donner, vous sentirez parfaitement combien il eût été à desirer pour l'auteur que, résistant à toute cajolerie, il se refusât à l'appât de cette bonne œuvre, qui de la part de ceux qui la sollicitoient avec tant d'instance, n'avoit pour but que de la rendre pernicieuse pour lui. [...] Il doit sentir, surtout, que le motif de faire du bien ne peut être qu'un piège pour lui de la part de ceux qui le lui proposent, et pour eux un moyen réel de faire du mal à lui ou par lui, pour le lui imputer dans la suite'.²⁰ Perhaps this plural form resulted from Rousseau's ailing

¹⁷ Olszewicz, 'Z archiwum', p. 103; Fabre, in: *OC*, vol. iii, p. CCXXIV.

¹⁸ Alice Chevalier, *Claude-Carloman de Rulhière premier historien de la Pologne*, Paris, 1939, pp. 193–196; ead., *Rulhière, Jean-Jacques Rousseau et la comédie de caractère de 1770 à 1778*, Paris, 1939, pp. 99–101; Fabre, in: *OC*, vol. iii, pp. CCXXIII–CCXXV, CCXXXIII–CCXXXIV; Ryszard W. Wołoszyński, *Polska w opiniach Francuzów XVIII w.*, Warsaw, 1964, pp. 85–90.

¹⁹ *OC*, vol. i, pp. 836, 962–963. Letters to Wielhorski dated 20 April and 1 July 1774, *Correspondance Générale de J.-J. Rousseau*, ed. Théophile Dufour, vol. xx, Paris, 1934, pp. 292, 294.

²⁰ *OC*, vol. i, p. 963.

imagination, seeing in Wielhorski a man linked to his enemies and their famous ‘conspiracy’. Perhaps, however, it was an allusion to the genuine support of Wielhorski’s efforts by Rulhière, who could call on his superiors in the Ministry of Foreign Affairs, and even on Choiseul himself, who probably wished to gain the authority of Rousseau against the philosophic sect that contested the political course he was steering. Having arrived in Paris after a period of exile, and having concealed himself under false names, the author of *Emile*, threatened by a verdict of the *Parlement* of Paris, needed the protection of the powerful minister, whom he nonetheless had earlier regarded (and would again regard) as his enemy and one of the chiefs of the ‘conspiracy’ against him.²¹ Probably, however, the most important motive for Rousseau’s agreement to Wielhorski’s request was the attractiveness of the proposed subject.

²¹ Fabre, *OC*, vol. iii, pp. CCXXII–CCXXIII.

1. *The Confederate Source*

‘Le tableau du gouvernement de Pologne fait par Monsieur le Comte de Wielhorski, et les reflexions qu’il y a jointes, sont des pièces instructives pour quiconque voudra former un plan regulier pour le refonte de ce gouvernement’. With this sentence Jean-Jacques Rousseau began his *Considérations sur le gouvernement de Pologne et sur sa réformation projetée*. Explaining the difficulties faced by a foreigner called to compose such a plan, and complaining of his own diminished intellectual capacity, he then stated: ‘je dois me borner pour obéir à M. le Comte Wielhorski et faire acte de mon zèle pour sa patrie à lui rendre compte des impressions que m’a faite la lecture de son travail et des réflexions qu’il m’a suggérées’.¹ In the third chapter of the treatise, entitled *Application*, Rousseau wrote: ‘L’exposé succinct des mœurs des Polonois qu’a bien voulu me communiquer M. de Wielhorski ne suffit pas pour me mettre au fait de leurs usages civils et domestiques’.² While in the eleventh chapter, entitled *Système économique*, he entered into a polemic with the ‘vues économiques’ contained ‘dans les papiers qui m’ont été communiqués’. Moreover, he described these views, doubtless as a courtesy to Wielhorski, as ‘excellentes’. Indeed, he admitted that if one were to accept the assumptions of the fiscal system generally applied in Europe (which, however, he himself regarded as erroneous), then for example the project contained in these ‘papers’ ‘pour la vente des starosties^a et pour la manière d’en employer le produit’ was a good one, which could

¹ OC, vol. iii, p. 953.

² Ibid., p. 962.

^a Starosties (Polish: *starostwa*) were offices, sometimes involving judicial functions, conferred by the king on the recipient – the starosta – for life. They

easily be implemented.³ Finally, in the twelfth chapter, entitled *Système militaire*, he undertook a critique of a certain project of Wielhorski. This project he summarized thus: ‘Monsieur le Comte Wielhorski propose de lever un Régiment par Palatinat, et de l’entretenir toujours sur pied’.⁴

Polish researchers have not paid closer attention to these references. Marian Szykowski was convinced that the said ‘tableau’ was the first manuscript draft of Wielhorski’s treatise *On the Restoration of the Former Government According to the Elemental Laws of the Commonwealth* [O przywróceniu dawnego rządu według pierwiastkowych Rzeczypospolitej ustaw] published in 1775.⁵ Similarly, in the introduction to his translation of the *Considérations*, Maciej Starzewski supposed that ‘the memorial supplied by Wielhorski to Rousseau was a sketch of his later work *Essai sur le rétablissement de l’ancienne forme du gouvernement de Pologne* published in 1775 simultaneously in French and Polish versions’. This opinion was repeated in the 1966 edition of the translated works of Rousseau in the series *Biblioteka klasyków filozofii* [Library of Philosophical Classics].⁶ Moreover, Starzewski believed that Rousseau obtained from Wielhorski some unidentified projects for reform originating in the confederate camp.⁷ Władysław Konopczyński restricted himself to stating that Wielhorski ‘provided him [Rousseau]

came with the tenure of Crown estates (Polish: *królewsczyczyny*), which were often extensive and lucrative, and whose taxable value was notoriously under-assessed. The starosties were thus often regarded as a potential means of royal corruption; hence the proposal to sell them off.

³ *Ibid.*, p. 1004.

⁴ *Ibid.*, p. 1014.

⁵ Marian Szykowski, *Mysł Jana Jakóba Rousseau w Polsce XVIII wieku*, Kraków, 1913, p. 74.

⁶ Jean-Jacques Rousseau, *Umowa społeczna* and *Uwagi o rządzie polskim...*, ed. Bronisław Baczek, Warsaw, 1966, p. 184.

⁷ Jan Jakób Rousseau, *Uwagi nad rządem polskim*, trans. and ed. Maciej Starzewski, Kraków, 1924, p. XV.

with his *Tableau* as well as some other writings about Polish mores and still further papers regarding the improvement of the government and containing (according to Rousseau) excellent economic views'. Konopczyński also knew that Wielhorski had given the same materials to Mably.⁸

The problem of the informative material supplied to Rousseau by Wielhorski was considered at greater length by Jean Fabre in the erudite notes to his edition of *Considérations* in the Bibliothèque de la Pléiade. He wrote: '*Le Tableau du gouvernement de Pologne* que Wielhorski aurait personnellement rédigé à son intention n'a pas été identifié. Aucune pièce répondant à ce libellé ne figurait dans les archives de la famille Wielhorski conservée à la Bibliothèque des Comtes Krasinski à Varsovie et malheureusement détruites, en 1944. Mais ce "tableau" d'après l'ordre que suit Rousseau en ses *Considérations* devait se réduire à un abrégé de type classique, une sorte de memento des institutions polonaises [...] Selon toute vraisemblance, ce "tableau" suivait de très près (à moins qu'il ne s'identifiât avec lui) le plus récent des traités concernant les institutions polonaises: *État de la Pologne avec un abrégé du droit public et les nouvelles constitutions*'. In further arguments, showing that Wielhorski had annotated the *État* written by Christian Pfeffel with corrections and supplementary information, Jean Fabre further accentuated his hypothesis identifying that publication and Wielhorski's commentaries on it with the *Tableau*.⁹ The illustrious scholar correctly characterized the *Tableau* as a compendium of the Polish form of government, but he mistakenly identified it with Pfeffel's work.^b

⁸ Konopczyński, *Konfederacja*, vol. ii, pp. 595, 586.

⁹ OC, vol. iii, pp. 1735–1737.

^b Christian Pfeffel, *État de la Pologne avec un abrégé de son droit public et ses nouvelles constitutions*, Amsterdam and Paris: Hérisant le Fils, rue St.-Jacques, 1770, available online at: <https://archive.org/details/etatdelapolognea00pfef> (accessed: 9 May 2015).

The *Tableau* is in fact a completely separate treatise written by Wielhorski for the benefit of Mably (as Konopczyński had already stated on the basis of Mably's mentions) and it is located in a copy-book containing a dossier of their cooperation on the projected reform of the Polish system of government. This copy-book has two volumes and it is currently to be found in the Central Archives of Historical Records (AGAD) in Warsaw. It undoubtedly originates from the Wielhorski archive, of which only part was in the Krasieński Library. Besides the *Tableau*, the copy-book contains other writings, mentioned by Rousseau in the *Considérations*. These are a short, three-page *Essai sur les mœurs et le caractère des Polonois* and the texts: *Projet pour les starosties*, *Des finances* and *Projet d'établissement des troupes dans les palatinats*, which were attached to the *Observations particulières sur les changements proposés* written for Mably (and which formed a kind of discussion with the arguments in the first sketches of Mably's later treatise).¹⁰ Regarding these texts, Fabre correctly concluded

¹⁰ AGAD, Zbiór Anny Branickiej 9. The *Tableau* was composed during the initial discussions with Mably, the result of which was the manuscript *Conférences sur les affaires de Pologne entre M. Wielhorski et M. l'abbé de Mably tenues à Paris en 1770*, which is also in the copy-book. It contains three 'conférences' written by Mably and 'observations' on the first two of them written by Wielhorski. At the end of the *Observations sur la seconde conférence* is the sentence: 'Pour répondre à la troisième conférence on donnera un tableau du gouvernement polonois pour mettre au fait M. l'Abbé de Mably de notre constitution'. It is not certain whether the *Conférences* and *Observations* were made available to Rousseau, who does not refer to them in an unambiguous way. However, certain fragments of the *Considérations* testify that some of Wielhorski's views expressed [in the *Observations*] were known to him. The second volume of the copy-book (AGAD, Zbiór Anny Branickiej 10) contains the first draft of Mably's treatise entitled *Observations de M. l'abbé de Mably sur la reforme des loix de la Pologne adressées à Monsieur le comte Wielhorski*. Another (somewhat worse) copy of this text is to be found in the Bibliothèque municipale de Rouen, Ms. Monbret 5647 (2375). Rousseau received this text of Mably's, as the polemical references to it in the *Considérations* show. The fact of Rousseau's acquaintance with Mably's

that Wielhorski composed a separate memorial on palatinate-level regiments ‘dont on retrouve certains détails dans les annotations inscrites par lui en marge du chapitre “Des forces de la République”, dans l’*État de la Pologne* de Pfeffel’, and that the contents of this memorial can be discovered from Mably’s references to it.¹¹ The mention in the *Considérations* of ‘l’exposé [...] des mœurs des Polonais’ provided by Wielhorski led Fabre to insert a note stating that it was unknown ‘à quel “exposé” fait allusion Rousseau’.¹² Fabre was inclined to connect the papers referred to by Rousseau as containing ‘excellentes vues économiques’ in a fairly imprecise way with some writings of the Physiocrats. He wrote in an extensive note: ‘Parmi ces “papiers” dont il est impossible de faire un décompte exact, il en figurait nécessairement beaucoup d’inspiration physiocratique. Rousseau ne pouvait guère ignorer le système exposé par l’abbé Baudeau dans ses *Avis économiques aux citoyens éclairés de la République de Pologne, sur la manière de percevoir le revenu public* publiées dans les *Éphémérides du citoyen* 1770, t. XI, pp. 52–120 et 1771, pp. 57–67, contemporains de l’époque où il est en train d’écrire ses *Considérations*’.¹³ In another place, however, he wrote about these ‘papers’ more categorically: ‘nul doute qu’il ne se trouvât parmi eux une abondante production physiocratique. Outre ceux de Baudeau, en ses *Éphémérides*, Rousseau eut aussi l’occasion de lire au moins quelques-uns des *Avis* que Mirabeau, Dupont de Nemours, Maurice de Saint-Leu, Quesnay de Saint-Germain et bien d’autres prodiguaient aux Polonais, confédérés ou non’.¹⁴

work and his polemics with its arguments was first stated by Władysław Konopczyński, ‘Jan Jakób Rousseau doradcą Polaków’, pp. 7–8. Jean Fabre, in his commentaries on the *Considérations* (OC, vol. iii, passim), also drew attention to these polemics.

¹¹ OC, vol, iii, p. 1792.

¹² Ibid., p. 1751.

¹³ Ibid., p. 1783.

¹⁴ Ibid., p. 1740.

Fabre saw in Rousseau's arguments in the chapter *Système économique* both a continuation of his earlier polemic with Mirabeau, and a certain convergence of views with the Physiocrats. The latter resulted, in Fabre's view, *inter alia* from a shared sympathy for the Polish cause, from Rousseau's antipathy to Voltaire and Mably, who criticized the Physiocrats, and from Rousseau's decided approval of the agricultural character of Poland.¹⁵ However, independently of the problem of similarity and difference in the views of Rousseau and the Physiocrats, it does not seem likely that Wielhorski provided Rousseau with texts written by French authors in order to inform him about Poland, and still less to suggest the line he should take. The exception was Mably's work, which may have been demanded by Rousseau himself. Rousseau's touchiness as an author would in such a case undoubtedly have revealed itself in the form of polemical digressions, as indeed occurred regarding Mably's arguments. Besides, the only one of the 'papers' which was precisely referred to by Rousseau is the project for the sale of starosties, written by Wielhorski – as Fabre correctly surmised – on the basis of Wielhorski's commentaries on Pfeffel.¹⁶ Below I shall try to show that the chapter *Système économique* engages solely with Wielhorski's projects.

One can conclude that any conversations between Rousseau and Wielhorski which may or may not have taken place, and of which we have no record, conveyed to the former no information about Poland, which the emissary of the Confederation of Bar had not already included in his texts for Mably, and which were then communicated to Rousseau. In these texts we see a great concern with even the smallest details, on which Wielhorski wanted the Frenchmen to be suitably informed. It is true that other sources from which Rousseau obtained his knowledge of the situation

¹⁵ *Ibid.*, p. 1783.

¹⁶ *Ibid.*, p. 1784.

in Poland have been suggested. On the whole, however, they are only suppositions. It can be positively stated only that he knew Mably's first treatise and probably knew Pfeffel's primer *État de la Pologne* as well. It does not appear, therefore, that Rousseau, in approaching the writing of the *Considérations*, took the trouble to assemble 'the literature on the subject'. Konopczyński was probably right when he wrote that Rousseau's set of information was limited to the materials provided by Wielhorski.¹⁷ Without a doubt, Rousseau sincerely desired knowledge of the country for which he was to plan a reform of the constitution. On a few occasions in the text of his work he expressed that concern, as well as his conviction that his knowledge was inadequate. At the very beginning, doubtless as a courtesy to Wielhorski and as a conventional gesture of modesty, he declared that a true and exact plan of reform should be composed by Wielhorski himself, as a man 'qui joint aux connoissances générales que ce travail exige, toutes celles du local et détails particuliers, impossibles à donner par écrit'. Further on he wrote: 'une bonne institution pour la Pologne ne peut être l'ouvrage que des Polonois, ou de quelqu'un qui ait bien étudié sur les lieux la nation Polonoise et celles qui l'avoisinent'.¹⁸ At the start of the chapter on administration he stressed that he was not entering 'dans les détails d'administration pour lesquels les connoissances et les vues me manquent'.¹⁹ While in the concluding chapter he went so far as to state: 'J'ai omis à dessein beaucoup d'articles très importans sur lesquels je ne me sentoio pas les lumières suffisantes pour en bien juger'.²⁰

¹⁷ Konopczyński, 'Jan Jakób Rousseau doradcą Polaków', p. 8; it should also be remembered that in his modest apartment in Paris, Rousseau appears to have possessed almost no books at all. He had sold his library a few years earlier. Louis Ducros, *Jean-Jacques Rousseau. De l'Île de Saint Pierre à Ermenonville (1765–1778)*, Geneva, 1970, p. 25.

¹⁸ OC, vol. iii, p. 953.

¹⁹ Ibid., p. 1000.

²⁰ Ibid., p. 1041.

Although Rousseau declared that the *Considérations* contain general ideas, not finished and precise prescriptions for reforms, and even expressed his anxiety that they might be taken as pipe dreams unsuitable for practical application by the Poles,²¹ it seems that he did this in order to forestall his expected critics. Essentially, he was convinced of the feasibility of his advice. He frequently explained that his ideas were easily applicable, and in the *Conclusion* he spoke of them with an evident optimism which derived from his conviction of the appropriateness and correctness of his proposed solutions: 'J'avoue même que, quelque singularité qu'on leur trouve, je n'y vois rien, quant à moi, que de bien adapté au cœur humain, de bon, de praticable, surtout en Pologne, m'étant appliqué dans mes vues à suivre l'esprit de cette République, et à n'y proposer que le moins de changemens que j'ai pu pour en corriger les défauts. Il me semble qu'un Gouvernement monté sur de pareils ressorts doit marcher à son vrai but aussi directement, aussi sûrement, aussi longtems qu'il est possible'.²²

It appears that Fabre was mistaken to believe that Rousseau (and Mably as well) regarded the situation of Poland pessimistically, that he did not share the illusions of the confederates, that when he was writing the *Considérations*, the train of events led him to the conviction that the partitions were unavoidable, and that it was for this reason that he counselled the Poles on how, despite their imminent loss of statehood, to maintain their nationality.²³ In two places in the *Considérations* the possibility,

²¹ 'Un étranger ne peut guères donner que des vues générales'; 'Peut-être tout ceci n'est-il qu'un tas des chimères'; 'je ne me flate pas [...] qu'il [Wielhorski] trouve dans mes rêveries rien qui puisse être réellement utile à sa patrie', *ibid.*, pp. 953, 1041.

²² *Ibid.*, p. 1041.

²³ Jean Fabre, 'Realité et utopie dans la pensée politique de Rousseau', in: *id.*, *Lumières et romantisme. Énergie et nostalgie de Rousseau à Mickiewicz*, Paris, 1963, pp. 121, 123–125. *Id.*, introduction to the edition of the *Considérations*,

but only the possibility, is raised of Poland's catastrophic end. The first is the famous sentence: 'Vous ne sauriez empêcher qu'ils ne vous engloutissent, faites au moins qu'ils ne puissent vous digérer'. The second is the rhetorical passage in the *Conclusion*: 'Que si, malgré le courage et la constance des Confédérés et malgré la justice de leur cause, la fortune et toutes les puissances les abandonnent, et livrent la patrie à ses oppresseurs...'.²⁴ In essence, the entire work is based on the assumption of the victory of the confederate cause,²⁵ otherwise the whole work would be completely pointless, as the plan for reform would be possible to enact only in conditions of external independence.²⁶ Like Mably and the confederates themselves,²⁷ Rousseau imagined

in: *OC*, vol. iii, p. CCXXXVI. No more persuasive is the comment that Rousseau, when finishing the *Considérations*, already knew of the setbacks encountered by the confederates in the spring of 1771, and in particular of the defeat suffered by Dumouriez at Lanckorona on 22 May 1771. *OC*, vol. iii, p. 1804.

²⁴ *OC*, vol. iii, pp. 959–960, 1041.

²⁵ *Pace* Fabre, Mably was likewise convinced of this, optimistically assessing Poland's international situation and not taking the possibility of partition into account. 'Que la guerre dure un an ou deux, et les Russes seront dans l'impuissance de la continuer'; 'Livrez vous à de douces esperances. Il me semble que cette Czarine qui vous fait tant de mal ne pourra plus vous en faire dans quelque temps'; 'Le Roi de Prusse n'est pas sincèrement attaché à la Czarine [...], il n'est donc point votre ennemi'. The Poles could win over Austria by calling a son or son-in-law of Maria Theresa to the throne. Mably expressed such views in his *Observations*: AGAD, Zbiór Anny Branickiej 10.

²⁶ 'Ce n'est qu'en supposant que le succès réponde au courage des Confédérés et à la justice de leur cause qu'on peut songer à l'entreprise dont il s'agit. Vous ne serez jamais libres tant qu'il restera un seul soldat Russe en Pologne, et vous serez toujours menacés de cesser de l'être tant que la Russie se mêlera de vos affaires. Mais si vous parvenez à la forcer de traiter avec vous comme de Puissance à Puissance, et non plus comme protecteur à protégé, profitez alors de l'épuisement où l'aura jettée la guerre de Turquie pour faire votre œuvre avant qu'elle puisse la troubler', *OC*, vol. iii, p. 1037.

²⁷ On the optimistic assessment of the situation by the confederates, see Michalski, *Schyłek Konfederacji Barskiej*, pp. 7–22.

that this would be achieved through the weakening of Russia in the war with Turkey which would be able to dictate peace terms to Russia. A twenty-year treaty between Poland and Turkey guaranteeing the independence of Poland would be the basic condition to accomplish the reform during this period.²⁸ A favourable circumstance would be, as he wrote, 'l'intérêt commun des puissances de l'Europe et surtout vos autres voisins, est de vous laisser toujours pour barrière entre eux et les Russes'. Partition, therefore, did not appear to him to be a real danger and he saw the threat only from Russia. After twenty years, when the reform had been implemented according to the prescriptions contained in the *Considérations*, any possible new intervention would meet with an invincible resistance.²⁹

²⁸ The underlining of the importance of a treaty with Turkey, which had 'avec bien moins de lumières et de finesse, plus de droiture et de bon sens' and which unlike the Christian powers 'aime à remplir ses engagements et respecte ordinairement les traités' (*OC*, vol. iii, p. 1038) constituted a silent polemic with Mably. In his *Observations* the latter wrote: 'mais vous n'opposerez à sa [Russie] tyrannie qu'une barrière inutile, si vous vous contentez d'un traité, dont la Porte et quelques autres cours de l'Europe se rendront les garants. Une longue expérience n'apprend t-elle pas combien peu il faut compter sur les traités et sur les garanties? Avec quelle lenteur n'agit pas la Porte qu'on trompe tant qu'on veut et qui peut ignorer tout ce qui se passe en Europe', AGAD, Zbiór Anny Branickiej 10.

²⁹ *OC*, vol. iii, pp. 1038–1039. Fabre misunderstood this fragment of the *Considérations* when he wrote: 'Beaucoup plus nettement que Mably, Rousseau prévoyait que le démembrement se fera par étapes, qu'un repit qu'il évalue à quelque vingt ans, sera laissé pour sauvegarder les apparences ou éviter le heurt des appétits, à un résidu d'état polonaise et que ce temps devra être mis à profit aussi bien par la nation que par le gouvernement qui en aura la charge. Le protectorat russe ôtera sans doute à ce gouvernement toute possibilité d'avoir une politique autonome dans les secteurs jugés à l'ordinaire essentiels: armée, diplomatie, finances. Rousseau s'en félicite; débarrassée des mirages de la puissance, la Pologne sera libre de se vouer aux tâches qui restent possible et qui lui importent: économie, législation, éducation. Renouée mais non reniée, la tradition républicaine inspirera une véritable renaissance nationale infiniment plus précieuse que la réforme d'un

Rousseau therefore wrote the *Considérations* as a work containing projects to solve specific problems: projects which he treated entirely seriously. It was with similar gravity that he treated the information provided by Wielhorski. The *Considérations* were spun around this information and were a continuous discussion with Wielhorski. It was therefore no mere courtesy towards his source when Rousseau stated in the introduction that the *Considérations* formed an account ‘des impressions que m’a fait la lecture de son travail et des réflexions qu’il m’a suggérées’.³⁰

* * *

In his *Tableau du gouvernement de Pologne* Wielhorski based his schematic description of the Polish form of government mainly on specific provisions of statute law. However, opportunities arose for him, as its presenter, to suggest the significance and character, and to interpret and evaluate particular problems of the Polish political and social system. This was partly because the main subject of these legal provisions reflected the mentality and expressed the interests of the noble estate, and partly because Wielhorski’s own attitudes corresponded with them. It was a matter of some weight that he treated the entire corpus of laws passed since 1764 as non-existent, because of their alleged

gouvernement’. Equally mistaken is the interpretation of Rousseau’s attitude to Stanisław August. The author of the *Considérations*, showing a decided independence from the views represented by Wielhorski, counselled recalling Stanisław August to the throne, as long as he did not prove himself a traitor (Rousseau assessed the king’s current behaviour fairly positively). He was however motivated purely by tactical considerations: the fear of inflicting new disturbances on the country in case of a change of king, and the impossibility as yet of implementing his proposed new system of election (OC, vol. iii, pp. 1039–1040). He was not motivated, contrary to Fabre’s suggestion, by a perspicuous appreciation of Stanisław August’s qualities as a reformer. Cf. Fabre, ‘Réalité et utopie’, p. 126.

³⁰ OC, vol. iii, p. 953.

illegality.³¹ In this way the addressees of the *Tableau* served up various obsolescent statutes of the fifteenth and sixteenth centuries, but were deprived of any insight into the current problems of Polish legislation. That was as long, of course, as they themselves did not seek further information, as Rousseau in fact did, regarding the cardinal laws passed by the diet of 1767/1768.

The *Tableau* and other writings of Wielhorski supplied to Rousseau did not set out the political and constitutional ideology of Sarmatian republicanism, but they did contain some of its elements. The most important of these was the treatment of 'liberty' as the highest good and the principal criterion for evaluating governmental institutions, together with the conviction that this liberty was permanently under threat. In accordance with the Polish republican tradition Wielhorski did not so much show the problem of how the given state institutions functioned and carried out specified tasks, but instead presented the question of how effectively they guaranteed the inviolability of rights and freedom.³² Parallel to this approach was his assessment of those

³¹ The first sentence of the *Tableau* reads: 'Dans le tableau actuel du gouvernement de Pologne je ne veux point comprendre les loix faites à la dernière diète de Varsovie, ayant été établis par la force, elles sont nulles de plain droit et doivent être déclarées telles sauf à prendre ce qu'il y a de bon pour les rendre légales'. It is clear therefore that Wielhorski considered the laws of the diet of 1767/1768 illegal, but in the *Tableau* he passed over all the legislation passed since the convocation diet of 1764 in silence. So, for example, he regarded the Radom Tribunal [which had before 1764 heard cases related to the treasury – translator's note] as existent. Wielhorski, who had himself been an envoy to the diet of 1766, avoided an explicit statement on the illegality of all the diets after the death of Augustus III. Therefore, in another place in the *Tableau* he wrote evasively: 'Les dernières diètes ont fait plusieurs changements dans l'administration de la justice et il faut convenir qu'il y en a quelques uns qui sont utiles, mais comme tous les loix de cette assemblee illegal (referring apparently to only one diet) doivent être déclarées nulles, nous ne parlons que de ce qui se pratiquoit avant 1764'.

³² And so in the introduction to the *Tableau*, when setting out the principles of the functioning of the highest organs of state, he characterized them as 'Précautions [...] pour maintenir la constitution de l'Etat et la liberté publique'.

who held various offices and functions in the state, and indeed the citizens themselves, not so much according to their capacity to carry out their tasks or the effectiveness of their activity, as from the point of view of their respecting particular moral and ideological principles. Therefore, the greatest evil was considered ‘corruption’, which constantly threatened dignitaries of state and the mass of citizens alike, while the worst consequence of ‘corruption’ was failure to obey the law and the betrayal of ‘liberty’. The antithesis of ‘corruption’, and the necessary, and almost sufficient condition for the proper fulfilment of the duties of an official and a citizen, was ‘virtue’, which expressed itself above all in respect for the laws and attachment to ‘freedom’. The concept of virtue, in the meaning of civic qualities above all, constituted the *locus communis* taken from the classical tradition, mainly that of ancient Rome. In some of his formulations, though, Wielhorski revealed the influence of his having read some French writers of the Enlightenment, who drew on the same tradition.³³

He presented the deliberations of the diet as a clash between the ‘royal’ and the ‘national’ parties. The latter’s representatives ‘soutiennent les droits de la liberté’. The division of executive power among different, mutually independent organs was intended to ‘maintenir la liberté contre les entreprises du trône’. Confederations are salutary, because they have saved the ‘freedom of the nation’. Senate Councils should have their membership extended to representatives of the ‘equestrian order’ because this is required by the ‘interests of freedom’. In his *Observations sur la seconde conférence*, when defending the extensive prerogatives of the hetmans, treasurers and marshals he treated as a sufficient argument that ‘Il n’y a pas eu jusqu’ici d’exemples que ces magistrats aient attenté à la liberté’. He did, however, believe that these offices, ‘ces magistratures qui peuvent faire le plus d’ombrage à la liberté’, should be filled by the dietines and the diet.

³³ The meaning of the concept of ‘virtue’ in Antiquity and for Montesquieu is recalled by Jean Cousin, ‘Jean-Jacques Rousseau interprète des institutions romaines’, in: *Études sur le Contrat Social*, Paris, 1964, pp. 14–15. Echoes can be detected in Wielhorski: ‘Il faudrait donc avant tout assurer contre toute corruption la vertu des citoyens qui fait la base d’un gouvernement républicain’ (*Observations sur la seconde conférence*). ‘Il est essentiel de substituer au ressort dangereux de l’argent, le ressort utile de la vertu, puisqu’il est constant que

In the *Tableau*, which was intended to be a point of departure for the plan to reform the Commonwealth's system of government, Wielhorski mentioned various 'abuses' which had crept into it. He also frequently informed his readers about the lack or underdevelopment of certain organs of state. So he wrote about the absence of a permanent diplomatic service and the backwardness of the military, especially its artillery and technical branches. He delivered negative evaluations of the *liberum veto*, the lack of a procedural regulation for the diet, the participation of landless nobles in dietines, and the obligation imposed by those dietines on envoys to swear oaths to follow their instructions. He did not criticize free royal elections, but in Poland's current international situation he regarded them as a fiction. When describing the senate councils, he put forward a project to expand their membership to include representatives of the 'equestrian order'. He charged the institutions of justice with slow procedures and the failure to enforce their verdicts. Among the causes of the latter problem, he believed, were the freedom to maintain private armies, and the frequent practice of taking the law into one's own hands, bypassing the courts. He noted here 'que la jurisprudence est fort ignorée en Pologne'. As remedies, he proposed the introduction into schools of the study of the law of nations and of Polish public and private law, and the raising of the standards of legal studies in the Academies of Kraków and Zamość.

la vertu est le soutien de l'état républicain' (*Observations particulières*). There are also statements connected with Polish reality: 'La distribution des graces qui est entre les mains du roi est un moyen plus puissant encore pour corrompre les citoyens [...]. Il y a peu des citoyens, qui ne soient séduits ou par l'appas des honneurs ou par celui de la fortune' (*Essai sur les mœurs*); 'L'amour de l'argent a corrompu bien des cœurs et souvent trouble l'Etat; c'est surtout pendant l'interrègne que cette vile cupidité se deploye'; 'Lorsqu'on entend quelque nonce soutenir les droits de sa liberté et sa constitution avec fermeté et sans aucun égard pour le roi [...], il gagne l'estime et la consideration générale, mais il n'est point imité pour cela. L'on dit seulement qu'il n'a rien à pretender parcequ'il jouit d'une fortune honnête' (*Tableau*).

Among the detailed projects supplied to Rousseau, Wielhorski included a plan to organize militias at the level of the palatinate. Villages were to supply these militias with one recruit from every ten peasant farms. Besides specified military exercises, these militias would also be charged with numerous policing functions that would allow the abolition of the private armed forces which currently carried out such tasks. However, the militias attached to entails and the garrisons of private fortresses – various castles in magnate hands – would remain. Wielhorski's projects also dealt with increasing treasury revenues by new kinds of taxes: on cows and sheep, on tobacco, and stamp duty.

Wielhorski expected the greatest revenues, however, from the implementation of his plan to sell the starosties, the principal objective of which was to deprive the king of his right to distribute them. He understood starosties as all Crown estates (*królewszczyzny*) granted as *panis bene merentium*, and also including the estates (*ekonomie*) which constituted the income of the royal treasury. We know from other texts he addressed to Mably that he proposed to take them away from the king, compensating him with a civil list. It is not necessary to describe Wielhorski's lengthy plan in detail here, but it should be noted that its principle was the sale of Crown estates for a price equivalent to twelve years of the income they provided to their possessors. This was estimated at 144 million zlotys. Interest from this capital would go to cover various demands on the treasury, but to a significant extent to reward the 'meritorious'. These 'merits' would be decided not by the king, but the diet, following the recommendations of the dietines. The capital was to be used to establish a bank and various 'useful enterprises', including 'academies and universities', joint-stock companies, mines, granaries, and warehouses for various goods. These ideas – in the tone of Enlightenment *projétomanie*, also contained something more Sarmatian. The proposed bank, according to Wielhorski, should make loans not only to merchants, but also to 'meritorious'

persons named by the diet. Among the arguments for selling off the starosties made by Wielhorski were their poor management by possessors for life, and the neglect by those starostas charged with court jurisdiction of their duties. The latter would be replaced after the reform by judges elected by the nobility. But only *salvis modernis possessoribus*.

Wielhorski's criticism in the *Tableau* also encompassed the organization and functioning of the Catholic Church in Poland, the excessive rights of the Roman Curia and papal nuncios, the surplus wealth of the higher clergy and the religious orders, the poverty of the parish clergy, as well as the enormous size of dioceses which prevented their proper administration. Nor did he omit the social structure of the Commonwealth. He regarded the extreme differences in wealth among the nobility, and the resulting dependent relationships between patrons and clients, despite their formal equality and fraternity, as something highly undesirable in itself, and as a serious obstacle to his intended reform. As a *laudator temporis acti*, he believed that this inequality and the consequent dependence of the poor on the rich had once been moderated by supposedly dominant patriarchal relations, and by the shared and identical upbringing of noble youth. Since the establishment of élite boarding schools, the gulf between lords (*seigneurs*) and ordinary nobles had deepened because of the differences in their education; noble families were often unable to afford to send their sons even to the public schools, whose standards had in any case declined because of the loss of pupils from the higher strata of the nobility. The lords were no longer used 'de vivre avec la noblesse', while the nobility had become susceptible to bribery as the former strict morals disappeared, and imported 'luxury' spread. Since then 'intérêt vil et indigne du nom de noble' had formed the bond between the nobility and the lords.

Wielhorski underlined the divide between 'lords and nobles' even more strongly in his *Essai sur les mœurs*: 'On peut regarder

la Pologne comme divisée en deux nations dont les principes et les mœurs diffèrent essentiellement. Tout ce qu'il y a de grand dans le pays forme une nation à part et la noblesse ordinaire forme l'autre'. At least as much as in the *Tableau*, he attributed the cause of the divide to the different education of magnate and noble youth. The first had acquired a taste for foreign education: 'Et dès lors l'habillement, la connaissance des langues, celle des usages des autres pays ont diversifié nos mœurs et on[t] apporté quelque changement au caractère d'une partie de la nation. Dès lors l'amour de la liberté s'est rallanti, le luxe guerrier s'est transformé en un luxe bien plus nuisible à l'Etat. Dès lors enfin nous avons exclu quelques vertus que les vices étrangers ont remplacées. Le gros de la nation est très prévenu contre l'éducation ainsi que contre les mœurs étrangères et en général contre ceux qui en répandent les maximes et qui affectent de s'y conformer dans leur manière de vivre'. However, Wielhorski spoke with an apologetic voice in the *Essai*. He stated that all differences within the noble estate were in the last resort overcome by 'righteousness and love of the fatherland'. He was also inclined to idealize the role played in this respect by the dietines. 'L'assemblée de la noblesse en diétines – he wrote – les met tous au niveau; et c'est là que la noblesse la plus pauvre reproche aux grands sans aucun égard ni à la fortune, ni aux charges, ni aux dignités tout ce dont elle a à se plaindre. C'est là où s'appaisent les procès et les injures faites aux plus faibles. C'est là enfin où la probité et l'amour pour la patrie paroissent dans tout leur éclat'. In this way the blackmailing and bargaining at the dietines were transformed into what Rousseau wished to see: an image of a society of free men practising republican virtue and patriotism. In the *Essai* Wielhorski presented the submissive dependence of the nobility on magnate factions more realistically, albeit also in an embellished and indulgent fashion. He explained it by the Poles' innate sense of gratitude. 'L'excès de cette vertu – he argued – devient souvent une vice'.

The final parts of the *Tableau*, devoted to the unprivileged estates, showed relatively fewer apologetic tendencies. It must be conceded that Wielhorski made a considerable effort to meet the expectations of his addressees, whose views on the social situation in Poland he could well imagine. The very inclusion of the subject in the *Tableau* is evidence of this, since it is absent from his later treatise *On the Restoration of the Former Government*. Without doubt Wielhorski knew the conventional critical opinions about the situation of peasants in Poland, and so he wrote: 'Comme l'on se fait toujours une idée affreuse de l'esclavage, il sembleroit que l'état de paysan est déplorable chez nous'. He presented himself as an enlightened man, and so as a principled supporter of the abolition of this 'slavery', declaring that 'la religion, la raison, la politique, l'intérêt général et particulier devoient engager la Republique à abolir la servitude'. At the same time, however, adopting the position of a realist who knew the actual situation in Poland, he tried to show the French theorists all of the difficulty, or even the impossibility of reform. This was because Polish peasants were 'drunks, idlers and layabouts, but also insolent'. Blindly attached to relations that had existed for centuries and suspicious of all novelties, they were incapable of 'se former une juste idée des douceurs de la liberté', preferred serfdom and the *corvée* to the 'freedom' under which they would have to fend for themselves. And so, wrote Wielhorski, 'on a vû des exemples que plusieurs seigneurs voulant affranchir leurs serfs et les dispenser de corvées à condition de payer quelque redevances, et qu'alors ils seroient maîtres absolus de disposer de leur bien, les paysans n'ont point accepté ces offres'.

In his description of the current situation of the peasants Wielhorski admitted that on noble estates the owners had complete power over them; that they could deprive them of the land they farmed, or increase labour dues and payments in kind; that there was no court before which a peasant could seek justice against his lord. At the same time, however, Wielhorski stated

that the extent of services was regulated by deep-rooted customs, and that there was a proportion between the quantity and quality of land attached to the peasant household and the extent of the dues. In practice it was impossible for a lord to treat peasant property in an arbitrary manner, because he would encounter the resistance of the whole village, and in general it was in his interest to maintain the peasant's property, and so avoid overburdening him with labour services and other dues. It was only possible to seek an escaped peasant through the courts and required the presentation of suitable sworn evidence, and so the fear of perjury meant that few lords sought to recover peasants who had fled. In the *Essai sur les mœurs* he rejected the view that lords had the right of life and death over their serfs and claimed that in criminal cases they usually handed them over to public courts. He also drew attention in the *Essai* to the fact that nobles' serfs were freed from all state burdens, which of course meant much to a French reader. As for peasants from Crown estates, Wielhorski claimed that they were personally free, while admitting that they were oppressed, which caused a constant deterioration of the economic condition of the estates (this reflected his goal of a fundamental reform of the situation of these properties). As a result, Wielhorski limited his specific plans for reform to the establishment, in the name of humanity, of vaguely described courts, before which peasants could summon their lords to answer for injuries done to them. However, if the Commonwealth were to consider the granting of freedom to peasants as beneficial, then it would need to pass a law permitting owners to implement this reform, but only with regard to peasants who farmed the land well. 'Il me paroît – wrote Wielhorski – que de cette manière on parviendroit peu à peu à la parfaite culture des terres et à affranchir les paysans sans courir aucun risque de révolte'.

Wielhorski paid less attention to burghers. He stated that they were excluded from the legislative power, except for the cities

of Royal Prussia, but they possessed autonomous courts (even in privately owned towns) and in their disputes with the starostas they could summon the latter before assessors' courts. He recalled the particular privilege of the burghers of Kraków: the right to wear sabres, possess landed estates ('des terres nobles') and priority for ennoblement. As a supporter of the reform of the starosties he did not conceal the violation of urban privileges by starostas, or that legal cases against them proved fruitless. He also favoured the inclusion of burghers among the judges of assessors' courts.

While in social questions Wielhorski sought to distance himself from Sarmatian backwardness, he made no concessions at all to the *siècle des lumières* in matters of religious toleration. While he claimed in the *Tableau* that nobody in Poland was persecuted for their religion, he also claimed that only in Royal Prussia did Protestants have a legally guaranteed freedom of worship and that only Catholic nobles could hold office. He substantiated these claims only for the office of senator, by citing statutes dating from before the middle of the sixteenth century. He resorted to a similar ruse in the commentary on Pfeffel, where the latter wrote of the great expansion of the Reformation in Poland, of the tenure by Protestants of the highest dignities of state, and of the closure of offices to the dissident nobility only by the laws of 1717, 1733 and 1736. Wielhorski took the stand that various statutes against heretics from the fifteenth and the first half of the sixteenth century had never been repealed, and in 1573 had only been 'tempered' with regard to criminal sanctions, while the holding of offices by non-Catholics was an 'abus', and the laws of 1717, 1733 and 1736 had merely restored the former state of affairs, which had formally always been legally binding.³⁴

³⁴ [Christian Pfeffel], *Etat de Pologne, avec un abrégé de son droit public et les nouvelles constitutions*, Amsterdam, 1770, copy in the Bibliothèque Nationale in Paris, Réserve M ¹³⁴⁵/₂ with Wielhorski's comments entered by his secretary, Dagues de Clairfontaine. His comment on *Articles IV Des Protestans* is on p. 69.

2. A Vision of Poland

The information and suggestions provided by Wielhorski constituted the substratum of the contents of the *Considérations*, but they were fully processed by Rousseau according to his own concepts. This processing was however made possible by ideological affinity and even 'kinship' (albeit a distant one deriving from their both having absorbed certain stereotypes from the classics) between the Polish traditionalist and republican, and the author of the *Contrat Social*. Another (hypothetical) informant, more critically disposed towards the Polish reality of the time, which was dismissed in Enlightenment Europe as an example of backward social structure and the fatal consequences of an excessive liberty, which had degenerated into anarchy, who propagated the transformation of the Sarmatian Commonwealth according to a European model, could only have supplied arguments against those concepts. Rousseau's conceptual world not only determined the plans spun in the *Considérations* for transformations and reforms, but above all shaped his vision of the current state of Poland and the Poles.

Rousseau was characterized by an aversion to existing reality, in place of which he preferred to create beautified and simplified visions of relations between people, fitted to his own ideals.¹

¹ 'J'ai pris en mépris mon siècle et mes contemporains; et sentant que je ne trouverois point au milieu d'eux une situation qui pût contenter mon cœur, je l'ai peu à peu détaché de la société des hommes, et je m'en suis fait une autre dans mon imagination, laquelle m'a d'autant plus charmé, que je la pouvois cultiver sans peine, sans risque, et la trouver toujours sûre et telle qu'il me la falloit'. Thus did Rousseau characterize himself in a letter to Malesherbes on 12 January 1762: *Quatre lettres à M. le Président de Malesherbes*, OC, vol. i, p. 1135, quoted by Bronisław Baczko,

He shared this trait with many exceptional ideologues. After all, he idealized and adapted to his own concepts the picture of the constitution and social and political relations in his native Geneva, about which he knew far more than about Poland. Above all, he did so in the dedication of the *Discours sur l'origine et les fondements de l'inégalité*, in the *Lettre à d'Alembert*, but only partly in the *Lettres écrites de la montagne*.² When he was writing the latter, he had incomparably more knowledge than when he was composing the previous two works. For this and other reasons, in the *Lettres écrites de la montagne* the picture of the system of government and the current state of affairs in Geneva was far more realistic. In order, however, to remain faithful to his doctrinal assumptions of 'sovereign power', 'government' and the 'general will', he adapted to them a vision of the Genevan past. He made the original form of government a model to which the Genevans should return, liquidating

Rousseau. *Samotność i wspólnota*, Warsaw, 1964, p. 275. On the role of the imagination for Rousseau, see Jean Starobinski, *L'Œil vivant*, Paris, 1971, pp. 124–136.

² 'Ce qu'il trouvait parfait en réalité ce n'était pas la constitution, mais sa propre conception de la constitution, et cette conception était fautive. Il mettait tout simplement son propre idéal à la place de la constitution [...]. Cette idéal, Rousseau le louera après sa condamnation (that is, after the condemnation in 1762 by the Genevan authorities of *Emile* and the *Contrat Social*) en l'appellant la constitution telle, qu'elle devrait être: à ce moment-là il n'identifiera plus avec la constitution telle qu'elle existait'; 'Loin de Genève, hors de portée de son influence, Rousseau s'est fait une conception de la vie, de la vertu qui lui est propre [...]. Il s'est fait un idéal de la vie simple, vertueuse, spartiate, l'antithèse de la civilisation parisienne. Ensuite il s'est retourné en esprit vers Genève, et il croit y trouver la réalisation de son idéal. On ne trouve donc pas dans la *Lettre à d'Alembert* une peinture de Genève; on y trouve une peinture de l'idéal de Rousseau', John Stephenson Spink, *Jean-Jacques Rousseau et Genève*, Paris, 1934, pp. 39, 44. See also *ibid.*, p. 89; Robert Dera-thé, *Jean-Jacques Rousseau et la science politique de son temps*, Paris, 1950, pp. 9–22; the introduction of Jean-Daniel Candaux to the edition of *Lettres écrites de la montagne*, OC, vol. iii, pp. CLXXXIII–CLXXXV.

the distortions which had arisen during the city's historical development. He also retained an idealized picture of the citizens of Geneva, the bourgeoisie forming 'l'ordre moyen entre les riches et les pauvres, entre les chefs de l'Etat et la populace'. Rousseau tried to assemble genuine information about Le Valais, and made use of some of it; as a result, however, the idyllic picture of this canton in the *Nouvelle Héloïse* was intended to fulfil the role of a contrast with other European countries, and as Michel Launay put it, to 'servir de prototype à toutes les autres images d'une société selon le cœur de l'auteur'.³ Rousseau did not feel the need to verify his idealized and also quite simplistic and bombastic picture of the societies of Antiquity, especially his beloved Sparta and the Roman Republic.⁴

In the *Contrat Social* he did argue: 'nous n'avons nuls monuments bien assurés des premiers tems de Rome; il y a même grande apparence que la plupart des choses qu'on en débite sont des fables'.⁵ However, this in no way stopped him from creating images from those fabled facts which confirmed his own *a priori*

³ Candaux's introduction, OC, vol. iii, pp. CLXXXVII–CXC, CXCIII–CXCVIII and 889; Michel Launay, *Jean-Jacques Rousseau écrivain politique*, Grenoble, 1971, pp. 279–281.

⁴ Cf. Jean Starobinski, *L'Invention de la liberté*, Geneva, 1954, pp. 103–104; Cousin, 'Jean-Jacques Rousseau', pp. 13–14, 'On ne peut exiger de Jean-Jacques que, devant l'histoire romaine il se place dans une attitude scientifique. Cependant, on ne peut nier non plus qu'il n'ait prétendu apporter à ses lecteurs des éléments de certitude sur les réalités romaines de l'Antiquité [...]. La fonction de l'image de Rome, dans le Livre IV du *Contrat Social*, comme celle des images du Valais, de Genève et du mythique "Clarens", est d'offrir à la réflexion un moyen terme entre les règles du droit (règles de bois, rigides mais capables de juger le réel) et ce réel, qui n'est jamais tout fait, qui est à faire (qu'il s'agisse des temps passés qu'il faut ressusciter grâce à des conjectures, ou, surtout, des temps présents et à venir, qu'il faut orienter selon les exigences de liberté et de justice)'; Launay, *Jean-Jacques Rousseau*, p. 444.

⁵ OC, vol. iii, p. 444.

imagination of the mechanisms of socio-political phenomena, and which justified his evaluations of those phenomena based on his own specific preferences. He often repeated, as many of his contemporaries also did, *loci communes* hailing from classical rhetoric, which were, in Jean Cousin's words, 'des sortes de slogans plutôt, que de preuves historiques de valeur universelle'.⁶ In the chapter of the *Considérations* titled *Esprit des anciennes institutions*, he indignantly rejected, as a sign of the weakness of the moderns, all doubts as to the extraordinary character of the Ancients.⁷ He believed in what he wanted to believe, and in any case it was not the truth in history that interested him, but the moral overtones and didactic examples. In *Emile* he wrote: 'Les anciens historiens sont remplis de vues dont on pourroit faire usage, quand même les faits qui les présentent seroient faux. Mais nous ne savons tirer aucun vrai parti de l'histoire; la critique d'érudition absorbe tout: comme s'il importoit beaucoup qu'un fait fût vrai, pourvu qu'on en pût tirer une instruction utile. Les hommes sensés doivent regarder l'histoire comme un tissu de fables dont la morale est très-appropriée au cœur humain'.⁸

On the one hand Rousseau was an advocate of basing the knowledge of society and of man on observed facts, and he did cite facts in his treatises. On the other hand, like very many of his contemporaries, he eagerly and credulously accepted information about supposed facts, when they fitted his notions and could be used to support his arguments. So he even believed in information about children brought up by wolves and bears, and about people with tails (following Buffon in this case).⁹ Rousseau's real passion was in formulating generalizing judgments and

⁶ Cousin, 'Jean-Jacques Rousseau', p. 18.

⁷ OC, vol. iii, p. 956.

⁸ Quoted after the note of Robert Derathé in the edition of Rousseau's *Fragments politiques*, OC, vol. iii, pp. 1537–1538.

⁹ Jean Morel, 'Recherches sur les sources du Discours d'inégalité', *Annales de la Société Jean-Jacques Rousseau*, 5, 1909, pp. 132–133, 149, 184–185.

creating schematic visions and ideal systems,¹⁰ not in the critical pursuit of truth about some specific reality. This derived both from his own mindset and the mental climate of the age. The author of the *Discours sur l'origine... d'inégalité* condemned the world around him, in which he saw 'un assemblage d'hommes artificiels', in which 'tout se réduisant aux apparences, tout devient factice et joué; honneur, amitié, vertu'.¹¹ He pessimistically (and often perspicuously) assessed the contradictions and insoluble problems in existing social relations. In opposition to them he set up model schemes of near-ideal societies,¹² such as Sparta, Geneva or the fictional Clarens, whose most characteristic quality was their artificiality,¹³ and Rousseau's exalted paeans about their moral values and harmonious functioning appear to be just a smokescreen. Frequently profound analysis, a capacity for discerning the negative sides of the real world, ingenuity in challenging established opinion, and a critical attitude to the surrounding reality all went hand in hand with a predilection for simplistic, ultra-positive models. In creating them he so often employed stereotypes, moralizing rhetoric and declamatory

¹⁰ 'Überhaupt bleibt Rousseau [...] immer auf dem Gebiet der Prinzipien. Seine Bürger und Magistrate sind schemenhaft', J.L. Talmon, *Die Ursprünge der totalitären Demokratie*, Köln, 1961, p. 252 [English original: *The Origins of Totalitarian Democracy*, London, 1952].

¹¹ *OC*, vol. iii, pp. 192–193 [originally quoted in Polish after Jean-Jacques Rousseau, *Trzy rozprawy z filozofii społecznej*, trans. H. Elzenberg, Warsaw, 1956, pp. 228–229].

¹² Cf. Charles Eisenmann, 'La Cité de Jean-Jacques Rousseau', in: *Etudes sur le Contrat Social*, p. 201. 'Cet extraordinaire dualisme de l'idéaliste extrême, impénitent, passionné, et du réaliste douloureux, déchiré de sa clairvoyance – qui est un des traits les plus marquants et les plus attachants de la personnalité de l'étonnant génie'.

¹³ About Clarens, see Lester C. Crocker, 'Rousseau et la voie au totalitarisme', in: *Rousseau et la philosophie politique (Annales de philosophie politique V)*, Paris, 1965, pp. 123–128; Jean Starobinski, *Jean-Jacques Rousseau. La transparence et l'obstacle*, Paris, 1971, p. 125.

enthusiasm. The use of these models as contrasts sometimes resulted in an impoverished depiction of reality, as the whiteness of the ideal created the impression of greyness or blackness. At the same time Rousseau, an individualist full of complexes and fears, a hypochondriac and misanthrope, but also a subtle analyst, and especially a self-analyst of the psyche, became intoxicated by his imagination of the collective life of a people with a uniform mentality, who enjoyed *sanam mentem in corpore sano*, always rejoicing and exulting in that life.¹⁴

After recalling Rousseau's characteristic qualities and intellectual traits, it is easier to understand the composition of the *Considérations*. They originated in a vision of an idealized Poland, for which Wielhorski provided sufficient material. Among the factors which contributed to the formation of this vision, the first was the idealized image of the confederates of Bar as heroic patriots fighting for liberty against foreign violence and domestic treason suggested by official French propaganda, whose eloquent representative was Claude-Carloman de Rulhière. The future author of the *Histoire de l'anarchie de la Pologne* was at this time still in close contact with Rousseau. The acceptance of this optimistic image of the Confederation of Bar was made easier by the fact that the opposite view was propagated by people, such as Voltaire and Grimm, who took pride of place among the enemies of the author of the *Considérations* – who was already suffering from a mania of being persecuted. Contact with Wielhorski, who managed the difficult feat of gaining Rousseau's trust, undoubtedly helped to strengthen the latter's favourable disposition towards the confederates, and towards the Polish cause which they represented. Requests to give counsel for Poland, as well as the accompanying admission that Mably had not met expectations,

¹⁴ Talmon probably goes too far about Rousseau: 'Das Geheimnis dieser zwiespältigen Persönlichkeit ist, dass der disziplinierte Mensch der neidische Traum des gequälten Paranoikers war', Talmon, *Die Ursprünge*, p. 35.

must have flattered Rousseau's ambitions.¹⁵ After all, they opened up the prospect of playing, at least in part, the role of legislator, which he valued so extraordinarily highly. He would also have the chance to demonstrate that his theories could be applied in practice. The analogous task which he had so gladly undertaken for the Corsicans¹⁶ had come to nothing after France annexed the island. The Polish proposition must have aroused a similarly favourable response, although Rousseau would later claim that he only yielded to Wielhorski's requests and pleas. A certain additional incentive to accept the commission could have been regard for Choiseul, to whose favour Rousseau was not indifferent.

All these factors contributed to Rousseau's change of mind; when he was writing the *Contrat Social* he had claimed that only Corsica was 'un pays capable de législation', but he now allowed for the same quality in Poland. 'La valeur et la constance avec laquelle ce brave people a su recouvrer et defendre sa liberté, mériteroit bien que quelque home sage lui apprit à la conserver', he had written about the Corsicans.¹⁷ He now discerned the same enthusiasm and determination in defence of freedom in the Poles. He compared their heroic love of their fatherland to that of the Romans, and he considered them the closest nation to the ancient models, from which other European nations had so decidedly and irrevocably departed.¹⁸

¹⁵ Rousseau was badly disposed towards Mably at this time, in part as a literary rival. He regarded Mably's work *Entretiens de Phocion* as a shameless compilation of his own work. 'Je crois – he wrote of Mably – qu'il ne m'a pardonné ni le *Contrat social*, trop au dessus de ses forces, ni la *Paix perpetuelle...*', *Confessions*, OC, vol. i, p. 621. See also Fabre's introduction to the *Considérations*, OC, vol. iii, p. CCXXXVI.

¹⁶ Sven Stelling-Michaud, introduction to the *Projet de constitution pour la Corse*, OC, vol. iii, pp. CCII–CCIII.

¹⁷ *Ibid.*, p. 391.

¹⁸ *Ibid.*, pp. 954, 959. Rousseau did not, however, pick up the motif, fairly popular in the Polish republican tradition, of the alleged similarity of the Polish and Roman institutions of government. This had been conveyed to

It was not only the current stance of the Corsican people that was decisive for their being 'le plus heureusement disposé par la nature pour recevoir une bonne administration'.¹⁹ There was also a whole range of positive factors: the simplicity of the socio-economic structure, the low degree of civilizational development, and the island location which protected them from foreign influences and facilitating the emergence of original national customs.

The author of the *Contrat Social* was ill at ease with the complex problems of developed countries, with their vigorous and complicated economic life and equally complicated and hierarchical social structures, elaborate state mechanisms, active international relations and refined civilization. The state and social organisms of his own time provoked his decided aversion and moral condemnation, as the source of the demoralization of humanity. He regarded them as doomed for extinction, as he did not believe they could be corrected and he did not wish to involve himself in any such attempt. Instead he directed his interest and sympathy to somewhat legendary (or in his view akin to legendary) states and societies with straightforward structures, which could therefore have forms of government which were both just and capable of fulfilling their basic task: to make people 'virtuous'. He considered some ancient republics to be such, as we know, believing in the reality of their bombastic images. In later periods he recognized some small European societies, such as the Swiss cantons and above all his native Geneva. In one of his later writings he described the destiny of the model given in the *Contrat Social* thus: 'Son objet ne pouvoit être de ramener les peuples nombreux, ni les grands Etats à leur première simplicité,

him by Wielhorski in his *Essai sur les mœurs*, albeit cautiously by citing the opinion of a contemporary French geographer: 'On remarque en général, suivant Nicole de la Croix, un grand rapport entre la république Polonoise et celle des Romains'.

¹⁹ OC, vol. iii, p. 901.

mais seulement d'arrêter, s'il étoit possible, le progrès de ceux dont la petitesse et la situation les ont préservés d'une marche aussi rapide vers la perfection de la société, et vers les détérioration de l'espèce'.²⁰ Among these societies he was not inclined to count such contemporary republics as Venice and Genoa, while, as is well known, he disapproved of the English constitutional monarchy and forecast its imminent collapse.²¹

The liberal constitutional concepts of England were after all essentially opposed to Rousseau's own. He expressed his growing hostility to England²² on numerous pages of the *Considérations*, especially in the chapter *Moyens de maintenir la constitution*. The English Parliament was mentioned there as the personification of corruption. Because of its long term and the unlimited mandate of its members it was placed lower than the Polish diet.²³ Here Rousseau was close (although he did not know it, since Wielhorski did not raise the subject) to the Sarmatian republican aversion to British parliamentarianism,²⁴ and opposed (equally unconsciously of course) to the main advocates of reform in Poland, who shared the general Enlightenment admiration for the English constitution. At almost the same time when Rousseau (in 1760) claimed that the English would soon lose 'le reste de sa liberté', or that it was only in their stupidity that they believed

²⁰ Quoted after Derathé's introduction to the *Contrat Social*, OC, vol. iii, p. XCVII.

²¹ See Fabre's commentary, OC, vol. iii, p. 1743, and Derathé, *Jean-Jacques Rousseau et la science politique*, pp. 22–23.

²² On Rousseau's fairly ephemeral 'Anglomaniya', see the debatable comments of Albert Schinz, *La Pensée de Jean-Jacques Rousseau*, Paris, 1929, pp. 326–332, 339–341. Equally debatable is Launay's claim that Rousseau's apparently positive attitude to the English model was a conscious tactic intended to facilitate his critique of 'noble and monarchical prejudices', Launay, *Jean-Jacques Rousseau*, p. 288.

²³ OC, vol. iii, pp. 979, 984, 992, 1008.

²⁴ See, e.g., Władysław Konopczyński, *Liberum veto*, Kraków, 1918, pp. 343, 377.

that they retained it,²⁵ Stanisław Konarski assured Poles (in 1763) that England is ‘a free and perfect Commonwealth’ and countered the supposition that its parliament was dependent on the king.²⁶ This difference of opinion would in later years change into a dispute between the supporters of the English model of constitutional monarchy and some Polish Rousseauists who vigorously rejected the model.²⁷

In accepting Wielhorski’s offer Rousseau likewise counted Poland among the small group of select societies which had the chance of avoiding the catastrophe towards which others were rapidly and inevitably moving.²⁸ Of course, according to Rousseau’s assumptions this would only be the postponement of the catastrophe for as long as possible, because sooner or later every state organism must succumb. The best proof of this was the fate of even such ideal constructions as Sparta and the Roman republic.²⁹ Given the pessimistic evaluation of European states and societies, the recognition of such a possibility of halting the process of deterioration was already an enormous distinction. The question arises, therefore, of how Poland, in Rousseau’s eyes, deserved it, especially as when he was writing the *Contrat Social* he admitted only Corsica. At this time all he had to say about Poland was that it had a kind of mixed form of government,

²⁵ *OC*, vol. iii, pp. 573, 1547.

²⁶ Jerzy Michalski, ‘Stanisław Konarski wobec sarmatyzmu i problemu europeizacji Polski’, in: *Polska w świecie*, ed. Jerzy Dowiat, Warsaw, 1972, p. 283.

²⁷ Id., ‘Sarmatyzm a europeizacja Polski w XVIII w.’, in: *Swojskość i cudzoziemskość w dziejach kultury polskiej*, ed. Zofia Stefanowska, Warsaw, 1973, pp. 166–167.

²⁸ *OC*, vol. iii, p. 954.

²⁹ He expressed this with particular force in chapter 11 of Book III of the *Contrat Social* (*OC*, vol. iii, p. 424). See also Iring Fetscher, ‘Rousseau, auteur d’intention conservatrice et d’action révolutionnaire’, in: *Rousseau et la philosophie politique*, pp. 52–56; Bronisław Baczko, *Rousseau, samotność i wspólnota*, Warsaw, 1964; Roger Payot, *Essence et temporalité chez Jean-Jacques Rousseau*, Lille, 1973, pp. 107, 118.

that is to say that the executive power was divided among several organs, while, as he wrote, 'l'autorité de chaque partie est indépendante mais imparfaite'. He regarded this quality as negative, 'parce qu'il n'y a point d'unité dans le Gouvernement et que l'Etat manque de liaison'. In his opinion the 'mixed form' of government in England was better, because there, 'les parties constitutives sont dans une dépendance mutuelle'.³⁰ Soon afterwards in the *Lettres écrites de la montagne* he expressed himself equally unflatteringly about the Polish system of government. Stating that in Poland a complete downfall of the executive power had occurred (in contrast to Geneva where it dominated the legislative power), he wrote: 'La constitution de la République de Pologne n'est bonne pour un gouvernement où il n'y a plus rien à faire'.³¹

It appears that the change in his evaluation of Poland (in general terms, because Rousseau did not change his views on the executive power in Poland)³² was affected by subjective factors: sympathy for a struggling nation and Rousseau's legislative and authorial ambitions. His appetite whetted, he now discerned positive elements in Poland's form of government and socio-economic

³⁰ OC, vol. iii, p. 413.

³¹ Ibid., p. 816. See also Fabre, 'Réalité et utopie', p. 122. I assume, in line with Fabre's interpretation, that Rousseau used the word 'gouvernement' here as a synonym for the executive power. It is known that Rousseau did most to confer upon the word just such a meaning. On this, see Derathé, *Jean-Jacques Rousseau et la science politique*, pp. 385–386. However, Rousseau also used the word 'gouvernement' in its traditional meaning as comprehending the entirety of power in the state. The use of this word in the title of the *Considérations* (not noted by Derathé) bears witness to this.

³² Fabre rightly emphasized this, but much less convincing is his supposition that Rousseau had long since, especially since his polemic with Stanisław Leszczyński, been interested in Poland, which he already saw as 'un des états d'Europe, qui par l'origine et la nature de leurs institutions se rapprochent le plus des normes posées dans le *Contrat Social*' (id., 'Réalité et utopie', pp. 121–122).

structure, and in the customs and character of the Poles themselves, which, in his view, enabled legislative activity to restart. Several such positive elements can be mentioned, noting at the outset that Rousseau showed a clear tendency to exaggerate them, and to play down factors which could play a negative role. This exaggeration was also the result of putting the information provided by Wielhorski into his own mental categories and applying his own criteria and values to the phenomena of Polish life which he discovered in Wielhorski's material. This was linked to his completely conscious intention to ground and build up these positive elements in the reformed Polish reality.

Rousseau himself fore-grounded a factor which can be described as the particular spiritual and moral energy of the Poles, and their attachment to and heroic defence of liberty. In the first chapter of the *Considérations* he wrote in rapture: 'La Pologne, cette region dépeuplée, dévastée, opprimée, ouverte à ses agresseurs, au fort de ses malheurs et de son anarchie, montre encore tout le feu de la jeunesse; elle ose demander un gouvernement et des loix, comme si elle ne faisoit que de naitre. Elle est dans les fers et discute les moyens de se conserver libre! Elle sent en elle cette force que celle de la tyrannie ne peut subjuguier [...] Braves Polonois, [...] Vous aimez la liberté, vous en êtes dignes, vous l'avez défendue contre un agresseur puissant'.³³ In the theses which followed he would more than once refer to this spiritual energy of the Poles which distinguished them from other European nations.³⁴ This was the original thought of the author

³³ OC, vol. iii, p. 954. Rousseau ardently praised peoples who defended their freedom at all costs in his *Discours sur l'origine*, *ibid.*, pp. 181–182.

³⁴ 'Dans un Etat tel que la Pologne, où les ames ont encore un grand ressort'; 'L'indifférence des modernes sur tous les objets moraux et sur tout ce qui peut donner du ressort aux âmes, leur fera sans doute regarder l'idée de rétablir cet usage [...] comme une folie et ce n'est pas à des François, surtout à des philosophes que je voudrois tenter de la faire adopter, mais je crois qu'on peut la proposer à des Polonois', *ibid.*, pp. 997, 1034.

of the *Considérations* and Wielhorski had not even whispered anything of the sort. It was also because in this field judgments were not susceptible to objective verification and the imagination had the most freedom to roam. This supposition was essential, because, according to Rousseau, only those people ‘was fit for legislation’, in the understanding of the *Contrat Social*, that is basing their existence on laws deriving from the ‘general will’, which were prepared psychologically, but still in their ‘youth’ and possessed spiritual energy and desired freedom. ‘Old’ peoples, or those who were not yet mature, and especially those who had lost their energy and love of liberty in the long course of slavery, could not achieve that level. ‘Un peuple dans cet Etat – we read in the first version of the *Contrat Social* – n’est plus capable d’une institution saine, parce que sa volonté n’est pas moins corrompüe que sa constitution’.³⁵

³⁵ Ibid., pp. 319, 384–386, 1466. See also Baczko, *Rousseau. Samotność i wspólnota*, pp. 539–540.

3. *The Sovereign – The Legislative Power*

The same positive qualities ascribed by Rousseau to the Poles also testified to the healthy foundations of the Polish constitution. Rousseau, as we know, believed that the moral qualities of a society were decisively shaped by its form of government.¹ Indeed, his approval of the fundamental laws which had made the Poles what they were, extended to warning against impulsive attempts to improve them. He understood Wielhorski's initiative as an expression of the desire of all Polish patriots (whom he identified with the confederates of Bar) to accomplish changes and reforms, while he treated the listing in the *Tableau* of abuses as a sign of excessive criticism. 'En ce moment – he wrote in the introductory chapter of the *Considérations* – on est plus frappé des abus que des avantages. Le tems viendra, je le crains, qu'on sentira mieux ces avantages, et malheureusement ce sera quand on les aura perdus'.²

It is likely that when writing about these 'advantages' of the Polish system of government, Rousseau was thinking of two things – the sovereignty of the nation and the legislative power untrammelled by the executive power. These were fundamental values for Rousseau. As long as they were upheld, all other 'abuses' could be treated as secondary in importance. Rousseau's

¹ He expressed this in his *Discours sur l'économie politique*: 'Il est certain que les peuples sont à la longue ce que le gouvernement les fait être', *OC*, vol. iii, p. 251. See also similar statements in the *Contrat Social*, *ibid.*, pp. 383, 459, and in the *Confessions*, *OC*, vol. i, pp. 404–405, and the commentary of B. Gagnebin and M. Raymond, *ibid.*, p. 1467.

² *OC*, vol. iii, pp. 954–955. In the chapter *Vice radical* he reprised the theme: 'Ah je ne saurois trop le redire; pensez-y bien avant de toucher à vos loix, et surtout à celles qui vous firent ce que vous êtes', *ibid.*, p. 971.

stance here was close to Wielhorski's, but it was not only more clearly understood and formulated, but extremely consequential. The predominance of the 'nation' over the king, to a greater extent than before, was the highest goal of the republicans represented by Wielhorski. But the dualism of king and nation was still embedded in their legal and political thinking and they did not profess the principle of the full sovereignty of the nation. As we know, according to Rousseau the sovereignty of the nation was expressed above all in the legislative power. In the *Tableau* Wielhorski repeated the traditional formula that in Poland the legislative power (which he recognized as sovereign) was shared by 'three estates' – the king, the senate and the equestrian order, assembled at the diet.³ Rousseau decisively rejected this formula. He regarded the description of the king and the senate as independent estates as pointless, because the senate was part of the equestrian order, while the king was elected by it, and could do nothing without it. If such a conception of the estates were to be accepted, then a fourth estate should – in Rousseau's opinion – be added: ministers. He thought that the term 'estate' was suitable only in regard to the division of the nation into nobles, burghers and peasants. The real sovereign in Poland was the equestrian order, that is, the entire nobility, and so the legislative power should belong to it alone. The king should be eliminated from it, while senators should participate in the legislature as members of the equestrian order, and not as a separate body – the senate.⁴

Rousseau's concept convinced Wielhorski, who gladly accepted everything that would diminish the stature and authority of the king. In his *Avertissement sur le tableau du gouvernement*

³ 'La puissance législative et la puissance exécutrice ne sont pas assez distinguées. Cependant la première qui est souveraine reside dans les trois ordres réunis en diète'.

⁴ OC, vol. iii, pp. 972–973. See Rousseau's views on analogous problems in England and Geneva, expressed in the *Lettres écrites de la montagne*, *ibid.*, pp. 823–824.

de Pologne, written in 1772, he treated the view of three estates in the Commonwealth as erroneous. He did however mention the author of the *Considérations*, but cited 'research' that had been carried out. Thanks to this research, he wrote, 'on a découvert par les anciennes loix que la souveraineté de la République reside dans la reunion des provinces, terres et districts', which meant that the sovereign was the noble nation. Because he obviously could not refer to any particular law which expressed this principle, he had to resort to the interpretation of customary constitutional norms, in which he had not previously discerned this principle. He therefore recalled that since the beginning of the Commonwealth's existence there had never been a case in which the king and the senate had rejected a bill drafted by the chamber of envoys, and he highlighted the absence of any positive law which authorized the senate to reject legislation prepared by the envoys. He understood this thus: 'On verra par les bornes prescrites à l'autorité du roi et par les obligations imposées aux senateurs qu'ils ne font qu'un corps avec le roi et que ce corps même réuni avec le roi ne peut former un ordre dans la République parce qu'il représente en quelque manière un magistrat surveillant à la manutention des loix et tenu de rendre compte de leurs deliberations aux états assemblés en diète'.⁵ As can be seen from the last words of the sentence, Wielhorski could not free himself, if not from the traditional constitutional concepts, then at least from the formulae of 'états' and 'ordres'. These were after all synonyms and were the equivalent of the Polish term 'stany'.

Wielhorski tried to deal with these difficulties in his somewhat later treatise *On the Restoration of the Former Government*. Rousseau's influence was visible here as well, although Wielhorski took care to conceal it. He assured his readers that he had himself,

⁵ AGAD, Zbiór Anny Branickiej 9. I date the *Avertissement* on the basis of its first words: 'comme il y a déjà deux ans que le *Tableau du gouvernement de Pologne* est fait'.

on the basis of his analysis of former laws and customs, become convinced that the concept of three estates was erroneous. 'According to the most commonly held supposition among us – he wrote – the sovereignty (*udzielność*) of the Commonwealth is in three assembled estates: the king, the senate and the equestrian order [...]. Perhaps I shall be thought vain or insolent that I dare to refute a supposition which is generally accepted by so many good and reasonable citizens'. However, as he composed his arguments, Wielhorski had the text of the *Considérations* in mind. A silent polemic with Rousseau was the explanation why, unlike in Sweden or England, 'citizens of diverse conditions, called estates' did not participate in the legislative power. He borrowed the argument: 'would it not be more probable to conclude, that the ministry was as much an estate of the Commonwealth as the king and the senate'? Referring to statutes and historical facts (including among them the choice of twelve palatines)^a intended to testify to the exercise of acts of sovereignty by the 'nation', citing confederations, interregna and the article *de non praestanda oboedientia*^b, he reached the conclusion, repeating the claims made in the *Avertissement*, that 'our forefathers wished to understand provinces, palatinates, lands and districts under the name of estates'.⁶

In adapting existing Polish law to his universal concept of legislative power with the help of suitable interpretations or minor

^a A reference to the legend, repeated by medieval and early modern chroniclers, that for a short period in pre-Christian times government was in the hands of twelve lords, titled palatines (*wojewodowie*), rather than a single ruler.

^b According to one of the 'Henrician Articles' drawn up in 1573 to bind the first elective monarch of the Commonwealth, Henri Valois, the nobles had the right to withdraw their obedience from the king if he defaulted on his oath to keep the articles. The circumstances and procedure by which obedience could be withdrawn were defined more precisely by a law of 1609 agreed in the settlement following a rebellion (*rokosz*) against King Sigismund III.

⁶ M. Wielhorski, *O przywróceniu dawnego rządu według pierwsiastkowych Rzeczypospolitej ustaw*, s.l., 1775, pp. 34–53.

corrections, Rousseau could not pass over another, more essential difference between them. As is well known, Rousseau believed that the entire people should be the sovereign, and so the entire people should participate in the legislative power. Therefore, limiting participation to the nobility was against the law of nature. 'On ne viole point impunément cette loi sacrée, et l'état de faiblesse, où une si grande nation se trouve réduite, est l'ouvrage de cette barbarie féodale qui fait retrancher du corps de l'Etat sa partie la plus nombreuse, et quelquefois la plus saine'.⁷ It must have been shocking for Polish readers to find the question of the unprivileged estates raised not, as the authors of various projects for reform had done, in the economic context, but in the political one – and moreover in the form of a categorical postulate of equal political rights. In this case, however, Rousseau manifested his principled stance, but did not proceed further to any specific recommendations. In the arguments that followed, he postponed the solution of the problem to the distant and indefinite future. He undoubtedly did so under the influence of his dislike of all sudden changes and fierce conflicts. He also evidently bowed to the arguments put forward by Wielhorski. The main difficulty, he believed, with 'freeing the serfs' (which would obviously be an initial step towards their participation in sovereign power) would be not so much resistance deriving from the side of 'préjugés' and the poorly understood interest of the nobility, but 'les vices et la lâcheté des serfs'.⁸

Wielhorski's view, that the serfs had no notion of the sweetness of liberty, evoked Rousseau's own view of the necessary link between 'liberty' and 'virtue', and the need to 'form citizens' through suitable upbringing.⁹ So time was needed to make serfs

⁷ OC, vol. iii, p. 973.

⁸ Ibid., p. 974.

⁹ As he put it in *Discours sur l'économie politique*: 'La patrie ne peut subsister sans la liberté, ni la liberté sans la vertu, ni la vertu sans les citoyens: vous aurez tout si vous formez des citoyens; sans cela vous n'aurez que de méchants

‘dignes de la liberté et capables de la supporter’. Choosing to believe in Wielhorski’s non-committal phrases that Poland was considering granting freedom to peasants, he made a cautionary appeal: ‘n’affranchissez leurs corps qu’après avoir affranchi leurs ames. Sans ce préliminaire, comptez que votre operation reussira mal’.¹⁰ In this way the Polish conservative extracted from the author of the *Contrat Social* an argument which for decades would serve the opponents of peasant reform.

The specific changes in the situation of peasants and burghers proposed by Rousseau partly paralleled Wielhorski’s suggestions. And so peasants and burghers were to have access to public courts, which would protect them effectively from injury by the nobility. Like Wielhorski, Rousseau did not go into detail here. He did however imagine that in this way the causes of the hatred of the lower orders towards the nobility would vanish.¹¹ Moreover, peasants who farmed and conducted themselves well would gradually be emancipated. This process of emancipation, along with the grant of land, would in time be extended to entire villages. *Comités censoriaux* – an idea bordering on fantasy – would propose candidates for emancipation to the dietines, which would make the final decision. Dietines would also compensate lords, so that emancipation would prove to be in their interest. The next step would be the grant of political rights to the emancipated peasants – they would be able to send their deputies

esclaves [...]. Or, former des citoyens n’est pas l’affaire d’un jour; et, pour les avoir hommes, il faut les instruire enfans’, *ibid.*, p. 259.

¹⁰ *Ibid.*, p. 974. It should be remembered that aside from the generalizing concepts of the *Contrat Social*, in particular cases Rousseau was ill-disposed, even hostile to the participation of the lower social strata in public life: ‘Lorsqu’il considère l’ensemble des hommes qui vivent dans un Etat, il distingue à plusieurs reprises entre *la plus vite populace* et *les hommes vraiment dignes de la liberté* parce-qu’ils n’en abusent jamais et qui sont les veritables *membres du souverain*’, Raymond Polin, ‘Le sens de l’égalité et de l’inégalité chez J.J. Rousseau’, in: *Etudes sur le Contrat Social*, p. 158.

¹¹ *OC*, vol. iii, p. 1024.

to the dietines.¹² Rousseau also thought it desirable that in future the emancipated peasants would send envoys to the diet.¹³ The ennoblement of the burghers, and even entire towns, especially ‘celles où fleuriroient davantage le commerce, l’industrie et les arts’, would occur analogously (Rousseau did not however say which institution would carry out this reform). Ennobled towns would send envoys to the diet.¹⁴

However slowly and cautiously – under the control of the nobility – the modifications projected by Rousseau were to be implemented (‘ce plan, gradué dans son execution par une marche successive qu’on pourroit précipiter, ralentir, ou même arrêter selon son bon ou mauvais succès’, as he himself put it),¹⁵ they were nonetheless more far-reaching than those which

¹² Ibid., pp. 1026–1027.

¹³ Regarding the number of members of the diet he wrote: ‘j’ajouterai, s’il est permis de prévoir le bien ainsi que le mal, qu’il faut éviter de rendre la Diète aussi nombreuse qu’elle peut l’être, pour n’est pas s’ôter le moyen d’y admettre un jour sans confusion de nouveaux Députés, si jamais on en vient à l’annoblissement des Villes et à l’affranchissement des serfs, comme il est à désirer pour la force et le bonheur de la nation’, *ibid.*, p. 985.

¹⁴ Ibid., p. 1027.

¹⁵ Ibid., p. 1028. This was to be a raising up of the lower orders, not the overthrow of barriers between estates. Rousseau was in principle a supporter of stable social structures and an opponent of social mobility. In the *Discours sur l’économie politique* he included this revealing passage: ‘rien n’est plus funeste aux mœurs et à la république que les changemens continuels d’état et de fortune entre les citoyens; changemens qui sont la preuve et la source de mille désordres, qui bouleversent et confondent tout, et par lesquels ceux qui sont élevés pour une chose, se trouvant destinés pour une autre, ni ceux qui montent, ni ceux qui descendent ne peuvent prendre les maximes ni les lumières convenables à leur nouvel état, et beaucoup moins en remplir les devoirs’, *ibid.*, p. 264.

Similarly, in the *Nouvelle Héloïse* we find this statement, approved by the author: ‘La grande maxime de Madame de Wolmar est donc de ne point favoriser les changemens de condition, mais de contribuer à rendre heureux chacun dans la sienne’, Launay, *Jean-Jacques Rousseau*, p. 299. It is true that in *Emile* he wrote: ‘Vous vous fiez à l’ordre actuel de la société sans songer

Wielhorski seemed to accept. In the *Tableau* the latter limited himself to arguing that 'la seule noblesse forme le corps politique de la nation'. In his later treatise, although he admitted that 'the exclusion of the common people from participation in the government is an obvious affront to elemental freedom', he considered the existing situation in Poland as fully justified, as the nobility had in the past acquired its exclusive rights for services in defence of the country, in which defence other orders had not wished to participate.¹⁶

The final, albeit distant goal set out in the *Considérations* would be the making of nobles, burghers and peasants into 'one body', thanks to which the Commonwealth could multiply its strength tenfold.¹⁷ This perspective was beyond the mental horizons of the confederates of Bar, but in the future the hope of

que cet ordre est sujet à des révolutions inévitables, et qu'il est impossible de prévoir ni de prévenir celle qui peut regarder vos enfans. Le grand devient petit, le riche devient pauvre, le monarque devient sujet [...]. Nous approchons de l'état de crise et du siècle des révolutions' (quoted in Derathé's commentary to *Discours sur l'économie politique*, OC, vol. iii, p. 1404). This was, however, a catastrophic vision or else a statement of the essential transience of human affairs, not a perspective of a desirable evolution.

¹⁶ *O przywróceniu dawnego rządu*, pp. 305–306. Wielhorski expressed a purely theoretical acknowledgement of the idea of granting political rights to the unprivileged orders while considering the problem of the possible abolition of royal power in Poland. He believed that this would only be possible in ideal, almost Utopian conditions (close to the Rousseauvian model of the state) and therefore in a less extensive country, 'where all citizens would be almost equal to each other in their property, where poorer nobles would not be subordinated to richer nobles, where the common people, not being unfree, would participate in the legislature and would know how to use freedom', *ibid.*, p. 273.

¹⁷ 'On allumeroit dans tous les états inferieurs un zèle ardent pour contribuer au bien public, on parviendroit enfin à vivifier toutes les parties de la Pologne, et à les lier de manière à ne faire plus qu'un même corps, dont la vigueur et les forces seroient au moins décuplées de ce qu'elles peuvent être aujourd'hui', OC, vol. iii, p. 1028.

multiplying strength would be for Poles the most convincing argument for social reform.

Despite all this, from the point of view of Rousseau's egalitarian doctrinal foundations,¹⁸ his counsel to the Poles could seem a far-reaching concession. It should however be remembered that his encounter with Polish reality was not the only case of such a departure. Rousseau considered Sparta to be an unattainable model society, although the situation of the helots was, in his own words, a 'funeste exemple du plus cruel esclavage au sein de la plus parfaite liberté'.¹⁹ In the *Contrat Social* he pointed to the bitter paradox that the ancient republican constitutions with liberty at their core were dependent on slavery, because citizens, supported by the slaves' labour, could occupy themselves with matters of state.²⁰ One gets the impression, however, that Rousseau, like other eighteenth-century admirers of ancient republics, lamented this situation quite moderately, and that essentially he passed quickly over the fact of slavery; the thought of it did not disturb his exalted raptures over the liberty, virtues and patriotism of the Spartans and Romans.²¹ Similarly, writing dithyrambs in honour of Geneva, that is, the privileged group of its citizens, to which he was evidently proud

¹⁸ At the end of the first book of the *Contrat Social* Rousseau declared: 'le pacte fondamental substitute [...] une égalité morale et légitime à ce que la nature avoit pu mettre d'inégalité physique entre les hommes, et que, pouvant être inégaux en force ou en génie, ils deviennent tous égaux par convention et de droit', *ibid.*, p. 367.

¹⁹ *Parallèle entre les deux républiques de Sparte et de Rome*, OC, vol. iii, p. 540.

²⁰ *Ibid.*, pp. 430–431; Derathé, *Jean-Jacques Rousseau et la science politique*, p. 276.

²¹ 'Il est frappant – argues Jean Louis Lecerle – que les écrivains politiques, de Montesquieu à Mably, aient professé, comme Rousseau, une vive admiration pour les cités antiques, sans être gênés par le fait que les états apparemment les plus démocratiques, comme Athènes (nb. Rousseau disliked Athens) n'étaient en réalité que les oligarchies, puisqu'il y avait une majorité d'esclaves', *id.*, *Jean-Jacques Rousseau et son œuvre*, Paris, 1964, p. 228.

to belong,²² he passed over in indifferent silence the fact that three quarters of the state's population were deprived of political rights and faced economic disadvantages.²³ Since Spartan society, co-existing with the helots' slavery, and since Genevan society, ruled by a privileged minority (and in essence by a still narrower oligarchy) aroused his fervent admiration, so the liberty-loving society of the Polish nobility, even before it had emancipated other estates and had combined with them in one body, could be a positive phenomenon for Rousseau. This society had the potential, if not to fulfil, then at least to approach his ideal model of the state, in which sovereign power was in the hands of the generality of citizens and whose laws were therefore the expression of the 'general will'. A government was legitimate when it was the 'servant' of the sovereign, and was directed by the 'general will'.²⁴

It is well known that for Rousseau this model could best be achieved in a small society.²⁵ Therefore he judged that the basic problem in Poland was neither the weakness which threatened the existence of the state, nor the anarchy which paralysed it, but its size: 'Grandeur des Nations! Etendue des États! première et principale source des malheurs du genre humain, et surtout des calamités sans nombre qui minent et détruisent les peuples' – he exclaimed. He did not hesitate to follow through with the drastic implications of this statement. The best outcome for the Poles

²² Olivier Krafft, 'Les Classes sociales à Genève et la notion de citoyen', in : *Jean-Jacques Rousseau et son œuvre*, p. 227.

²³ Jean-Daniel Candeaux, introduction to the edition of *Lettres écrites de la montagne*, OC, vol. iii, pp. CXCv–CXCvi. Recently Michel Launay has tried to show, albeit not very persuasively, that Rousseau was not indifferent to the situation of the unprivileged groups of Geneva, and that from his childhood and early youth he derived a feeling of solidarity with the entire Genevan 'people', Launay, *Jean-Jacques Rousseau*, pp. 34–43.

²⁴ OC, vol. iii, p. 380.

²⁵ *Ibid.*, pp. 111–112, 390, 405; and Jean Starobinski's commentary to the edition of *Discours sur l'origine de l'inégalité*, *ibid.*, p. 1289; Henri Mettrier, *L'Impôt et la milice dans J.J. Rousseau et Mably*, Paris, 1901, pp. 22–23.

would be the diminution of their territory. If the neighbours (who might be thinking of it) were to annex a large part of the country, then for those lands it would be a great evil, ‘mais ce seroit un grand bien pour le corps de la Nation’. If, however, this were not to occur, then perhaps a similarly desirable effect could be obtained by giving Poland a federal character, by distinguishing Lesser Poland and Greater Poland on the model of Lithuania, and by making the palatinates autonomous by strengthening the role of the dietines.²⁶

Among the institutions of the Polish form of government, Rousseau held the dietines in highest esteem. As a supporter of direct democracy, he saw a breach of the principle of the inalienability of sovereignty in the consignment of the legislative power to representatives. Because of the physical implausibility in larger states of all the citizens gathering together to exercise the legislative power, a representative system was a necessary evil. However, in order to diminish this evil as much as possible, Rousseau believed that the power of those elected by society should be of a limited character. In the *Contrat Social* he imagined this by requiring the ratification of all resolutions by the people.²⁷ In the *Considérations* he repeated his complaints about

²⁶ Ibid., pp. 970–971. It is not possible to endorse Fabre’s claim: ‘Rousseau console les confédérés des amputations probables de territoires, en laissant leur espérer que la Pologne sera ainsi fortifiée et son unite et débarrassée des soucis que lui donnent les “dissidents”, nous dirions aujourd’hui les problèmes de minorités’. Fabre also believes that Rousseau, inadequately informed, committed an ‘error’, as in the First Partition Poland mainly lost lands predominantly inhabited by a native Polish population (Fabre, ‘Réalité et utopie’, p. 128, repeated in his notes to the *Considérations*, OC, vol. iii, pp. 1758–1759). The problem of a nation-state or multi-national state was wholly alien to Rousseau and he did not mention religious and ecclesiastical matters at all, despite the coverage by Wielhorski. Besides, as I have tried to show above (pp. 26–28), Rousseau did not foresee the partition in the form in which it was to be accomplished, a year after writing the *Considérations*.

²⁷ OC, vol. iii, pp. 429–430.

the impossibility of applying the forms of direct democracy in large states, but this time he saw the danger of a representative system somewhat differently, and projected different preventive measures. He regarded the ease of corrupting ‘representatives’ as the main fault of representative systems (whose examples were for him the English Parliament and the Polish *liberum veto*),²⁸ whereas, as he put it in the *Contrat Social*, ‘jamais on ne corrompt le peuple’.²⁹ In this way he moved the discussion from a complicated theory of sovereign power to a moralizing plane which was close to the mentality of Polish republicans, who lived in continual fear of the corrupting activity of the king, but who did not see anything false in the formula ‘la diète est l’assemblée générale de la nation’, with which Wielhorski began the chapter about the diet in his *Tableau*. Rousseau even discerned some good sides of a representative system (which did not, however, cancel out its failings) and especially the intellectual superiority of the representatives over the mass of citizens. ‘Sans être instruit des affaires de Pologne, je parierois tout au monde – he wrote – qu’il y a plus des lumières dans la Diète et plus de vertu dans les Dietines’.³⁰ And so Rousseau regarded it as essential to make the diet completely dependent on the dietines. The instructions passed by the latter would bind the envoys, who would subsequently report their entire activity to their electors at the so-called relational dietines (which to this end should be reactivated, given that, as Wielhorski had informed him in the *Tableau*, they had fallen into abeyance). If it was found that envoys had departed from their instructions, they would in future lose their passive electoral rights, and if they had done so as a result of corruption, they would be punished by death. ‘Car enfin, ce n’est pas pour y dire leur sentiment particulier, mais pour y déclarer

²⁸ Ibid., pp. 978–979.

²⁹ Ibid., p. 371.

³⁰ Ibid., pp. 978–979.

les volontés de la Nation qu'elle envoie des Nonces à la Diète' – stated Rousseau. The instructions should be carefully drafted by commissions specially chosen at the dietines, read, discussed and passed by all the participants in the dietine.³¹ He knew from Wielhorski that instructions were frequently composed by the marshal of the dietine along with the assessors, after the rest of the participants had dispersed.³²

The authority and effectiveness of the dietines would both be enhanced by the exact regulation of their composition, and the establishment of who held passive electoral rights. To this end, Rousseau proposed the compilation in individual castle court chancelleries of lists of persons possessing active and passive electoral rights.³³ Here he followed Wielhorski's suggestions. The latter had admittedly not written about lists, but had postulated requiring participants to present proofs of their nobility and possessions. Wielhorski decidedly wished to exclude from participation in the dietines those nobles without landed possessions and those who remained in the service of foreign powers, and perhaps even in anybody's service. He also projected various restrictions on passive electoral rights.³⁴ Rousseau did not deny that the

³¹ *Ibid.*, pp. 979–980.

³² In the *Tableau* Wielhorski mentioned this among the 'abus' which had entered into the praxis of the dietines.

³³ *OC*, vol. iii, p. 983.

³⁴ In the *Tableau* he wrote: "Tout noble en général a droit de voter dans les diétines. Il en est pourtant plusieurs qui devoient naturellement être exclus de ces assemblées. Ceux qui n'ont pas de possessions héréditaires dans le palatinat ne devoient pas, ce semble, y avoir entrée, ainsi que ceux qui sont au service d'une puissance étrangère. Pour s'assurer si ceux qui se rendent à l'assemblée sont nobles et ont des biens dans le palatinat, il suffiroit de les obliger à représenter leurs lettres de noblesse et leurs titres de possessions. Les nobles nouvellement établis dans le palatinat ne devoient prétendre aux charges qu'après 3 années de domicile. Il faudroit encore que pour être élu nonce on eût du moins assisté une fois à l'assemblée, parce qu'il y en a plusieurs qui ne viennent à l'improviste au lieu où se tient la diétine que pour

principle of linking political rights with landed possession had its advantages,³⁵ but nevertheless came out against setting a minimum property requirement, involving the loss of those rights for those who could not meet it. Essentially, he questioned its justice, asking rhetorically: 'Eh quoi! parcequ'un Gentilhomme aura peu ou point de terre, cesse-t-il pour cela d'être libre et noble, et sa pauvreté seule est-elle un crime assez grave pour lui faire perdre son droit de Citoyen?'³⁶

Wielhorski's postulate to restrict the political rights of soldiers and lawyers was completely at odds with the views of Rousseau, who in the *Considérations* condemned the professional character of those functions. He believed that the proper functioning of the judicial system was conditional on it being in the hands of citizens, for whom judicial office was a stage in their public careers, and not a profession. The same applied to lawyers: 'Cet état – he wrote – si respectable en lui-même se dégrade et s'avilit sitott qu'il devient un métier'.³⁷ Likewise, he believed that in a free state

la trouble et brigue les plans. Tous ceux qui ont des cours de justice devoient ne pouvoir jamais être élus nonces'. However, somewhat earlier, in discussion with Mably, he had wished to adopt exclusion more widely, especially regarding passive electoral rights: 'On pourroit encore statuer que tous les nobles qui sont attachés au service et qui n'ont point de possession dans le palatinat n'eussent aucune activité. A cet effet il faudroit que 6 semaines avant la terme de la diétine chaque gentilhomme qui voudroit être admis à l'assemblée présentât les titres de ses possessions héréditaires. Comme les loix primitives de la République vouloient séparer les fonctions des différents états qui composent le gouvernement, il faudroit, ce me semble, exclure les militaires, et par conséquent, aucun militaire ni juriconsulte ne pourroient être nonces. Tous ceux encore qui ont quelqu'emploi dans la puissance exécutrice [...] ne pourront pas être elus nonces pour la diète' (*Observations sur la première conférence*).

³⁵ In his *Projet de constitution pour la Corse*, which divided Corsicans into three classes as regards civic rights, he made membership of the first two dependent on landed property, *OC*, vol. iii, p. 919.

³⁶ *Ibid.*, p. 1002.

³⁷ *Ibid.*, p. 1001.

such as Poland, ‘tout citoyen doit être soldat par devoir, nul ne doit l’être par métier’.³⁸ At the same time, doubtless without having thought through the feasibility or consequences, he postulated the admission to dietines only of people who had passed an examination in their knowledge of Polish law, especially public law. He also wished to link passive electoral rights to the performance of civic service in various lower functions in the judicial system.³⁹ The first of these postulates was particularly at odds with Polish traditions and was utterly unrealistic.⁴⁰ Its implementation would have diminished the institutions of the dietines, which were so close to Rousseau’s heart.

Wielhorski, on the basis of whose information Rousseau formed his postulates, displayed a certain reserve regarding the dietines, associated with various ‘abuses’ in his *Tableau*. According to Wielhorski, one of those abuses was the requiring oaths from envoys to strictly follow the commands of their instructions. He was in practice an opponent of a limited mandate. The only task he wished to assign to the ‘relational’ dietines was checking that the laws passed by the diet were implemented. Wielhorski’s stance in this question probably inspired Rousseau to voice his opinion that the Poles did not appreciate the dietines, although it was on them that Poland’s free form of government rested.⁴¹

³⁸ Ibid., p. 1014.

³⁹ Ibid., pp. 1001, 1020–1021.

⁴⁰ Twenty years later, during the preparation of the future Constitution of 3 May 1791, the leaders of the ‘Patriotic Party’ rejected Stanisław August’s project to remove illiterate nobles from the dietines as ‘dangerous and provocative’, Emanuel Rostworowski, *Legenda i fakty XVIII w.*, Warsaw, 1963, pp. 397, 425.

⁴¹ ‘Je vois que les Polonois ne sentent pas assez l’importance de leurs Dietines, ni tout ce qu’ils leur doivent, ni tout ce qu’ils peuvent en obtenir, en étendant leur autorité et leur donnant une forme plus régulière. Pour moi, je suis convaincu que si les Confédérations ont sauvé la patrie, ce sont les Dietines qui l’ont conservée, et que c’est là qu’est le vrai Palladium de la liberté’, *OC*, vol. iii, p. 979.

Besides binding the envoys with mandatory instructions from the dietines, the second means of ensuring that the envoys genuinely expressed the nation's 'general will' was to protect them from 'corruption'. Rousseau saw frequent changes in the membership of the diet as a way of impeding the corruption of representatives. He believed, moreover, that the short term of each diet in Poland was beneficial in this respect; all that was needed was to impede the re-election of the same men.⁴²

Assuming the implementation of his proposed modifications, Rousseau acknowledged the Polish diet (albeit only for the two-year period of its term) as the holder of sovereign power – which nonetheless never ceased to belong to the nation.⁴³ With regard to Poland he drew back, therefore, as Derathé has argued, from the principle, expressed in the *Contrat Social*, of the inalienability of sovereign power and the equating of a representative system with the loss of liberty.⁴⁴ The logical consequence of such a position

⁴² Ibid.

⁴³ 'J'ajoute enfin que, quand il y auroit en effet quelque inconvenient à tenir ainsi les Nonces asservis à leurs instructions, il n'y auroit point encore à balancer vis-à-vis l'avantage immense que la loi ne soit jamais que l'expression réelle des volontés de la nation', *ibid.*, p. 980.

⁴⁴ 'Ainsi le rigorisme que Rousseau adoptait en 1762 dans le *Contrat Social* a fait place en 1772 (Derathé traditionally and erroneously dated the *Considérations* to this year) à une attitude plus conciliante et surtout plus réaliste [...]. Dans son esprit le système des mandats impératifs devait suffire à maintenir, dans le cadre du régime représentatif, la souveraineté réelle du peuple. Telles sont les conclusions qui s'imposent au lecteur des *Considérations sur le gouvernement de Pologne*', Derathé, *Jean-Jacques Rousseau et la science politique*, p. 280.

This had already been argued, albeit fairly superficially and imprecisely, by Konopczyński, who wrote: "The "doctrinaire" has therefore mellowed in the eight years since he wrote the *Contrat Social*, he has retreated from his important positions [...]. Previously he has rejected all forms of representation [...]. Now he allows us [...] to keep a unicameral diet, on condition of limiting the envoys still more strictly by their instructions', Konopczyński, 'Jan Jakób Rousseau doradca Polaków', p. 15.

was the rule of subordinating the dietines to the resolutions of the diet. In this case the dietines found themselves in the situation of an individual citizen obliged to maintain absolute obedience to the 'general will'.⁴⁵

This will could be expressed by the diet which was composed of envoys subjected to imperative mandates given them by the generality of electors, and therefore was in some way identified with that generality. The institution of the mandatory instruction, shaped by Polish parliamentary practice in which it was primarily the expression of particular interests and as such condemned even by such a traditionalist as Wielhorski, became for Rousseau the conveyor and guarantor of the 'general will'. By this it became a means of applying the otherwise inapplicable principles of the *Contrat Social* to Poland, and similarly – to the great majority of European societies.

Rousseau's suggestions influenced Wielhorski who in the chapter on the dietines in his treatise *On the Restoration of the Former Government* approvingly quoted the opinion of 'the famous philosopher of this century' regarding the means of removing the bad sides from the representative system which was unavoidable in Poland, given its extent. At the very beginning of this chapter he included a somewhat overdone praise of the dietines as the palladium of Polish liberty.⁴⁶ Quoting the 'philosopher' was only intended, however, to add lustre to Wielhorski's own conclusions drawn from his own reading of old laws, thanks to which he was able to reconstruct 'the arrangement of our original

⁴⁵ Derathé's opinion that this represented a breach in doctrine, because of the express provision in the *Contrat Social* that no decision of the representatives of the people could become law until it had been ratified by them, is incorrect. This provision applied only to representatives who were not bound by a 'mandat impératif'.

⁴⁶ Wielhorski, *O przywróceniu dawnego rządu*, pp. 156–159. Szykowski, *Mysł Jana Jakóba Rousseau*, p. 87, noted these quotations, but did not comment on them.

government'. As early as his *Avertissement sur le tableau du gouvernement de Pologne* Wielhorski took the position that in Poland, according to 'ancient laws', sovereign power rested in the hands of nobles assembled at dietines, who then transmitted it to envoys who were provided with instructions. However, this transmission was conditional, that is it was confined only to the commission contained in the instruction. 'Ils sont législateurs – he wrote about envoys in the *Avertissement* – sans être souverains parce que n'étant que mandataires du souverain des loix, qu'ils font, n'ont de légalité qu'en tant qu'elles sont conformes aux instructions données par leurs constituants'.⁴⁷

He repeated this view in the treatise *On the Restoration of the Former Government*. 'And as it was not likely – he wrote there – that every nobleman with the power to influence legislation could participate in national councils, assemblies were established in palatinates, lands and districts, where the assembled nobility arranged the matters concerning the country for the diet, chose envoys from among themselves and wrote instructions for them. These envoys are obliged at the diet to declare the thoughts of their brethren who have remained at home, strictly to follow their instructions and account for their deeds to the nobility at a relational dietine'.⁴⁸ The idea of the sovereignty of the dietines and the binding power of instructions would become prevalent in republican political thought in Poland between the First Partition [1772] and the Four Year Diet [1788–1792], especially in the first years of that diet, when it became one of the

⁴⁷ See above, note 5.

⁴⁸ Wielhorski, *O przywróceniu dawnego rządu*, pp. 53–54. In another place he characterized the sovereignty of the dietines and the character of envoys' mandates as follows: 'The power of envoys being limited by their instructions, envoys become the persons of their palatinates only to show their sovereignty and to carry out their highest will. The sovereign (*udzielna*) power, of which they are only the interpreters, is contained in the nobility assembled at a dietine', *ibid.*, p. 59.

fundamental objects of contention being the Patriotic Party and Stanisław August, who supported the English system of representation.⁴⁹ Underpinning the popularity of this idea was a specific combination of circumstances: the landowning character of the Polish nobility, the particularist traditions of the dietines, and the interests of the opposition to the king, but the arguments of the author of the *Considérations* helped both to make the idea itself more precise and to explain it attractively.

In order to assure the ‘unbroken presence’ of the legislative power which enabled it to keep check on the executive power, Rousseau, referring to the prescriptions contained in the *Contrat Social*, insisted on the dietines and the diet meeting at fixed dates specified by the same law. Admittedly, he knew from Wielhorski that the king issued proclamations summoning the pre-diet dietines to meet on fixed days. He feared, however, that the king, once he had been deprived of his distributive powers and after any possibility of breaking up the diet through the *liberum veto* had been prevented, would attempt to call the diet as rarely as possible, in order to free himself from its supervision. He expected the senate to behave similarly.⁵⁰ Likewise, Wielhorski – although not in the *Tableau*, but in his writings for Mably – postulated that the diet and dietines assemble at fixed times, irrespective of royal proclamations.⁵¹ Rousseau did how-

⁴⁹ Rostworowski, *Legendy i fakty*, pp. 297–298, 384, 425–426 and passim; Jerzy Michalski, “‘Warszawa’”, czyli o antystołecznych nastrojach w czasach Stanisława Augusta’, *Studia Warszawskie*, vol. 12, part 1, Warsaw, 1972, pp. 26–45.

⁵⁰ *OC*, vol. iii, pp. 975, 978. In the chapter on the king in his *Tableau*, Wielhorski wrote: ‘il ne peut manqué de convoquer les états au terme prescrit pour la tenue des diètes ordinaires, mais les loix ne disent point ce que la nation devoit faire au défaut de cette convocation’.

⁵¹ In his *Observations sur la première conférence* he wrote: ‘Il est nécessaire que les universaux du roi pour convoquer la diète soient supprimés, parce qu’ils blessent l’autorité souveraine de la puissance législative’. Here Wielhorski followed Mably, who had suggested in his *Première conférence* that the diet should not be convoked, but should instead assemble at a time and place

ever contest Wielhorski's criticism of the absence of procedural rules for the sessions of the diet. According to Wielhorski the lack of such rules enabled envoys to make long speeches usually eulogizing the king but containing nothing of substance; above all, it made the proceedings chaotic and stormy, and impeded the adoption of resolutions. Rousseau believed that any restriction on free expression (whether at the diet or the dietines) could endanger liberty. Once the king had been deprived of his distributive powers, there would be no need to flatter him, while the content of speeches could be improved by requiring speakers to state at the outset what they intended to speak about and to summarize their conclusions at the end.⁵²

established once and for all. Wielhorski repeated the project of abolishing royal proclamations in his *Observations particulières*, but later he adopted a more traditional solution: the king convoked the dietines by proclamations, but should he not do so, 'every palatine or castellan and after them the first office holder of the palatinate should be authorized to send out proclamations for the dietines', *O przywróceniu dawnego rzędu*, p. 163.

⁵² It is worth quoting the entire relevant passage in Wielhorski, and his polemic with Rousseau, as this constitutes a telling example of how much the text of the *Considérations* engaged with the *Tableau*, and at the same time of how faithful Rousseau remained to himself, not yielding to the suggestions of his Polish informant.

Wielhorski: 'Il ne régné aucune police dans les diètes. On se livre sans management aux disputes, aux querelles, aux invectives. Ce sont les plus forts et les plus opiniâtres qui ont toujours raison. [...] Il y a souvent des harangues qui ne renferment que les éloges du roi. Il s'en trouve dont la diction est frappante, mais où il est impossible de démêler le sentiment de l'orateur. Il y en a encore de si équivoques, que tous les deux partis: royaliste et nationale croyent avoir l'orateur en leur faveur. C'est la crainte de désobliger le roi, ou plutôt le désir de profiter de ses bienfaits qui produisent de semblables discours. [...] Les matières sont traités sans ordre et avec confusion ce qui occasionne souvent de longs débats sur l'objet même qui doit être mis en deliberation. On quitte ses places, le temps s'écoule dans ces disputes orageuses...' (chapter *De la diète. Abus*).

Rousseau: 'Pour ménager le tems si précieux dans les Diètes, il faudroit tâcher d'ôter de ces assemblées les vaines discussions qui ne servent qu'à le faire

Again contradicting Wielhorski, who considered the custom too deeply rooted to abolish, Rousseau insisted on a ban on carrying sabres into sessions of the diet.⁵³ The diet's proceedings

perdre [...]. Une meilleure police dans les Dietes et Dietines [in his *Tableau* Wielhorski did not refer to a procedural regulation, but only in his *Observations sur la première conférence* did he include the comment: 'il faudroit établir un certain ordre dans les diétines, empêcher les repas et boissons'] seroit assurément une chose forte utile; mais, je ne le redirai jamais trop, il ne faut pas vouloir à la fois deux choses contradictoires. La police est bonne, mais la liberté vaut mieux, et plus vous gênez la liberté par des forms, plus ces forms fourniront les moyens à l'usurpation. Tous ceux dont vous userez pour empêcher la licence dans l'ordre législatif, quoique bons en eux-mêmes, seront tot ou tard employés pour l'opprimer. C'est un grand mal que les longues et vaines harangues qui font perdre un tems si précieux, mais c'en est un bien plus grand qu'un bon Citoyen n'ose parler quand il y a des choses utiles à dire. Dès qu'il n'y aura dans les Dietes que certaines bouches qui s'ouvrent, et qu'il leur sera défendu de tout dire, elles ne diront plus que ce qui se plaire aux puissans. Après les changemens indispensables dans la nomination des emplois et dans la distribution des graces, il y aura vraisemblablement moins de vaines harangues, et moins de flagorneries adressées au Roi sous cette forme. On pourroit cependant, pour élaguer un peu les tortillages et les amphigouries, obliger tout haranguer à énoncer au commencement de son discours la proposition qu'il veut faire, et, après avoir dédui ses raisons, de donner ses conclusions sommaires, comme font les gens du Roi dans les tribunaux. Si cela n'abrègeoit pas les discours, cela contiendrait du moins ceux qui ne veulent parler que pour ne rien dire, et faire consumer le tems à ne rien faire', *OC*, vol. iii, pp. 982–984.

Rousseau's argument was also a polemic with Mably, who on the basis of the same information from Wielhorski about the disorder of the Polish diet considered it absolutely necessary to introduce into it 'une police exacte', *Observations de M. l'abbé de Mably*, AGAD, Zbiór Anny Branickiej 10. In the *Lettres écrites de la montagne*, when demanding an extension of the freedom of the deliberations of the Genevan Conseil Général, Rousseau wrote: 'Qu'un corps si nombreux ait besoin de police et d'ordre, je l'accorde; mais que cette police et cet ordre ne renversent pas le but de son institution', *OC*, vol. iii, pp. 830–831.

⁵³ *OC*, vol. iii, p. 982. Wielhorski, arguing with Mably who had demanded a ban on envoys carrying weapons in his *Première conférence*, wrote: 'Il est impossible d'exiger que les nonces soient sans armes, Il y a encore chez nous de

could be made more effective by abolishing the so-called *rugi*, that is the examination of the legality of the envoys' mandates, and transferring this function to the dietines.⁵⁴

Rousseau's intention, although he did not express it precisely, was to relieve the diet of matters which did not belong to the legislative process. 'C'est un vice dans la constitution polonoise – he wrote in the chapter *Causes particulières de l'anarchie* – que la législation et administration n'y soient pas assez distinguées, et que la Diète exerçant le pouvoir législatif y mêle des parties d'administration, fasse indifféremment des actes de souveraineté et de gouvernement, souvent même des actes mixtes par lesquels ses membres sont magistrats et législateurs tout à-la-fois.⁵⁵ This was in accord with the strict differentiation by the author of the *Contrat Social* between the sovereign – the legislative power – and the government – the executive power, but it did not always match the wording of other parts of the *Considérations*. In the chapter *Moyens de maintenir la constitution* he did admittedly write: 'la chambre des Nonces n'ayant ou ne devant avoir aucune part au détail de l'administration'. However, in the chapter *Causes particulières de l'anarchie* he prescribed the use of a simple majority of votes for 'affaires courantes et momentanées', but a qualified majority 'quand il s'agira de législation'.⁵⁶ A clear departure from the principle of separating the legislative and executive powers, and a nod towards Polish constitutional traditions, was the continued participation of senators

plus grandes minuties sur lesquelles on ne peut pas faire entendre raison. Cette proposition seroit de cette espèce', *Observations sur la première conférence*. Wielhorski repeated this opinion in his *Observations particulières*.

⁵⁴ OC, vol. iii, p. 982. The use of the term *rugi*, which does not appear in the *Tableau*, although Wielhorski does refer there to the checking of envoys' mandates, proves that Rousseau made use of Pfeffel's work, as Fabre rightly supposes in his commentary, *ibid.*, p. 1765.

⁵⁵ *Ibid.*, p. 995.

⁵⁶ *Ibid.*, pp. 980, 997.

in the diet. Rousseau did however stress that they could not form a separate chamber, that they collectively held only executive power, and that they participated in the legislature as individuals. He accepted that such a solution could be charged with particularly privileging senators, as the remainder of the nobility took part in the legislative power through its representatives, and not directly. Nevertheless he believed that when, following the implementation of the reform, senatorial office became elective, then ‘les Senateurs eux-mêmes seront des représentans perpétuels de la nation’.⁵⁷ He did not however take into consideration that according to his proposed reform senators, although elective, would not be bound by dietine instructions, and some of them would hold their offices for life. They would therefore constitute the very kind of ‘representation’ of the nation which he himself condemned most strongly.

Perhaps Rousseau, in allowing the senators a continued role within the legislature, did so to spite Mably, who had radically removed them from it.⁵⁸ However, it is more likely that he did so out of regard for Polish traditions. As we know, Wielhorski, informing him of them, initially considered the senate to be one of the three estates that constituted the legislative power of the Commonwealth.⁵⁹ In the *Tableau* he began the chapter on the diet thus: ‘La diète est l’assemblée générale de la nation et c’est pour cela qu’on l’appelle aussi l’assemblée des états. Elle est composée des trois ordres de la république : le roi, le sénat et l’ordre équestre, mais ce dernier n’y assiste que par ses députés qu’on appelle nonces’. He provided various details of the senators’ participation in successive stages of the deliberation throughout the chapter. Wielhorski’s views were however quite changeable, in

⁵⁷ *Ibid.*, pp. 972–973.

⁵⁸ Fabre has already noted the opposition of their positions; *ibid.*, pp. 1759–1760.

⁵⁹ See above, p. 52–53.

which respect he reflected the imprecision of Polish legislation and customary norms, and the absence of theoretical sophistication in Polish legal and constitutional thought. In the same *Tableau*, drawing attention to the limits on royal power, he stated that the king, ‘quoiqu’il soit le chef des états, avis prononcé par lui même ou rendu par un des chanceliers ne peut jamais détruire ce que les deux autres ordres ont décidé unanimement’. But somewhat earlier, in his *Observations sur la seconde conférence*, without doubt influenced by Mably,⁶⁰ he had expressed the opinion that the legislative power belonged only to the chamber of envoys: ‘Le pouvoir législatif de la République est maintenant dans l’ordre équestre. Il y a des loix positives qui défendent au roi et au sénat de se mêler des affaires d’État’.

A few years later, when Wielhorski brought more coherence and precision to his views on the role of the senate in legislation, he chose a *via media* between Rousseau and Mably (while undoubtedly remaining under the influence of both). At the same time he tried to retain all the hitherto existing forms of government, while modifying their content in a fairly strained interpretation of laws and customs. The latter was necessary because Wielhorski, as always, based everything on the correct reading of old laws. He admitted, therefore, that senators influenced legislation at various stages, and that ‘while the senate [...] does not make laws, it is nonetheless the spirit of legislation’.⁶¹ The actual passing of laws belonged solely to the chamber of envoys, and the senate and king (as was indeed the case in practice until then) could neither reject nor modify those resolutions. So therefore ‘the senators only through their counsel, but the envoys by

⁶⁰ In the *Première conférence* Mably had already written: ‘Il faut nécessairement confier à la noblesse seule toute la puissance législative’.

⁶¹ *O przywróceniu dawnego rządu*, pp. 67–68. Elsewhere he wrote: ‘The senate, although it does not make laws, is nevertheless their source; although it is not the nation, it is yet its spirit’, *ibid.*, p. 115. He also listed the occasions for senators to influence legislation in the *Avertissement sur le tableau*.

the essential authority conferred on them by the dietines, contribute to the making of laws'.⁶² At the same time, Wielhorski sought to fill the important gap in the solution proposed in the *Considérations*. He wished to create an equivalent to the binding instructions given to envoys in the duty of senators to participate in dietines (he already lamented the neglect of this duty in the *Tableau*, and he now planned to ensure its performance by enforcing it with harsh sanctions). He therefore proposed that a law be passed, according to which a senator absent from the dietine 'could not give his opinion, as in the proposed articles he would not know the will of his palatinate, and so could not follow it'.⁶³

The question of the legislative initiative was posed vaguely in the *Considérations*. In other writings Rousseau expressed the view that it should belong only to the government, that is, the executive power.⁶⁴ Wielhorski, in the article on the diet (in the *Tableau*) presented Polish practice. The propositions for the diet to be convoked, put forward by the king and ministers, were first discussed by the senate. The king sent instructions to the dietines, informing them about the matters to be discussed at the diet, and the dietines responded to them in the instructions given to the envoys. The royal propositions were read out to both chambers at the start of the diet. Wielhorski presented the legislative activity of the chamber of envoys thus: 'les nonces discutent tous les objets des deliberations; ils forment sur chaque matière des résultats qui servent des plans ou de projets pour les nouvelles loix qui doivent être établies'. The drafted bills were presented at joint sessions of the two chambers, where customarily

⁶² O przywróceniu dawnego rządu, pp. 99–115.

⁶³ Ibid., pp. 259–260.

⁶⁴ Derathé, *Jean-Jacques Rousseau et la science politique*, p. 297. Commentary to the *Contrat Social*, OC, vol. iii, pp. 1492–1493; see also Spink, *Jean-Jacques Rousseau et Genève*, p. 81. Launay, *Jean-Jacques Rousseau*, pp. 446–448, questions this view, but with insufficient evidence.

no other ones were introduced, and were there put to the vote. Rousseau might not have understood, from these imprecise descriptions which did not clearly distinguish the problem of legislative initiative, that at the Polish diet it belonged to every envoy. Similarly, on the basis of the *Tableau*, he did not understand the procedure for passing laws.⁶⁵

In a text destined for Mably, Wielhorski planned to extend the legislative initiative to all citizens. Everyone would therefore have the right to submit their own projects to the senate council preceding the diet. The senate would decide on those projects which it judged worthy of inclusion in the propositions sent to the dietines. A project rejected by the senate could however be sent to the dietine, which would be able to insert it into the instruction for the envoys.⁶⁶ Rousseau's formulation in the *Considérations* probably echoed this idea: 'Les instructions des Nonces doivent être dressées avec grand soin, tant sur les articles annoncés dans les universaux, que sur les autres besoins présents de l'État ou de la Province'.⁶⁷ The logical consequence of this would perforce have been the right to submit bills at the diet by envoys who were mandated by the dietine in question. On the other hand, it was certainly not Rousseau's intention to grant the right of legislative initiative to individual envoys. In the first place, this would have been contrary to their absolute subjection to their instructions from the dietine. In the second place, he assumed that the diet would not in principle consider proposals in various unforeseen matters. If, exceptionally, such a circumstance occurred, then he did admittedly allow for the possibility of an envoy expressing his own opinion 'en bon Citoyen', without having been instructed to do so, but he was evidently

⁶⁵ 'Je ne sais pas bien quelle est la forme établie dans les Dietes pour donner la sanction aux loix', *OC*, vol. iii, p. 984.

⁶⁶ *Observations sur la première conférence*.

⁶⁷ *OC*, vol. iii, p. 979.

thinking about responses to the unusual matter brought forward rather than the envoys themselves submitting such proposals.⁶⁸

‘Les Dietes, étant fréquentes, ont moins besoin d’être longues, et six semaines de durée me paroissent bien suffisantes pour les besoins ordinaires de l’État’, stated Rousseau.⁶⁹ Wielhorski had informed him in the *Tableau* that Polish laws forbade the prolongation of the deliberations of the diet beyond six weeks under any pretext, and he did not include this principle among the ‘abuses’ requiring correction, of which he presented a long list in the chapter of the *Tableau*, which followed that devoted to the diet. He did not comment on the categorical demand made by Mably that the duration of the diet should not be limited at all, accepting it only incidentally and quite indecisively.⁷⁰ Rousseau’s view was perhaps partly derived from his contrariness towards Mably, but he also explained it by his conviction that the diet should not occupy itself with current affairs of state, which belonged to the remit of the executive power, and by his aversion to excessive legislative activity, to the frequent changing and updating of laws.⁷¹ In any case – according to the principle of the sovereignty of the legislative power – he believed that the diet had the absolute right to extend its own deliberations, as long as it did not exceed a two-year period, after which mandates

⁶⁸ Ibid., p. 980.

⁶⁹ Ibid., p. 981.

⁷⁰ In the *Première conférence* we already read: ‘Fixer le terme auquel la diète générale doit se séparer c’est la gêner et elle ne doit jamais l’être. Il est de la nation de ne dépendre que d’elle et comme aucune autorité étrangère à la sienne ne doit la dissoudre ou la séparer, aucune loi ne doit fixer sa durée’. The only reference Wielhorski made to this categorical claim came in the *Observations sur la première conférence*, when he demonstrated the implausibility of Mably’s idea that an envoy could communicate with his mandating electors during the diet. Wielhorski wrote: ‘il faudroit que la noblesse des palatinats se trouvât toujours assemblée pendant la diète, ce qui est impossible, surtout si la durée de la diète n’est pas fixée’.

⁷¹ See below, pp. 107–109.

lost their force and the diet lost the sovereign power to the newly mandated diet chosen by the nation assembled at the dietines. Likewise, he opposed specifying the maximum duration of an extraordinary diet (which was two weeks according to Polish laws), but here too the limit would be the beginning of the term of the next ordinary diet.⁷²

⁷² *OC*, vol. iii, pp. 981–982.

4. *Mores, Patriotism, Education*

The dietines and the diet enabled the 'general will' to be expressed. However, in Rousseau's doctrine the legislative activity of all citizens (or 'the people') was a necessary but not a sufficient condition for the agreed laws genuinely to express the 'general will'. It could only be expressed by an essential general interest; every resolution contrary to that interest or even unrelated to it was by the same token not an expression of the 'general will'. For the people might not understand its own interest, it could be deceived, or it could yield to the pressure of 'private interests'. Not every people, therefore, was capable of expressing the 'general will', but only those in which 'private interests' were not so elaborate and varied as to prevail in the minds of the citizens over the feeling of the common good. In order to combat the pressure of 'private interests', the citizens' minds should be imbued with 'virtue', or with the fervent love of the community – patriotism. For this reason, the people should possess, as far as possible, a uniform and stable socio-economic structure, based on a near-natural economy which satisfied basic and 'natural' human needs. Economic development together with the rise of wealth and the role of money caused the rise of 'unnatural' needs, intensifying 'private interests'. The increasing division of labour and social distinctions, as well as the process of urbanization only compounded the problem of private interests pulling in different directions. These phenomena also weakened 'virtue' (Rousseau adhered to the stereotypical view of the demoralizing role of cities, and the positive influence of country life on morals). By ending the isolation of societies from the outside world, they introduced foreign influences, and thereby extinguished patriotic feelings.

Rousseau was aware that Poland was not Corsica, whose society, thanks to its primitivism and insular isolation from the world, made it, he supposed, a relatively easy object for legislative *Gleichschaltung*, which would raise it to an ideal model. Poland's vast territory, its direct neighbourhood of great European powers and its hierarchical social structure were all huge obstacles.¹ But Rousseau saw more favourable factors. Poland, in his opinion, differed fundamentally from other European states and societies,² and therefore from all that aroused his aversion and condemnation: both in its content and in the fact that national individualities had been erased by civilization.³ It was an agricultural country, able to satisfy almost all 'natural' needs of its inhabitants and its monetary economy was not very developed.⁴

¹ *OC*, vol. iii, pp. 959, 964, 1006.

² *Ibid.*, p. 960. 'La nation Polonoise est différente de naturel, de gouvernement, de mœurs, de langage, non seulement de celles qui l'avoisinent, mais de tout le reste de l'Europe', *ibid.*, p. 1013.

³ *Ibid.*, p. 960. This condemnation of cosmopolitanism, the high value attached to national individuality and the distinctiveness of national customs was a relatively new element in Rousseau's views, and nowhere else were they as strongly expressed as in the *Considérations*. The analogies from *Emile* and the *Nouvelle Héloïse* cited by Fabre in his commentary are quite pallid, *ibid.*, pp. 1749–1750. However, in the *Projet de constitution pour la Corse* Rousseau had written 'La première règle que nous avons à suivre, est le caractère national. Tout peuple a ou doit avoir un caractère national et s'il en manquoit, il faudroit commencer par le lui donner. Les insulaires surtout moins mêlés, moins confondus avec les autres peuples en ont d'ordinaire un plus marqué', *ibid.*, p. 913. Martin Rang, in discussing Rousseau's views on the role of the national element in education, relies exclusively on quotations from the *Considérations*: *id.*, *Rousseaus Lehre vom Menschen*, Göttingen, 1959, pp. 162–165.

⁴ *OC*, vol. iii, pp. 1005–1008. Here Rousseau expressed the stereotypical opinion that Poland was easily able to obtain everything in exchange for its grain from countries which needed it, and so was able to retain a decidedly agricultural economy. Rousseau took the opportunity to repeat his negative view on the role of money and the illusory nature of the wealth it created (cf. Fabre's commentary, *ibid.*, pp. 1786–1787, and Mettrier, *L'Impôt et la milice*, pp. 26–31). Unlike in his *Projet de constitution pour la Corse*, he did not

Poles had kept their distinct customs thanks to limited contacts with the outside world,⁵ they were brave and fervently loved their fatherland.⁶ Rousseau derived this stereotypical image of Poland more from conventional notions than from Wielhorski's information. But in the latter's *Essai sur les mœurs et le caractère des Polonais* Rousseau could read that Poles lived in the countryside, and so had the typical good qualities of its inhabitants: good health, industriousness, resilience, a born aptitude for horses and sabres, that until recently they had not known luxury, apart from the trappings of war, they were free from foreign influences changing the national character and corrupting native virtues, and that although fashionable education had introduced these influences for some time, most of the nation remained averse to them. Wielhorski also assured his readers that although the Polish nobility was as internally differentiated as in any other country, it was nonetheless united by 'a righteousness and love of country which overcame all else'.

While he eagerly accepted this information, Rousseau rejected Wielhorski's suggestions for 'Europeanizing' reforms, for example his fiscal and economic projects which would strengthen elements of the monetary economy in Poland. When Wielhorski wrote in his *Tableau* 'Les finances de la Pologne vont à environ 16 millions, elles pourroient devenir beaucoup plus considérables si l'agriculture, le commerce et l'industrie y étoient encouragés' and set out many detailed projects concerning these 'finances',⁷

expound a far-reaching programme of autarky and limitation of unnecessary consumption (*OC*, vol. iii, pp. 922–929, 935–936). He did however claim that Poles had to import only wine and olive oil from abroad, following Wielhorski's information in the *Observations particulières* that Poles imported wine, olives and spices. Rousseau left out the latter, evidently considering them a harmful luxury.

⁵ *OC*, vol. iii, p. 962.

⁶ *Ibid.*, pp. 954, 959.

⁷ See above, pp. 32–33.

Rousseau bridled at the very idea of ‘finance’, an invention of modernity. Here he repeated the view he had articulated in the *Contrat Social* and the *Projet de constitution pour la Corse*. Wielhorski regarded his projects as suitable for the systems functioning in other European countries,⁸ but it was against the Europeanization of Poland and the raising of its economy and civilization to western levels that Rousseau so ardently warned the Sarmatians. He criticized all the kinds of taxes proposed by Wielhorski as burdensome and leading to abuses, and above all as based on money.

Instead of these, Rousseau proposed, modifying his former views, expressed in the article *Economie politique* in the *Encyclopédie*,⁹ a general tithe on agricultural production, like

⁸ *OC*, vol. iii, pp. 429, 929, 1004; Derathé’s commentary, *ibid.*, p. 1488.

⁹ In that article he considered the best tax to be a poll-tax (polemicizing with Montesquieu who regarded it as ‘plus naturel à la servitude’) of a progressive character, whose aim would be less fiscal than moral and social – to diminish inequalities of wealth. He decisively rejected taxing land, as leading to the ruination of agriculture (*OC*, vol. iii, pp. 270–275, Derathé’s commentary, pp. 1406–1407; Mettrier, *L’Impôt et la milice*, pp. 45–57). In the *Considérations*, he approvingly cited Montesquieu’s negative assessment of poll-taxes, recognized them as the most burdensome and arbitrary kind, and supported the taxation of land – which he had previously rejected. Perhaps he did so under the influence of the Physiocrats (as Mettrier supposes, *L’Impôt et la milice*, pp. 58–60, see also Fabre’s commentary, *OC*, vol. iii, p. 1789), although he did not wish to admit this, in citing, as a model, only the projects of Marshal Vauban and the Abbé Saint-Pierre, although their projects involved a much more complicated taxation system than the one proposed by Rousseau (Robert Villers, ‘Jean-Jacques Rousseau, la finance et les financiers’, in: *Etudes sur le Contrat Social*, p. 340). In the article *Economie politique*, he advocated a tax on all luxury items. In the *Projet de constitution pour la Corse* he already had numerous doubts about this, while in the *Considérations* he wrote: ‘ce n’est pas par les loix somptuaires qu’on vient à bout d’extirper le luxe [...]. Les loix somptuaires irritent le désir par la contrainte, plutôt qu’elles ne l’éteignent par le châtement’, *OC*, vol. iii, pp. 276, 936, 948, 965–966. On laws against luxury, see also p. 517, and Fabre’s commentary, p. 1751. Wielhorski, on the other hand, expressed in his *Observations particulières* his

the ecclesiastical tithe collected in kind, with the possibility of paying it in money if the taxpayer so desired, according to a tariff established by the state. Rousseau had explained the idea of such a tithe in his Corsican project, in which he gave the example of some of the Swiss cantons which based their revenues on the former ecclesiastical tithe appropriated by the treasury. The Corsicans (and the Poles as well, although Rousseau did not state this expressly) would pay a double tithe: one to the church, the other to the state.

Although Rousseau was far from the egalitarian concepts of the progressive tax advocated in his *Discours sur l'économie politique*, the universality of the projected tax was in itself a significant reform. For he clearly wrote, that it was to be paid from royal, noble and ecclesiastical estates, as well as those in the hands of non-nobles. Admittedly, because of his inadequate knowledge of Polish conditions, he did not specify that the tax was to apply to manorial estates, but his undoubted intention was to make no exceptions.

Rousseau envisaged the possibility of farming out these tithes by auction, just as clergymen did with ecclesiastical tithes. They could even be farmed on a grand scale, with the crop taken as tithes being exported. Tithe-farming would, in Rousseau's opinion,

complete faith in the efficacy and purpose of the already archaic sumptuary laws: 'pour ce qui concerne les excès introduits par le luxe, on n'auroit qu'à remettre en vigueur les loix somptuaires qui sont chez nous très rigoureuses et qui prescrivent à tout état même la manière de s'habiller'. This postulate accorded with Mably's, who in his *Troisième conférence* had written: 'Je crois qu'il est indispensable de faire des loix somptuaires qui en réprimant le luxe rendront les richesses moins nécessaires. Moins on sentira le besoin d'être riche pour être considéré, plus on sera porté à être vertueux'. Mably's motivation was similar to Rousseau's, but it is worth emphasizing the essential difference between Wielhorski, who cited old laws limiting the 'excess' of the lower classes above all, and Rousseau, who in contrast had advised the Corsicans to apply laws against luxury to the highest classes, so that in this way they would become a model of simple mores, *OC*, vol. iii, pp. 1010–1012.

free the state from the costs and trouble of collection, and free the ‘people’ from a swarm of hated officials. Such a system, he claimed in his Corsican project, operated in the Swiss cantons (‘on donne à la ferme les recettes dans chaque jurisdiction; elles se font en nature et en argent au choix des contribuables’)^a, thanks to which the collection of tithes did not cause trouble, and was not burdensome for taxpayers. In the same work, however, Rousseau (unlike in the *Considérations*) also expressed his conviction that the farming of taxes consigned them to professional financiers, who sought to cheat the state and oppress taxpayers, and above all set a demoralizing example to society. He therefore advocated the direct administration of tithe collection by the state (even if it were to diminish the revenue). They would however be collected not by professional officials, who would try to obtain personal gain from it, but by young persons who would begin their public career by carrying out these duties.

The main argument advanced by Rousseau in the *Considérations* for collecting tithes in kind was regard for the interests of the peasants. He believed that a tax in money would be exceptionally ruinous for the peasants, forcing them into an economy based on the sale of produce, to which he was opposed on principle.¹⁰ Moral considerations (minimizing the role of money) also justified the postulate in the *Considérations*, as in the *Contrat Social* and the *Projet de constitution pour la Corse*, the extensive use of labour duties to the state. In the abstract expression of the *Contrat Social* he spoke of ‘citizens’ who in a ‘truly free’ state ‘font tout avec leurs bras, et rien avec de l’argent’ and with undoubted satisfaction at voicing a shocking opinion¹¹ added: ‘Je suis bien loin des idées communes; je crois les corvées moins

^a OC, vol. iii, p. 933.

¹⁰ Ibid., pp. 931–934, 1011–1012, Fabre’s commentary, p. 1790.

¹¹ On the negative attitude of contemporaries to the *corvée* in France, see Mettrier, *L’Impôt et la milice*, pp. 88–90.

contraires à la liberté que les taxes'. In the *Considérations* he had to deal with the particular social situation of Poland, and therefore he spoke not of 'citizens' but of 'people'. He silently passed over the question of which groups of the population would be obliged to perform these duties. He was undoubtedly reluctant to state that they would apply only to peasants and perhaps some categories of townspeople. He therefore expressed himself in general categories: 'Je sais que cette methode est impraticable où régnet le luxe, le commerce et les arts: mais rien n'est si facile chez un peuple simple et de bonnes mœurs, et rien n'est plus utile pour les conserver telles'. Faced with a significantly more level Corsican society (at least in his project), he assigned the *corvée* to the lowest class of 'aspirants', who did not have any land of their own and who paid no tithes. The two higher classes ('patriots' and 'citizens') had however 'les conduire au travail, et leur en donner l'exemple'. A symbolic example was also expected of the representatives of the authorities, by being the first to start the works, in order to underline the respect which such works deserved. In this way labour duties for the state would not be rewarded by money, which demoralized the people, but by social esteem.¹²

In accordance with the idea advocated in the *Projet de constitution pour la Corse* of basing state revenues on the 'public domain', that is, on state-owned landed estates, and in line with his goal of eliminating money as far as possible from the economy and public life, in the *Considérations* Rousseau criticized Wielhorski's project to sell the starosties. The income acquired thereby would increase the state's monetary resources, which Rousseau judged undesirable. Starosties should become the basis of a reward in kind for persons carrying out state functions and who had served the fatherland well.¹³ However, he did not go

¹² OC, vol. iii, pp. 429, 1009, 932.

¹³ Ibid., pp. 929–931, 1009–1010; see also Mettrier, *L'Impôt et la milice*, pp. 36–38.

into the details of this somewhat vaguely presented project, while at the same time, elsewhere in the *Considérations*, he advocated the principle of serving the fatherland not for material reward, but from a feeling of civic duty, and for honourable distinctions and respect from compatriots. These distinctions and a strictly enforced hierarchical system of offices and dignities in the state, whose rungs were to be climbed by service, assessed by one's fellow citizens, was intended to weaken the prestige of riches.¹⁴ Rousseau also hoped that the limitation of the role of money in the revenues and expenses of the state, and therefore in the lives of citizens, would help to reduce inequalities of wealth.¹⁵

He also imagined that the luxury which resulted from the existence of magnates' fortunes could be rendered less harmful by the restoration of former mores, about which he had learned from Wielhorski. So let the magnates display their magnificence in weapons and horses, let them maintain numerous nobles at their courts, and let them pay for the education of noble youth. 'Voilà un luxe vraiment grand et noble, dont je sens parfaitement l'inconvénient, mais qui du moins, loin d'avilir les ames, les élève, leur donne des sentimens, du ressort, et fut sans abus chez les Romains tant que dura la République [...]. Ramenez les Grands en Pologne à n'en avoir que de ce genre, il en résultera peut-être des divisions, des partis, des querelles, mais il ne corrompra pas la nation'.¹⁶

In this passage, suffused with rhetoric, we can probably detect the influence of the *Essai sur les mœurs*. Wielhorski wrote there: 'On voit des familles entières attachées à une maison puissante dont elles ont reçu des bienfaits. [...] On suit aveuglement

¹⁴ OC, vol. iii, p. 1007, and the chapter *Projet pour assujétir à une marche graduelle tous les membres du gouvernement*. On the rewarding of officials, see Mettrier, *L'Impôt et la milice*, pp. 34–35.

¹⁵ OC, vol. iii, pp. 1006, 1008–1009.

¹⁶ *Ibid.*, p. 965. Fabre, in his commentary, rightly recalls the institution of patrons and clients in Rome in Book IV of the *Contrat Social*, *ibid.*, p. 1753.

les insinuations de son bienfaiteur et on adopte si fort les sentiments que dans le temps de diétines il arrive fréquemment que les partis opposés combattent ensemble uniquement par attachement pour leurs bienfaiteurs sans en approfondir ni le but, ni les motifs. C'est un inconvénient, mais ce ne sont que ces petits combats qui ont entretenu le courage de la nation; elle auroit été sans cela engourdie par une paix de 30 années et amolie par le luxe'.

Wielhorski pointed in the *Tableau* to the lack of a diplomatic service and an office equivalent to a ministry of foreign affairs in Poland, to the backwardness of the Polish military, and the inadequacy of fortresses, artillery and engineering. Rousseau saw nothing amiss. 'Ne vous fâtiez pas à de vaines négociations, ne vous ruinez pas en Ambassadeurs et Ministres dans d'autres cours, et ne comptez pas les alliances et traités pour quelque chose'.¹⁷ Poland was in no position to follow European military practice, and should not try to do so. 'Les troupes réglées, peste et dépopulation de l'Europe, ne sont bonnes qu'à deux fins: ou pour attaquer et conquérir les voisins, ou pour enchaîner et asservir les Citoyens. Ces deux fins vous sont également étrangères: renoncez donc au moyen par lequel on y parvient'.¹⁸ The Poles did not need artillery, still less fortresses. 'Elles ne conviennent point au génie Polonois, et partout elles deviennent tôt ou tard des nids à tyrans'.¹⁹ Even Wielhorski's project to organize a militia regiment of peasants was rejected by Rousseau as burdensome for the country and dangerous to liberty, because these regiments

¹⁷ Ibid., p. 1037. The *Projet de constitution pour la Corse* contains an almost identical phrase: 'Des alliances, des traités, la foi des hommes, tout cela peut lier le foible au fort et ne lie jamais le fort au foible. Ainsi laissez les négociations aux puissances et ne comptez que sur vous', *ibid.*, p. 903.

¹⁸ Ibid., pp. 1013–1014. Rousseau remained faithful here to his views expressed in the *Discours sur l'économie politique*. See the commentaries of Derathé and Fabre, *ibid.*, pp. 1405, 1791.

¹⁹ Ibid., p. 1018. In the *Discours sur l'économie politique* Rousseau saw in the invention of artillery and fortifications the cause of the introduction of the regular armies which threatened Europe with depopulation, *ibid.*, p. 269.

would have the character of a regular army. The defence of the country should be based on the general duty of military service expected of all free citizens. ‘Tout citoyen doit être soldat par devoir, nul ne doit l’être par métier’,²⁰ he stated, repeating the idea articulated in the *Projet de constitution pour la Corse*.²¹

Rousseau had always been an enthusiast for a citizens’ army, after the examples of Antiquity. ‘Toutes les victoires des premiers Romains, de même que celles d’Alexandre – he wrote in the *Discours sur l’économie politique* – avoient été remportées par de braves citoyens, qui savoient donner au besoin leur sang pour la patrie, mais qui ne le vendoient jamais’.²² In modern times this ideal was met by citizens’ militias in Switzerland and the Genevan republic.²³ In Poland Rousseau wished to see the core of the citizens’ army in the nobility, obliged to serve in the cavalry. Notwithstanding the negative opinion of Wielhorski about the qualities of the general levy (*pospolite ruszenie*),²⁴

²⁰ Ibid., p. 1014.

²¹ ‘Nul ne doit être [...] soldat par état. Tous doivent être prêts à remplir indistinctement les fonctions que la patrie leur impose’, *ibid.*, p. 946.

²² Ibid., p. 268; see also Mettrier, *L’Impôt et la milice*, pp. 170ff.

²³ OC, vol. iii, pp. 1015–1016.

²⁴ In the *Tableau* Wielhorski wrote: ‘dans les dangers pressants l’arrière-ban est convoqué et toute la noblesse est obligée de monter à cheval; mais elle a conservé son ancienne façon de se battre, elle éprouve que le courage ne vaut pas la discipline qui ont adoptée les autres nations de l’Europe’. However, Wielhorski did not mention the most important thing, namely that this inferiority vis-à-vis European armies applied to the so called Polish regulation (*autorament polski*) of the standing army, and that the general levy was a fiction, existing only in theory. On the contrary, with all seriousness he referred to the duties of palatines and castellans as the leaders of the general levy of palatines and districts, noting only that the laws obliging the nobility to participate in annual musters (*popisy*) were not enforced. Hence Mably also treated the matter seriously and wrote about the office of castellan: ‘il commande à la guerre la noblesse de son district et dans cette partie, combien ne peut-il pas rendre service à l’État?’, *Observations de M. l’abbé de Mably*, AGAD, Zbiór Anny Branickiej 10.

he yielded to the myth that had spread across Europe about its potential strength and the exceptional qualities of the Polish noble cavalry.²⁵ He indirectly acknowledged Wielhorski's opinion that the weakness of the general levy derived from its lack of military discipline in the following passage: 'que cette brave noblesse s'exerce à escadronner, à faire toutes sortes de mouvemens, d'évolutions, à mettre de l'ordre et de la precision dans ses manœuvres, à connoitre la subordination militaire'. But he immediately contested the point, as he emphatically recommended a distinct kind of tactic for the Polish national cavalry, based on national characteristics. This was to be a light cavalry, carrying out a 'petite guerre' of harassment and partisan operations. 'Qu'elle prit la manière des anciens Parthes (the model always had to come from antiquity), comme elle en a la valeur, et qu'elle apprit comme eux à vaincre et détruire les armées les mieux disciplinées'.²⁶ Rousseau assigned a secondary role to the infantry, in which only townsmen would initially serve, and later, as they acquired their freedom, peasants. For the moment, putting weapons 'dans des mains serviles' would be dangerous.²⁷ Rousseau passed over the problem of a professional officer corps in silence. The essential value of this citizens' army and the source of its strength would be an ardent patriotism.

²⁵ According to Abbé Gabriel Coyer's *Histoire de Jean Sobieski* [1761], the general levy could count more than 150,000 noble cavalymen; Gaspard de Réal reckoned it at 200,000, while the French diplomat Louis-Adrien du Perron, residing in Poland, estimated 250,000. The conviction of the indiscipline, but at the same time of the great patriotism and fighting spirit of the Polish cavalry, to which the nobility was inherently disposed, was a commonplace in the eighteenth century. Emanuel Rostworowski, *Sprawa aukcji wojska na tle sytuacji politycznej przed Sejmem Czteroletnim*, Warsaw, 1957, pp. 82–86, 269.

²⁶ *OC*, vol. iii, pp. 1017–1019, 1027.

²⁷ *Ibid.*, p. 1015. On Rousseau's aversion to the idea of the 'common people' being in a citizens' army, see Mettrier, *L'Impôt et la milice*, pp. 183–185.

Rousseau was aware that a civic armed force, like the economic and fiscal model he was proposing, would not lead to the creation of a powerful state. He assumed that if the Poles chose to follow the way of other countries, they would achieve their aim. ‘Si vous ne voulez – he wrote – que devenir bruyans, brillans, redoutables, et influer sur les autres peuples de l’Europe, vous avez leur exemple, appliquez-vous à l’imiter. Cultivez les sciences, les arts, le commerce, l’industrie; ayez des troupes réglées, des places fortes, des Académies, surtout un bon système de finances qui fasse bien circuler l’argent, qui par là le multiplie, qui vous en procure beaucoup [...] On vous comptera parmi les grandes puissances de l’Europe, vous entrerez dans tous les systèmes politiques, dans toutes les négociations on recherchera votre alliance, on vous liera par des traités: il n’y aura pas une guerre en Europe où vous n’ayez l’honneur d’être fourrés: si le Bonheur vous en veut, vous pourrez rentrer dans vos anciennes possessions, peut-être en conquérir de nouvelles’.²⁸

This entire tirade, reflecting Rousseau’s essential views,²⁹ but here serving as a polemic with Wielhorski’s position (doubtless an exaggerated interpretation), was of course ironic. Not the power and external activity of a state, but its passivism and isolationism, making possible its fulfilment of the most important tasks: assuring freedom, justice and a genuine plenty, based on the satisfaction of ‘natural’ needs,³⁰ were Rousseau’s ideal. He

²⁸ *OC*, vol. iii, p. 1003.

²⁹ Fabre’s commentary, *ibid.*, p. 1782; see also the similar passage in the advice to the Corsicans, which concludes: ‘Il ne faut point conclure des autres nations à la vôtre. Les maximes tirées de votre propre expérience sont les meilleures sur lesquelles vous puissiez vous gouverner. Il s’agit moins de devenir autres que vous n’êtes, mais de savoir vous conserver tels’, *ibid.*, pp. 902–903.

³⁰ *Ibid.*, pp. 1003–1004. In the *Conclusion* he repeated: ‘Il faut convenir que l’état de liberté ôte à un peuple la force offensive, et qu’en suivant le plan que je propose on doit renoncer à tout espoir de conquête’. He also expressed

did not realize that *mutatis mutandis* these were in fact the traditional ideals of Polish republicanism, strongly rooted in the consciousness of noble society.

The domination of the internal tasks of the state over the external ones was also expressed in the role Rousseau ascribed to love of country. The glue in the state organism could be the ‘virtue’ which enabled citizens to muffle the voice of ‘private interests’. ‘Voulez-vous que la volonté générale soit accomplie? faites que toutes les volontés particulières s’y rapportent; et comme la vertu n’est que cette conformité de la volonté particulière à la générale, pour dire la même chose en un mot, faites regner la vertu’ – he had written in the *Discours sur l’économie politique*. But it was difficult to undertake a heroic struggle against human passions. It was easier for ‘love of the fatherland’ to perform this task efficaciously, acting as a strong feeling ‘qui joint la force de l’amour propre à toute la beauté de la vertu’ to overcome others.³¹

In the *Considérations* Rousseau claimed that love of the fatherland was born from attachment to all that was native, that is to that which characteristic of a given society and distinguished it from others.³² The *Considérations* therefore introduced a new articulation of the origins of love of the fatherland, because until this point Rousseau had been inclined to identify love of the fatherland with attachment to the state, and to consider it as a result of gratitude towards it. In one of his notes he wrote thus about *la patrie*: ‘Si les citoyens tirent d’elle tout ce qui peut donner du prix à leur propre existence – De sages

the wish that Poland would remain ‘paisible, heureuse et libre’, *ibid.*, pp. 1039, 1041.

³¹ Rang, *Rousseaus Lehre*, pp. 201–205, 436; Fetscher, ‘Rousseau, auteur d’intention conservatrice’, pp. 55–56; *OC*, vol. iii, p. 252.

³² ‘Ce sont les institutions nationales qui forment le génie, le caractère, les goûts, et les mœurs d’un peuple, qui le font être lui et non pas un autre, qui lui inspirent cet ardent amour de la patrie fondé sur des habitudes impossible à déraciner’, *OC*, vol. iii, p. 960.

Loix, des mœurs simples, le nécessaire, la paix, la liberté et l'estime des autres peuples – leur zèle s'enflammera pour une si tendre mère'.³³ Rousseau eloquently explained to the Poles the need to maintain and develop native customs, even if they were 'mauvais même à certains égards', as long as they were not so in essence. He regarded it as inexpressibly desirable that they should hold 'une grande opinion d'eux-mêmes et de leur patrie'.³⁴

In the *Discours sur l'économie politique* Rousseau had expressed his conviction that love of the fatherland should be imbued from childhood, before the forming of the passions which might prevail over it. For this reason education should be entrusted to the state: 'L'éducation publique, sous les règles prescrites par le gouvernement, et sous des magistrats établis par le souverain, est donc une des maximes fondamentales du gouvernement populaire ou légitime'. He wished to implement the full extent of this ideal, supposedly met in a few ancient states, but which did not find favourable conditions among modern nations,³⁵ in Poland. This education was destined only for full citizens. 'L'éducation nationale – wrote Rousseau – n'appartient qu'aux hommes libres; il n'y a qu'eux qui aient une existence commune et qui soient vraiment liés par la Loi'. Admittedly the point here was to show that 'national education' was impossible in nations which did not enjoy freedom, but this formulation excluded – as it was intended to – those who were not nobles.³⁶ Instruction was to be neither universal, nor compulsory, because although Rousseau agreed with Wielhorski's condemnation of elite schools, and demanded scholarships for poorer youths, he did allow for instruction at home. Instead, all young citizens were to be publicly educated through games and physical exercises.

³³ Ibid., p. 536.

³⁴ Ibid., pp. 961–962.

³⁵ Ibid., pp. 259–261; Jean Château, *Jean-Jacques Rousseau, sa philosophie d'éducation*, Paris, 1962, p. 143.

³⁶ OC, vol. iii, p. 966.

Their purpose was to ‘les accoutumer de bonne heure à la règle, à l’égalité, à la fraternité, aux concurrences, à vivre sous les yeux de leurs concitoyens et à désirer l’approbation publique’. But ‘on ne doit point permettre qu’ils jouent séparément à leur fantaisie’. Instruction would concentrate (because Rousseau did not mention other subjects) on ‘knowledge of Poland’ (to use a contemporary term), its geography, history and laws. For this reason, the teachers and heads of schools were not to be professional pedagogues, but persons preparing for a public career. Such instruction would instil love of the fatherland, which, as Rousseau wrote, was love ‘des lois et de la liberté’.³⁷

In this way the goal would be achieved, which he had articulated in the article *Economie politique*: ‘Si les enfans sont élevés en commun dans le sein de l’égalité, s’ils sont imbus des lois de l’état et des maximes de la volonté générale, [...] s’ils sont environnés d’exemples et d’objets qui leur parlent sans cesse de la tendre mere qui les nourrit, de l’amour qu’elle a pour eux, des biens inestimables qu’ils reçoivent d’elle, et du retour qu’ils lui doivent, ne doutons pas qu’ils n’apprennent ainsi à se chérir mutuellement comme des frères, à ne vouloir jamais que ce que veut la société’.³⁸

The next stage, after the instilling of patriotism into children and making their minds uniform in a total socialization, would be the education of adults. This would consolidate national mores and drive out foreign ones, develop physical aptitude and

³⁷ *Ibid.*, pp. 966–969. Rousseau condemned ‘les études ordinaires dirigées par des étrangers et des prêtres’, which had until then constituted education, just as he negatively assessed the French schools of the time, which were in the hands of the clergy. He did admittedly write with admiration of [Charles] Rollin and some contemporaries in Parisian university circles, and expected that thence would come a project to reform schooling (Château, *Jean-Jacques Rousseau, sa philosophie d’éducation*, pp. 143–145), but as far as Poland was concerned, he could not respond to the changes initiated by the Piarist Fr Stanisław Konarski, because Wielhorski had not informed him of them.

³⁸ *OC*, vol. iii, p. 261.

root out effeminacy, as well as bring all the nobility together through mass contests, games and spectacles of an ancient character. Rousseau therefore demanded the abolition of the theatre and the introduction (in accordance with Wielhorski's suggestions) of equestrian exercises and 'cirques où s'exerceoit jadis la jeunesse en Pologne'.³⁹ Clearly, he did not realize the actual character of these 'circuses' recalled fairly positively in the *Essai sur les mœurs* (Wielhorski probably did so deliberately, knowing Rousseau's predilections). These were the so-called 'circles of those fighting with sticks', whose hooligan excesses are known to us from contemporary memoirs.⁴⁰

³⁹ Ibid., pp. 962–964.

⁴⁰ The passage on 'circuses' (*cyrki*) has troubled commentators. Starzewski in his Polish translation of the *Considérations* rendered 'cirques' as 'igrzyska'. Fabre wrote in his commentary: 'Beaucoup de voyageurs signalent le gout des Polonais pour les courses et concours hippiques, mais il ne mentionnent pas ces 'cirques' auxquels Rousseau fait allusion', *OC*, vol. iii, p. 1752. The relevant fragment of Wielhorski's information reads: 'Autrefois dans les lieux où se tiennent les cours de justice, il y avait une espèce de cirque où la jeunesse s'exerçoit à se battre. On a aboli cet usage et je ne sçais si c'est un bien pour une nation républicaine. Parmi les combattans victorieux on en choisissoit 3 auxquels on donnoit les charges de maréchal, de vice-maréchal et d'instigateur'. Jędrzej Kitowicz wrote about 'the circle of those fighting with sticks' in his *Opis obyczajów za panowania Augusta III*, ed. Roman Pollak, Wrocław, 1951, pp. 193–196. A tumult raised in Brześć Litewski by 'the nobility fighting with sticks' was mentioned by Marcin Matuszewicz, *Pamiętniki*, Warsaw, 1876, vol. iii, p. 111.

It is not surprising that the fighting exercises of youth won Rousseau's approval. In his *Lettre à d'Alembert sur les spectacles* he enthusiastically recalled the scuffles of Genevan adolescents: 'they battered each other unmercifully [...] but from such youths grew men who with all their heart desired to serve the fatherland and spill their blood in its defence', quoted in the translation by W. Bienkowska: J.J. Rousseau, *Umowa społeczna... List o widowiskach* (Biblioteka Klasyków Filozofii, Warsaw, 1966), p. 466 ['ils se battaient à bon escient [...] mais ces polissons ont fait des hommes qui ont dans le cœur du zèle de servir la patrie et du sang à verser pour elle', Jean-Jacques Rousseau, *Lettre à d'Alembert sur les spectacles*, Saint Julien en Genevois:

A similarly educative role with regard to adults (again, only nobles of course) was to be played by distinctions, honorary awards and the system of promotion in public careers. These promotions were to be dependent on the approbatory opinion of all citizens, expressed principally through the dietines.⁴¹ These distinctions and awards, to which Rousseau attached great importance and which he described in detail, should be presented ceremoniously with great pomp, while at the same time they should in themselves be serious and modest in their simplicity, unlike the luxury of courtly ‘baubles’ – orders. The aim of these distinctions was to reward and encourage ‘patriotic virtues’. The high social prestige conferred by these honours, greater than that attached hitherto to the riches and social position of the magnates, would channel Poles’ ambitions in a new direction.⁴² ‘Leurs cœurs apprennoient à connoitre un autre bonheur (in the draft: ‘d’autre désirs’) que celui de la fortune, et voila l’art d’annoblir les ames et d’en faire un instrument plus puissant que l’or’.⁴³

This reasoning is a characteristic example of Rousseau’s views on the possibility of steering social mechanisms (determined by people and their psychological qualities), on the turn their activities in the right direction in a society based on the premises of the *Contrat Social*.⁴⁴ It would halt and correct (at least for a time) the elemental historical process expressing itself in ongoing moral corruption. Under the rule of law and with the complete absorption of individuals into a collective body, their ennoblement

Arvensa, 2014, p. 86]. The boyish fights of the young Genevans followed the real ‘civil wars’ seen by Geneva in the first half of the eighteenth century. On these, see Launay, *Jean-Jacques Rousseau*, pp. 15–17.

⁴¹ See below, pp. 128–130.

⁴² *OC*, vol. iii, pp. 964–965, 1020–1023.

⁴³ *Ibid.*, p. 962.

⁴⁴ For the articulation of these views in *Economie politique*, the *Nouvelle Héloïse* and *Emile*, see Launay, *Jean-Jacques Rousseau*, pp. 226–227, 286, 376; Derathé, *Jean-Jacques Rousseau et la science politique*, p. 170.

would take place by the changing of their previous world of values,⁴⁵ by the control, or the suitable channelling of their desires and passions,⁴⁶ those strongest motives of human activity. In this way, in a well-governed state, such as the reformed Poland was to be, negative qualities such as ambition, the desire to rise up above others and the pursuit of applause, resulting from the denaturalization of man by social life,⁴⁷ would be transformed into positive ones. They would be oriented towards the general good, signifying an emotional attitude towards it. For this reason it was necessary constantly to feed it with signs of public esteem. 'Je voudrois – wrote Rousseau – que tous les grades, tous les emplois, toutes les récompenses honorifiques se marquassent par des signes extérieurs, qu'il ne fut jamais permis à un homme en place de marcher *incognito*, que les marques de son rang ou de sa dignité le suivissent par-tout, afin que le peuple le respectât toujours, et qu'il se respectât toujours lui-même; qu'il put ainsi toujours dominer l'opulence; qu'un riche qui n'est qu'un riche, sans cesse offusqué par des Citoyens titrés et pauvres, ne trouvât ni consideration, ni agrément dans sa patrie; qu'il fut forcé de la server pour y briller, d'être intègre par ambition, et d'aspirer malgré sa richesse à des rangs où la seule approbation publique méne, et d'où le blâme peut toujours faire déchoir. Voila comment on énerve la force des richesses, et comment on fait des hommes qui ne sont point à vendre'.⁴⁸

⁴⁵ 'En changeant les objets de leur estime' – Rousseau's words from the self-characterization of his views cited after Jouvenel, *Rousseau évolutioniste pessimiste*, p. 10.

⁴⁶ Rousseau gave examples of how the state should accomplish such a channelling in his *Projet de constitution pour la Corse*, OC, vol. iii, pp. 938–939.

⁴⁷ In the *Discours sur l'origine [...] de l'inégalité* he counted 'l'ambition dévorante, l'ardeur d'élever sa fortune relative, moins par un véritable besoin que pour se mettre au-dessus des autres [...] concurrence et rivalité' among the infelicities which social development had brought to humanity, *ibid.*, p. 175.

⁴⁸ *Ibid.*, p. 1007.

This passage expressed Rousseau's obsessive hostility to money⁴⁹ and dislike of rich people,⁵⁰ but still more his conviction of the power of public opinion and its overwhelming influence on the formation of individuals. In the conditions created by historical development, the workings of opinion had a decidedly negative character in Rousseau's view. Efforts to make a reputation and yielding to the judgment of others abased the individual and made him dependent, forced him into a world of appearances and artificiality, and gave rise to indifference towards good and evil. This judgment, articulated in an extreme form in the *Discours sur l'origine... de l'inégalité*,⁵¹ was toned down in some other writings, in which Rousseau allowed for the possibility of positively employing human inclinations to make their conduct dependent on the opinion of others, as, for example, in the question of duelling, raised in the *Lettres à d'Alembert sur les spectacles*. He also charged 'modern governments' – unlike ancient ones – with failing to understand the value and significance of public opinion as a factor shaping mores.⁵²

On the other hand, in a well-organized society like some ancient republics and the kind of society Poland would become, that is, as uniform a society as possible, in which the great majority of the citizens conducted themselves virtuously and patriotically, the constant control and pressure of public opinion was a highly positive phenomenon. Public opinion most efficaciously formed the individual in the spirit of ardent love of the fatherland; it influenced the overcoming of selfish motives by civic virtue and the identification of one's own desires with the gen-

⁴⁹ Starobinski, *Jean-Jacques Rousseau*, pp. 131–132; Launay, *Jean-Jacques Rousseau*, pp. 106–107.

⁵⁰ Baczkowski, *Rousseau. Samotność i wspólnota*, pp. 19–20, 71; numerous examples are cited by Launay, *Jean-Jacques Rousseau*, passim.

⁵¹ OC, vol. iii, pp. 192–193.

⁵² Ibid., pp. 557–558.

eral good. Fear of disapproval, the wish of winning approval and the dignities and distinctions that depended on it, made people incorruptible and inclined them zealously to carry out their duties to their state and fatherland.⁵³ Hence, Rousseau believed that making careers depend on the verdict of public opinion would become the strongest stimulator of patriotism in Poland. In patriotism he saw the chief factor unifying society and increasing the external resistance of the state, which was the necessary condition for (and also the result of) undertaking the reform.

Perhaps the most characteristic element of the *Considérations* was the huge emphasis on and great hopes placed in moral education – directed by the state in order to make society more uniform – with the complete neglect of intellectual study.⁵⁴ However, it had been a constant element of Rousseau's views

⁵³ 'Travaillez donc sans relâche, sans cesse, à porter le patriotisme au plus haut degré dans tous les cœurs Polonois. J'ai ci-devant indiqué quelques-uns des moyens propres à cet effet: il me reste à développer ici celui que je crois être le plus fort, le plus puissant, et même infallible dans son succès, s'il est bien exécuté. C'est de faire en sorte que tous les Citoyens se sentent incessamment sous les yeux du public, que nul n'avance et ne parvienne que par la faveur publique, qu'aucun poste, aucun emploi ne soit rempli que par le vœu de la nation, et qu'enfin depuis le dernier noble, depuis même le dernier manant, jusqu'au Roi, s'il est possible, tous dépendent tellement de l'estime publique, qu'on ne puisse rien faire, rien acquérir, parvenir à rien sans elle. De l'effervescence excitée par cette commune émulation naîtra cette ivresse patriotique qui seule sait élever les hommes au-dessus d'eux-mêmes, et sans laquelle la liberté n'est qu'un vain nom et la législation qu'une chimère', *ibid.*, p. 1019. Similarly, Mably expected that when the diet took over the distribution of offices, 'une emulation générale développera tous les talents, on sera intéressé à avoir la vertu et l'amour du bien public prendra enfin la place de cet esprit de cour et de flatterie', *Observations... sur la réforme des loix*.

⁵⁴ This was in accordance with Rousseau's fundamental views on instruction, Château, *Jean-Jacques Rousseau, sa philosophie d'éducation*, pp. 144, 199–215. See also Martin Rang, 'L'Éducation publique et la formation des citoyens chez J.J. Rousseau', in: *Etudes sur le Contrat Social*, pp. 258–259.

which appeared in earlier works, especially in the *Discours sur l'économie politique*.⁵⁵ In no other work, moreover, did Rousseau devote so much space to the question of 'forming' adult persons, shaping the psyche and mentality of individuals to a uniform model of the collective body, although the idea of such formation and the conviction that it could be achieved were long grounded in his doctrine. After all, he wrote in the *Discours sur l'économie politique*: 'C'est beaucoup que d'avoir fait régner l'ordre et la paix dans toutes les parties de la république; c'est beaucoup que l'état soit tranquille et la loi respectée: mais si l'on ne fait rien de plus, il y aura dans tout cela plus d'apparence que de réalité, et le gouvernement se fera difficilement obéir s'il se borne à l'obéissance. S'il est bon de savoir employer les hommes tels qu'ils sont, il vaut beaucoup mieux encore les rendre tels qu'on a besoin qu'ils soient; l'autorité la plus absolue est celle qui pénètre jusqu'à l'intérieur de l'homme, et ne s'exerce pas moins sur la volonté que sur les actions. Il est certain que les peuples sont à la longue ce que le gouvernement les fait être'.⁵⁶

In Poland the education of youth and the formation of adult citizens in the spirit of patriotism were to become the prime mover in the work which Rousseau regarded as unfulfilled: the adaptation of a large modern nation to the model of the *Contrat Social*; that is, a uniform and cohesive and thereby an effectively functioning society. It would at the same time enable the solution of the problem which, as he expressed it in the introduction to the *Considérations*, appeared to be insoluble: placing laws above people. And this was, he assured his readers, the prerequisite of the essential reform: 'résolvez bien

⁵⁵ Cf. Rang, *Rousseaus Lehre*, chapter on 'Politisches Erziehung', esp. pp. 147–148, 153–154, 161–167. See also the correlating of the texts of the *Considérations* and the *Discours sur l'économie politique* in Crocker's article, 'Rousseau et la voie au totalitarisme', pp. 122–123; Château, *Jean-Jacques Rousseau, sa philosophie d'éducation*, p. 146.

⁵⁶ *OC*, vol. iii, p. 251.

ce problème, et le gouvernement fondé sur cette solution sera bon et sans abus'.⁵⁷

For the addressees, and especially for future generations of Polish readers of the *Considérations*, more important than this reasoning and these visions spun from Rousseau's doctrinaire imagination was his idea of the role of love of the fatherland and the national character for Poles fighting against violence. They might temporarily yield, but thanks to these qualities they would, as a nation, be able to survive the loss of freedom.⁵⁸

Framed thus, love of the fatherland and national character ceased to be functions of only state life,⁵⁹ a factor making society more uniform for the needs of the state, but was to serve the defence of the distinctiveness of individuals and the entire nation against the state, and to become not an element of unification and bonding, but differentiation and destruction. We can wonder if Rousseau fully appreciated the significance of this idea for

⁵⁷ Ibid., p. 955.

⁵⁸ Ibid., pp. 959–960. Rousseau, however, as I have tried to show, did not really take much note of such a possible situation in his thinking.

⁵⁹ Derathé in his commentary on *Fragments politiques* quotes Rousseau's opinion in a certain letter from 1764: 'La patrie est dans les relations de l'Etat à ses membres; quand ces relations changent ou s'anéantissent, la patrie s'évanouit', and concludes: 'La patrie proprement dite n'est pour lui ni le pays natal ni la terre des ancêtres, elle est liée aux institutions politiques et le patriotisme est l'attachement ou le dévouement à ces institutions', *ibid.*, p. 1535; it is seen somewhat differently by Rang who writes: 'Pour Rousseau l'amour de la patrie n'est pas un simple sentiment et moins encore une ivresse collective, mais l'épanouissement dans les affaires concrètes de la cité'. He admits, however, that new elements appear in the *Considérations*: 'dans développements de Rousseau sur la physionomie nationale de la nation polonaise retentissent les sons du nationalisme tel qu'il se développera au XIX^e siècle', 'L'Éducation publique', pp. 256–257; similarly Talmon: 'Die Wenderung zum Nationalismus erfolgt in Rousseaus *Considérations*' (here he gives several quotations and on that basis concludes: 'Das entfernt sich weit von der herrschenden mechanischen und legalistischen Konzeption von Staat und Nation', *id.*, *Die Ursprünge*, p. 251.

the Poles, or if he attached as much weight to it as did later readers and commentators.⁶⁰ There is no question, however, that this idea, which did not fit many of Rousseau's generalizations, and which was not born from legendary Sparto-Roman visions, but from the observation of an authentic phenomenon – the history and current situation of the Jewish nation⁶¹ – was the most original result of his thinking about Poland.

⁶⁰ Konopczyński, 'Jan Jakób Rousseau doradcą Polaków', pp. 21–23; Szykowski, *Myśl Jana Jakóba Rousseau*, pp. 76–77; Fabre, 'Réalité et utopie', pp. 123–126; P. Arnaud, "Uwagi nad rządem Polski" Jana Jakuba Rousseau', *Przegląd Humanistyczny*, 5, 1961, 3, pp. 49–50, 57.

⁶¹ 'L'analogie entre le peuple polonais et le peuple juif est une des clefs des *Considérations*', rightly states Fabre in his commentary (OC, vol. iii, p. 1746), although in overrating the Rousseauvian vision of the fall of the Polish state he also overrates the role of this analogy in the *Considérations*. Fabre, 'Réalité et utopie', pp. 124–125.

5. *The Liberum Veto, the Confederation and the Theory of the “General Will”*

In a separate chapter, entitled *Causes particulières de l’anarchie*, Rousseau set out his position on two specific institutions of the Polish constitutional system: the *liberum veto* and the confederation. Wielhorski had in his *Tableau* advocated the abolition of the *veto* only at the dietines, where it would be replaced by the principle of majority voting.¹ He did not, however, mention the fact that this had already been accomplished by the legislation of the 1767/1768 diet.² As far as the diet was concerned, he did speak about the dreadful consequences of its being broken by the *veto*,³ but he also mentioned the *veto*’s advantages. Discussing the ill effects of inequality among the nobility, he highlighted the possibility of a powerful magnate faction, controlling numerous clients (he was of course thinking of the Czartoryskis), gaining a majority of votes at the diet, which would open the way to its dominion over the Commonwealth. In such a case the only hope was in the *liberum veto*.⁴ It was this very situation which in his opinion constituted the greatest obstacle to a parliamentary reform introducing the principle of majority voting. The conclusion regarding the *veto* was formulated reticently, but the intention was clear.

¹ ‘Le point capital c’est d’empêcher que les diétines ne soient jamais rompues et la voye la plus sure est d’y introduire la pluralité des voix’.

² Konopczyński, *Liberum veto*, p. 418.

³ He placed them at the head of the ‘abuses’ in the chapter on the diet, while in the chapter on the treasurers he wrote: ‘la plupart des grands trésoriers font rompre la diète pour ne pas les rendre leurs comptes. Ce seul fait devoit ouvrir les yeux sur le vice du liberum veto’.

⁴ ‘On est même tenté, quand on considère les abus de cette inégalité, d’excuser le vice du liberum veto, qu’on reproche avec tant de chaleur au gouvernement de Pologne’.

In raising this question, he was undoubtedly, albeit indirectly, justifying his own stance as a defender of the *veto* at the 1766 diet. In writings destined for Mably he called the *veto* the source of Polish anarchy,⁵ an abuse whose legal enforcement had been imposed by Russia at the diet of 1767/1768,⁶ but he took the view that it was only necessary to restrict it. He did not in any case propose some solution of his own, but only accepted, with some reservations and corrections, Mably's proposals.⁷ The latter clearly stated, though, that he was tactically refraining from postulating the complete abolition of the *liberum veto* because of the attachment of the Polish nobility to it. Mably proposed to restrict the *veto* to the unanimous protest of all the envoys of a given palatinate, with the rider that it applied only to a particular bill, and could not be used against laws already passed; nor would it lead to the breaking of the diet.⁸ However, even this minor concession (and he hoped it would be deprived of practical meaning) was absurd in his own mind. He viewed unanimity as contrary to human nature and the right of veto as a violation of the 'general will of the nation'.⁹

⁵ 'Le liberum veto est la source de l'anarchie qui règne en Pologne', he wrote in the *Observations particulières*, and expressed himself similarly in the *Observations sur la seconde conférence*.

⁶ 'Comme la Russie a mis pour base de son traité la conservation du liberum veto et qu'elle lui a donné une extension que l'abus a introduit en Pologne, il n'est pas à douter que ce ne soit un motif puissant pour les Polonois de l'abolir', *Observations sur la première conférence*; the sentence also appears in the *Observations particulières*.

⁷ In the *Observations sur la première conférence* he drew attention to the danger that some magnate serving a foreign power could drive through the election only of his own clients at one dietine, and in this way become the arbiter of the entire diet.

⁸ 'Quelque loi qu'on fasse, elles seront inutiles si le liberum veto subsiste. Les Polonais, dit-on, y sont prodigeusement attachés et puisqu'il faut nécessairement ménager leurs préjugés', *Première conférence*. He repeated the view in the *Observations... sur la réforme des loix*, AGAD, Zbiór Anny Branickiej 10.

⁹ *Observations... sur la réforme des loix*, as above.

Rousseau also took ‘the love of the Poles for the *liberum veto*’ into account,¹⁰ but it was not the only reason why he wished partially to preserve it. He did count the *liberum veto* among the causes of the reign of anarchy in Poland and considered its maintenance in its full extent as very harmful. He especially condemned the breaking up of diets not only by a single envoy, but by many envoys.¹¹ At the same time, however, he claimed that ‘le *liberum veto* n’est pas un droit vicieux en lui-meme’,¹² and even called it ‘ce beau droit’.¹³

Commenting on these phrases, Konopczyński expressed his astonishment that the author of the *Considérations* had backtracked on the principle of the *Contrat Social*, that the collective will was expressed by the majority of votes, and that those who voted against should without exception obey such resolutions.¹⁴ However, Rousseau himself believed that he remained faithful to his principles, and it was within their categories that he sought to frame the question of the *veto*. He admitted that it was the greatest strength of the citizens who participated in sovereign power. Each man was attached more to his own individual privileges than to the general good. But it was patriotism that overcame such inclinations and thanks to it Poles would sacrifice to the public good this great right whose operation had become fatal for them. Previously, indeed, it had been the safeguard of liberty.¹⁵ This last claim was of course an echo of Polish views, accepted to some degree by Mably,¹⁶ holding that the veto was

¹⁰ ‘C’en est assez [...] pour contenter l’amour des Polonois pour le *liberum veto*, sans s’exposer dans la suite aux abus qu’il a fait naitre’, *OC*, vol. iii, p. 996.

¹¹ *Ibid.*, pp. 994, 996.

¹² *Ibid.*, p. 995.

¹³ *Ibid.*, p. 997.

¹⁴ Konopczyński, ‘Jan Jakób Rousseau doradcą Polaków’, pp. 15–16.

¹⁵ *OC*, vol. iii, p. 995.

¹⁶ ‘Toutes les pieces de gouvernement polonoise sont si mal disposées et si peu faites les unes pour les autres que la République aurait perdu vingt fois sa

an instrument for the defence of freedom threatened above all by the corrupting activity of the king who had the distribution of graces in his hands. But the author of the *Considérations* did not expand on this theme and preferred to consider the problem of the veto as an expression of general rules. The veto was the consequence of unanimity; wherever that was found, the veto had to be respected. Unanimity was required at the making of the 'social contract', the pact creating society, and Rousseau recognized the 'fundamental laws' of the given state as the equivalent of this pact. Likewise, any change to the fundamental laws required unanimity. As examples of such laws, he did not hesitate to give several articles of the cardinal laws passed by the 'illegal' diet of 1767/1768.¹⁷

Rousseau had evidently lost the logic in his reasoning. He forgot that the consequence of unanimity in the 'social pact', as he had framed it in the *Contrat Social*, was the exclusion from the society thereby established of those who had not agreed to its conclusion.¹⁸ Analogously, therefore, by refusing to agree to the fundamental laws they would cease to be citizens, and Rousseau probably did not think of something like this. He also fell into a vicious circle writing of the *liberum veto*: 'ce droit, bon dans la formation du corps politique ou quand il a toute sa perfection,

liberté, si un seul citoyen n'avoit pas été en droit de s'opposer à ses résolutions', *Observations... sur la reforme des loix*.

¹⁷ *OC*, vol. iii, p. 996. In his commentary (*ibid.*, p. 1776) Fabre rightly points to Pfeffel's *Etat de la Pologne* as a source of information on the legislation of the 1767/1768 diet. Evidence of Rousseau's independence from Wielhorski is the statement that this legislation limited the scope to employ the *liberum veto*, while the latter tried to show that it had confirmed and extended it. See above, note 6.

¹⁸ 'Il n'y a qu'une seule loi qui par sa nature exige un consentement unanime. C'est le pacte social; [...] Si donc, lors du pacte social, il s'y trouve des opposans, leur opposition n'invalide pas le contract, elle empêche seulement qu'ils n'y soient compris; ce sont des étrangers parmi les Citoyens', *OC*, vol. iii, p. 440.

mais absurde et funeste tant qu'il reste des changemens à faire et il est impossible qu'il n'en reste pas toujours, surtout dans un grand Etat entouré de voisins puissans et ambitieux'.¹⁹ But these very changes were to include the establishment of fundamental laws. Rousseau stated this explicitly writing: 'Il faut bien peser et bien méditer les points capitaux qu'on établira comme loix fondamentales'.²⁰ In this way the planned legislative work would at the outset encounter the obstacle of the *liberum veto*. We can however suppose that Rousseau reasoned thus: the confederates of Bar personified the general will (for they understood the genuine general interest),²¹ and whatever they established would by the same token be a unanimous resolution; only later would the 'general will' have to be sought in voting. For such votes he recommended the requirement of qualified or simple majorities depending on the importance of the matter in question.²² Unanimity and therefore the *liberum veto* would only apply to the passing or repealing of fundamental laws. 'De cette manière on rendra la constitution solide et ces loix irrevocables autant qu'elles peuvent l'être'.²³

In the *Contrat Social* Rousseau had taken the position that the 'general will' was unlimited and could change the fundamental laws it had established²⁴ (there could be no other fundamental laws). He repeated this view in the *Considérations*, writing: 'il est

¹⁹ Ibid., p. 995.

²⁰ Ibid., p. 996.

²¹ Elsewhere in the *Considérations* Rousseau wrote about Poland: 'je ne vois dans l'état présent des choses qu'un seul moyen de lui donner cette consistance qui lui manque: c'est d'infuser, pour ainsi dire, dans toute la nation l'ame des confédérés', *ibid.*, p. 959.

²² Ibid., p. 997.

²³ Ibid., p. 996.

²⁴ 'Il n'y a dans l'Etat aucune loi fondamentale qui ne se puisse révoquer, non pas même le pacte social', *ibid.*, p. 436, similarly on p. 362; Derathé's commentary, *ibid.*, p. 1447; *id.*, *Jean-Jacques Rousseau et la science politique*, pp. 333–340.

contre la nature du corps politique de s'imposer des loix qu'il ne puisse révoquer',²⁵ but at the same time he professed the ideal of stable laws of a timeless and indeed sacral character. Upholding them, he believed, should be the principal task and concern of the state.²⁶ This was the consequence of his espousal of the ideal of an unchanging society. He was averse to the constant pursuit of improved laws; profusion in law-making was for him evidence of the degeneration of the state, following the fall of morals;²⁷ adapting laws to changing realities was a bad sign, because the evolution of social relations indicated that the society in question

²⁵ *OC*, vol. iii, p. 996.

²⁶ 'Pour Rousseau l'activité de la puissance législative, une fois la tâche du législateur accomplie, consiste surtout à l'observation des lois, au contrôle de l'exécutif. La politique de Rousseau est statique. Notre auteur ne sent ni ne voit la nécessité de modifier ou de se changer la législation pour l'adapter aux transformations inévitables de la société. Sa doctrine se présente à nous sous deux aspects singulièrement différents, voire même opposés. D'une part, Rousseau affirme le droit du peuple à changer sa législation et même sa constitution [...]. C'est là l'aspect révolutionnaire ou, si l'on veut, doctrinaire de sa pensée. Mais son tempérament le porte, d'autre part, à considérer comme la meilleure la législation la plus durable [...] De là [...] le caractère sacré qu'il confère non seulement au pacte social, mais aux lois mêmes [...]. On arrive ainsi à la conclusion que si le peuple a le droit de changer ses lois, il doit, dans la pratique s'abstenir de le faire. La sagesse politique consiste, en matière législative, à s'abstenir de toute innovation et à s'efforcer, au contraire, de conserver dans toute la mesure du possible, la législation primitive', Derathé, 'Les rapports de l'exécutif et du législatif chez Jean-Jacques Rousseau', in: *Rousseau et la philosophie politique*, Paris, 1965, p. 166. See also his revealing opinion about the Genevan constitution in the *Lettres écrites de la montagne*: 'Depuis que la Constitution de votre Etat a pris une forme fixe et stable, vos fonctions de Législateur sont finies. La sûreté de l'édifice veut qu'on trouve à présent autant d'obstacles pour y toucher, qu'il falloit d'abord de facilités pour le construire', *OC*, vol. iii, p. 843.

²⁷ 'S'il on me demandoit quel est le plus vicieux de tous les Peuples, je répondrois sans hésiter que c'est celui qui a le plus de Loix', *OC*, vol. iii, pp. 493; see also Derathé, *Jean-Jacques Rousseau et la science politique*, p. 360.

was approaching its end. The task of legislation was to halt this fatal, although ultimately inevitable evolution.²⁸

The inevitable end ('the death of the body politic') would last reach 'well arranged' states – those in which the laws were in force, respected and working on society for the longest time.²⁹ 'C'est surtout la grande antiquité des loix qui les rend saintes et vénérables [...] en s'accoutumant à négliger les anciens usages sous prétexte de faire mieux, on introduit souvent de grands maux pour en corriger de moindres' – he wrote in the dedication of the *Discours sur l'origine de l'inégalité*, and added: 'Les innovations dangereuses qui perdirent enfin les Athéniens'.³⁰ He generalized the idea in the *Lettres écrites de la montagne*: 'L'aversion des nouveautés est donc généralement bien fondée [...] quelque utiles que fussent des lois nouvelles, les avantages en sont presque toujours moins sûrs que les dangers n'en sont grands'.³¹ This aversion to novelty (arising from a fundamentally negative assessment of the phenomenon of progress)³² found common

²⁸ Bertrand de Jouvenel, 'Rousseau, évolutionniste et pessimiste', in: *Rousseau et la philosophie politique*, pp. 9–10; Fetscher, Rousseau, auteur d'intention conservatrice, pp. 53–56, 70, 74.

²⁹ *Contrat Social*, chapter on *De la mort des corps politique*, OC, vol. iii, pp. 424–425.

³⁰ OC, vol. iii, p. 114.

³¹ The passage is quoted by Derathé, 'Les rapports de l'exécutif', p. 165 [cf. OC, vol. iii, p. 846]. A still more developed argument for his conservative standpoint can be found in the draft version of the *Lettres*: 'Il faut éviter autant qu'il se peut de rien innover, les avantages des loix nouvelles sont presque toujours moins sûrs que les dangers n'en sont grands, la plupart des abus perdent en vieill[iss]ant leur malignité et ne deviennent enfin que des usages. Les meilleures loix, au contraire, ont presque toujours, dans leur nouveauté, je ne sais quelle violence qui les rend incommodes. Un nouveau joug n'est jamais facile à porter (au lieu que celui qu'on a toujours porté se sent à la peine). L'aversion des nouveautés est donc toujours bien fondée et le gouvernement fait très bien d'apporter un grand obstacle à leur établissement', OC, vol. iii, p. 1696.

³² 'Rousseau est le philosophe antiprogressiste par excellence', Jouvenel, 'Rousseau, évolutionniste et pessimiste', p. 12; Baczkowski, *Rousseau. Samotność i wspólnota*, pp. 201ff.

chord with traditional opinions rooted in Polish noble society, which were expressed in extreme form in the maxim *omnis novitas semper nociva*,³³ echoing certain mental tropes reaching back to classical antiquity, to which Rousseau himself was susceptible. It should be noted, however, that Wielhorski reverently listed various laws dating back centuries, which were no longer relevant or enforced, in accordance with the spirit of old Polish law, in which statutes overlaid each other, and the principle of ‘renewal’ (*reasumpcja*) was applied to laws that had not been annulled but which were *de facto* no longer binding. Rousseau, on the other hand, categorically demanded the revision of old legislation in order formally to repeal all those laws which had fallen out of use, and to enforce fully those deemed binding.³⁴

In turn, it should be stated that although Wielhorski’s point of departure was the traditional, conservative advocacy of a return to good, old laws, which had only been either contaminated with abuses by their improper application, or else forgotten, he did not express any fear of novelties. Moreover, he emphasized the abuses so strongly that he provoked Rousseau to riposte – the latter repeatedly underlined the need to preserve old laws.³⁵ Neither did Wielhorski mention the institution of fundamental, or cardinal laws which petrified the Polish constitution. On the other hand, as we know, Rousseau did so; indeed, he approvingly quoted four articles (the first, fifth, ninth and eleventh) of the cardinal laws passed in 1768. In citing them he approved of their content; that this was more than just an exemplification of laws of this character is borne out by his caveat towards the first, which he thought required correction. The articles which Rousseau was ready to recognize without any reservations as fundamental

³³ See Michalski, ‘Sarmatyzm i europeizacja’, pp. 116–117, and the literature cited therein.

³⁴ *OC*, vol. iii, p. 1002.

³⁵ *Ibid.*, pp. 954, 955, 971, 1041.

were: the elective nature of the throne, the Polish-Lithuanian union, and equality of rights among the entire nobility. Rousseau intended that the first article, which stated that the legislative power was either in the hands of three estates – the king, the senate and the equestrian order – assembled at the diet, or in the hands of the latter two estates during an interregnum, should be amended, undoubtedly in such a way as to remove the king and the senate. Perhaps he also envisaged the article being formulated so as to enable non-nobles to participate in the diet in future.

Because Rousseau mentioned the above articles as examples, it is likely that he did not limit the fundamental laws to them. However, we do not have any basis for speculation on the content of the others. Concerning the legislation of the diet of 1767/1768, he clearly regarded all the ‘matters of state’ then established as incorrectly made subject to the requirement of unanimity, but he did not speak out so categorically about the other fundamental laws. He wrote only that very many articles were counted among them, when they should have been part of ordinary legislation. The matters covered by them, like those counted among matters of state ‘sont sujets, par la vicissitude des choses, à des variations indispensables’.³⁶ Therefore, he clearly emphasized that changes to the laws were a necessary evil, and the ineluctability of such changes in Poland resulted, in his opinion, from the fact that it was a large country, surrounded by dangerous neighbours.³⁷

However, Rousseau envisaged the application of the *liberum veto* to all kinds of resolutions. He believed that such a dangerous instrument could be used in Poland, whose citizens were distinguished by special moral qualities (‘où les ames ont encore un grand ressort’). The person who cast the veto would however have to stand before a special tribunal composed of all the wisest, best and most respected people in the nation, who would either

³⁶ Ibid., p. 996.

³⁷ Ibid., p. 995.

condemn him to death, or else, if they were convinced by his reasons, to bestow an award on him. The model here was Antiquity, when ‘courage and love of liberty’ exerted an unusual pull. ‘On a vu, dans les Républiques – wrote Rousseau – où régnoient les loix plus dures encore, de généreux Citoyens se dévouer à la mort dans le péril de la patrie, pour ouvrir un avis qui put le sauver. Un *veto*, suivi du même danger, peut sauver l’Etat dans l’occasion, et n’y sera jamais fort à craindre’.³⁸

This idea, while childish as a project for a legal institution and a sign of Rousseau’s intoxication by patriotic rhetoric, nevertheless casts significant light on the way in which he understood the ‘general will’. The ‘general will’, according to Rousseau, always expressed the ‘general interest’ and was always right; otherwise it would not have been the ‘general will’, but only the ‘will of all’. The ‘general interest’ was not the sum or the outcome of ‘private interests’, because these were in essence contrary to it, but expressed the ‘general benefit’³⁹ which represented certain values (obviously the values which Rousseau himself held dear). The content of the ‘general will’ existed, then, as a certain ideal incarnate in the consciousness of the citizens, who in voting did not create it, but only expressed it.⁴⁰ Each citizen should make

³⁸ *Ibid.*, pp. 997–998.

³⁹ He expressed this most vividly in the following passage of the *Contrat Social*: ‘La volonté générale est toujours droite et tend toujours à l’utilité publique; mais il ne s’ensuit pas que les délibérations du peuple aient toujours la même rectitude. [...] Il y a souvent bien de la différence entre la volonté de tous et la volonté générale; celle-ci ne regarde qu’à l’intérêt commun, l’autre regarde à l’intérêt privé, et n’est qu’une somme de volontés particulières’, *ibid.*, p. 371.

⁴⁰ ‘Cette volonté générale n’est pas le résultat d’une addition, le produit d’un vote ou le terme d’un compromise. Elle préexiste à toutes les opérations qui ont pour l’objet de l’exprimer. Elle préexiste dans la conscience des citoyens’, Georges Burdeau, ‘Le Citoyen selon Rousseau’, in: *Etudes sur le Contrat Social de Jean-Jacques Rousseau*, Paris, 1964, pp. 222–223. ‘La volonté générale [...] n’est pas une décision empirique, mais plutôt un être métaphysique (donc elle n’est jamais erronée), un être qui existe avant la vote ou malgré la vote,

himself aware of the 'common interest' and act according to it, which was very difficult, given the spontaneous strength of 'private interests'. It could only be done thanks to virtue. Virtue permitted the identification of one's own will with the general will. In this way, the Rousseauvian 'general will' was at the same time the collective will of the given society and a certain resource of consciousness of its individual members.⁴¹ The 'general will' was one and clear-cut. Rousseau did not allow the possibility of a plural interpretation of the 'general interest' based on different arguments; he was especially opposed to its being treated as a compromise between the diverse interests of particular social groups. For this reason, the 'general will' should be accepted by all citizens as the only right one. So the ideal of legislation was unanimity, which testified to the fact that everyone rightly understood the 'general interest' and acted accordingly, and that society was therefore ruled by virtue.⁴² Rousseau believed that this interest was so obvious that 'common sense' sufficed to understand it.⁴³

et que celui-ci est appelé à découvrir', Crocker, 'Rousseau et la voie au totalitarisme', p. 113; see also Payot, *Essence et temporalité*, p. 110ff; Hans Barth, 'Volonté générale et volonté particulière chez J.-J. Rousseau', in: *Rousseau et la philosophie politique*, pp. 40–41; Talmon, *Die Ursprünge*, pp. 37–38.

⁴¹ René Hubert, *Rousseau et l'Encyclopédie, Essai sur la formation des idées politiques de Rousseau*, Paris, 1928, pp. 106–109; Barth, 'Volonté générale', pp. 41ff. The latter author probably exaggerates the moral and religious character of Rousseau's understanding of the 'general will'.

⁴² Derathé, *Jean-Jacques Rousseau et la science politique*, pp. 234–235; Talmon, *Die Ursprünge*, pp. 39–41.

⁴³ In the *Contrat Social* we read: 'Tant que plusieurs hommes réunis se considèrent comme un seul corps, ils n'ont qu'une seule volonté, qui se rapporte à la commune conservation, et au bien-être général. Alors tous les ressorts de l'Etat sont vigoureux et simples, ses maximes sont claires et lumineuses, il n'a point d'intérêts embrouillés, contradictoires, le bien commun se montre partout avec évidence, et ne demande que du bon sens pour être aperçu. [...] la manière dont se traitent les affaires générales peut donner un indice assez sûr de l'état actuel des mœurs, et de la santé du corps politique. Plus le concert regne dans les assemblées, c'est à dire plus les avis approchent de

‘The act of political decision’ – writes one of Rousseau’s biographers – is here an act of self-knowledge and moral self-description, a confrontation of ‘oneself’ with the ‘general will’, a constant confirmation of one’s moral unity with the people, with the social whole [...] The ideal is the obtaining of a society [...] in which both the social conditions of individual existence and its spiritual character would assure an absolutely unambiguous relation to the world [...]. The measure of the “citizen’s” political freedom is not the growth of the real possibility of choice between various alternative political solutions – but the degree of identification between his own decisions and the ‘general will’.⁴⁴ Rousseau, however, stressed that the people could often be deceived and that the opinions it expressed would not express the ‘general will’. Moreover, and much worse, the pressure of ‘private interests’ could be so strong, that it could overwhelm the understanding of general interest’ among the citizens, who would not be able to express the ‘general will’.⁴⁵ An extreme situation could therefore arise, in which the ‘general interest’ could be understood only by one person, in relative terms the one virtuous person, who would place the ‘general interest’ above ‘private interests’. He alone would then express the ‘general will’.⁴⁶

l’unanimité, plus aussi la volonté générale est dominante; mais les longs débats, les dissensions, le tumulte, annoncent l’ascendant des intérêts particuliers et le déclin de l’Etat’, *OC*, vol. iii, pp. 437, 439.

⁴⁴ Baczek, *Rousseau. Samotność i wspólnota*, p. 686.

⁴⁵ *OC*, vol. iii, pp. 371, 380, 438.

⁴⁶ Bernard Gagnebin states that according to Rousseau it could be the case that the ‘general will’ ‘peut même être représentée par la minorité si celle-ci a mieux discerné où est l’intérêt commun. En poussant ce raisonnement jusqu’au bout, on pourrait imaginer que la volonté générale est incarnée dans un seul contre tous si tous errant et qu’un seul citoyen a compris où se trouve le bien supérieure de la communauté’, id., ‘Le Rôle du législateur dans les conceptions politiques de Rousseau’, in: *Etudes sur le Contrat Social*, p. 277. Similarly, Roger Payot, analysing the Rousseauvian doctrine of the general will poses the question: ‘se pourrait-il que, dans un cas de perversion, la plus

Rousseau probably had such a situation in mind when in exceptional cases he allowed for the use of the *liberum veto* against the ‘will of all’ which could not be the ‘general will’. When the decisions of the majority ceased to have the character of the ‘general will’, then the Rousseauvian principle cited by Konopczyński (imprecisely, as it is taken out of context), namely that the resolution of the majority binds those who voted against it, who should duly adapt their convictions, which turned out to be erroneous, no longer applies. Liberty would no longer exist in the given society,⁴⁷ and so it would no longer be possible, in Rousseau’s famous phrase, to force someone to be free.⁴⁸ However this single bearer of the ‘general will’ had the heroic duty of imposing his view on the rest of the citizens, to force them to be free. For this reason, he had the right to annul the resolution and received the opportunity, before this tribunal, to make his fellow citizens aware of the genuine basis of the ‘general interest’ and therefore also of what constituted the ‘general will’.

grande partie des citoyens perde le sens de la volonté générale, qui se réfugierait alors en quelque uns, voire en un seul?’ and answers it affirmatively, id., *Essence et temporalité*, pp. 114–115. These authors did not seek arguments in support of their thesis in the *Considérations*.

⁴⁷ This famous fragment of the *Contrat Social* reads: ‘Quand on propose une loi dans l’assemblée du Peuple, ce qu’on leur demande n’est pas précisément s’ils approuvent la proposition, ou s’ils le rejettent, mais si elle est conforme ou non à la volonté générale, qui est la leur: chacun en donnant son suffrage dit son avis là-dessus; et du calcul des voix se tire la déclaration de la volonté générale. Quand donc l’avis contraire au mien l’emporte, cela ne prouve autre chose sinon que je m’étois trompé et que ce que j’estimois être la volonté générale ne l’étoit pas’. What follows is the less frequently quoted sentence which Konopczyński did not remember: ‘Ceci suppose, il est vrai, que tous les caracteres de la volonté générale sont encore dans la pluralité : quand ils cessent d’y être, quelque parti qu’on prenne, il n’y a plus de liberté’, *OC*, vol. iii, pp. 440–441.

⁴⁸ ‘Quiconque refusera d’obéir à la volonté générale y sera contraint par tout le corps: ce qui ne signifie autre chose sinon qu’on le forcera d’être libre’, *ibid.*, p. 364.

In Rousseau's opinion, because it was possible to convince those who erred, but not the 'corrupted', this court was to be formed from the nation's elite. Here the views of the author of the *Considérations* essentially concurred with the traditional ideology of the Polish nobility, in which the cult of unanimity and the faith that it could be achieved was accompanied by the conviction that sometimes only 'a single virtuous' defender of liberty could save it by his protest against the corrupted or deluded majority.

Rousseau rejected, however, the concession to the *liberum veto* proposed by Mably, namely that it should be allowed in the case of a unanimous protest of all the envoys of the given palatinate. He admitted that this project had certain advantages, because it accorded with the federalism which he advocated. He nonetheless judged that this kind of collective statement of the palatinate would involve an earlier agreement between its envoys, and that this would enable one of them to influence the opinion of his colleagues.⁴⁹ He was strongly opposed to any conferences and agitation before votes which were to reveal the 'general will'. He was convinced that this will was best expressed by individual citizens, who would grasp the genuine 'general interest' through common sense and the voice of conscience, and not through political subtleties.⁵⁰ Above all, the general interest would more easily iron out minor differences between individual private interests than major differences between group interests. 'Il importe donc, pour avoir bien l'énoncé de la volonté générale [...] que chaque Citoyen n'opine que d'après lui'.⁵¹ He alluded to this conclusion expressed in the *Contrat Social* when he wrote in the *Considérations*: 'Les voix prises par masse et collectivement vont toujours moins directement à l'intérêt commun que prises

⁴⁹ Ibid., pp. 987–988. Fabre's commentary (ibid., p. 1770) shows that this was a polemic with Mably.

⁵⁰ Barth, 'Volonté générale', p. 47.

⁵¹ OC, vol. iii, p. 372.

segregativement par individu'. A further argument against the collective stance of a palatinate was the greater ease of 'corrupting' an influential leader able to impose his opinion on the other envoys, who could in turn evade responsibility before their principals at the dietines by blaming each other.⁵²

Konopczyński discerned a particularly clear departure from the principles of the *Contrat Social* in Rousseau's position on confederations.⁵³ This stance was fully approbatory, even enthusiastic: 'les Confédérations sont le bouclier, l'asile, le sanctuaire de cette constitution [i.e. Poland's]. Tant qu'elles subsisteront, il me paroît impossible qu'elle se détruise'.⁵⁴

Confederations had saved Poland in the past. 'Sans les Confédérations l'Etat étoit subjugué; la liberté étoit pour jamais anéantie'.⁵⁵ This was a clear prompt from Wielhorski, who in the introduction to the *Tableau*, having listed the fundamental institutions on which Polish liberty was based, wrote: 'On ne s'est pas contenté des precautions dont nous avons parlé pour maintenir la constitution de l'Etat et la liberté publique. Lorsque la nation se plaint de quelque grief considerable et qu'elle n'en peut pas obtenir le redressement, elle est autorisé à se confédérer. Ce moyen, quelque violent qu'il paroisse, a produit plus de bien que de mal. Il a causé la ruine de quelques terres des particuliers, mais il a conservé jusqu'à la liberté de toute la nation'.⁵⁶ An additional stimulus to praise confederations came from their criticism by Mably who contradicted Wielhorski by categorically advocating their abolition.⁵⁷ But the approval of confederations

⁵² Ibid., p. 988.

⁵³ Konopczyński, 'Jan Jakób Rousseau doradcą Polaków', pp. 15–17.

⁵⁴ OC, vol. iii, p. 999.

⁵⁵ Ibid., pp. 979, 998.

⁵⁶ In the *Observations sur la seconde conférence* he wrote: 'Les confédérations loin d'avoir produit des mauvais effets dans notre gouvernement, n'ont servi jusqu'ici qu'à redresser les abus et à conserver la liberté'.

⁵⁷ See Fabre's commentary, OC, vol. iii, p. 1778.

derived from Rousseau's core beliefs. It was not for nothing that he compared them to the Roman dictatorship, which he had lauded in a dedicated special chapter of the *Contrat Social*.⁵⁸ Just as the dictatorship was not contrary to the general will, because the temporary suspension of laws and the legislative power by the dictatorship was done for the good of the state. 'En pareil cas la volonté générale n'est pas douteuse, et il est évident que la première intention du peuple est que l'Etat ne périsse pas'.⁵⁹ Confederations were formed in the utmost need, and so required a suitable strength and efficacy not possessed by the diet; they broke the law on an exceptional basis, because if the diet did so, it would constitute the actual overthrow of the constitution.⁶⁰ This activity accorded with the view expressed at the start of the chapter on the dictatorship in the *Contrat Social*, that because the aim of the constitution was the good of the state, that good should not be sacrificed in the name of maintaining the constitution.⁶¹

⁵⁸ Rousseau even rated confederations higher than the Roman dictatorship, which was an unusual distinction given his cult of everything Roman. In his praise of confederations the influence of Wielhorski's phrasing is clearly visible. 'La Confédération – wrote Rousseau – est en Pologne ce qu'étoit la Dictature chez les Romains: l'une et l'autre font taire les loix dans un péril pressant, mais avec cette grande différence que la dictature, directement contraire à la Législation romaine et à l'esprit du gouvernement, a fini par le détruire, et que les Confédérations, au contraire, n'étant qu'un moyen de raffermir et rétablir la constitution ébranlée par de grands efforts, peuvent tendre et renforcer le ressort relâché de l'Etat sans pouvoir jamais le briser', *ibid.*, p. 998. Here Rousseau modified his former, decidedly positive, view of the Roman dictatorship. In the *Contrat Social* he had claimed that in the last period of the republic the Romans had been wrong to neglect the use of this means which could have been used in defence of freedom, threatened by military leaders. It had been those leaders, and not the dictatorship which had brought the republic to an end, *ibid.*, p. 457.

⁵⁹ *Ibid.*, p. 456.

⁶⁰ *Ibid.*, p. 999.

⁶¹ *Ibid.*, p. 461.

Wielhorski did not refer to any legal principles concerning the formation of confederations, because it was mentioned by no law.⁶² Neither, therefore, could Rousseau do so. He did, however, postulate that a ‘state of confederation’ – a state of emergency – should arise through the very fact of a threat to the state and liberty (he listed suitable cases, mainly of foreign intervention and attempts to curb the freedom of the diet’s deliberations, which were no doubt reflections of the fresh experience of the years 1764–1768), but the actual formation of confederations should still occur spontaneously, at local level. ‘Cette forme fédérative [...] me paroît être un chef d’œuvre de politique’, he wrote. Whoever stood at the head of the first confederation would command the subordination of the following ones.⁶³ This apparently anarchic way of forming confederations also fitted within Rousseau’s views on the ‘general will’. For the best patriots would be the first in the ranks of the confederates saving the state and liberty. It was they who represented the general will. For patriotism, as he had explained in the *Discours sur l’économie politique*, was the strongest stimulus to virtue.⁶⁴ And virtue was nothing else but the accordance of one’s personal will with the general will.⁶⁵

⁶² In the *Observations particulières* he informed his readers that the institution of the confederation was based entirely on custom: ‘Il n’y a point de loix qui autorisent les confédérations. Au contraire, les états assemblés en approuvant les actes de confédérations ont toujours en soin de les défendre. Cependant il n’y a jamais eu d’exemple qu’on en ait puni les moteurs, et l’usage en a été observé depuis le XV^e siècle et a presque force de loi’.

⁶³ OC, vol. iii, pp. 998–999.

⁶⁴ ‘Il est certain que les plus grands prodiges de vertu ont été produits par l’amour de la patrie’; ‘Voulons-nous que les peuples soient vertueux, commençons donc par leur faire aimer la patrie’, *ibid.*, p. 255.

⁶⁵ *Ibid.*, p. 252.

6. *The Government and the Executive Power*

In the chapter *Moyens de maintenir la constitution* Rousseau argued that the legislative power in Poland had kept all of its force because of the interplay of factors which had weakened the executive power. The result was positive, but the phenomenon that was the cause carried a powerful evil; it was the source of the anarchy that reigned in Poland.¹ Rousseau treated the executive power – the government – as an organ subordinated to the sovereign, that is, the legislative power, which executed the laws passed by the latter and was in turn controlled by it. He believed, however, that the direct exercise of executive power by the sovereign – the people – was frequently undesirable, and in any case impossible. Therefore, it had to be consigned to a separate body, perhaps even a single person – a king. Rousseau was convinced of the constant tendency of the executive to extend its authority at the expense of the legislature and to reach for sovereignty. At the same time, however, he supported a strong and effective executive power. The reconciliation of these contradictions was, he believed, extraordinarily difficult, and in the long term unachievable.² Therefore, he sought to offer a specific solution adapted to Polish conditions in the *Considérations*.

Rousseau's point of departure was a characterization of the status quo based on the information from Wielhorski, whose opinions were in many cases similar to his own. For example, Rousseau stated: 'un second moyen par lequel la puissance législative s'est conservée en Pologne, est premièrement le partage de

¹ OC, vol. iii, pp. 975–976.

² Derathé, 'Les rapports de l'exécutif et du législatif chez Rousseau', in: *Rousseau et la philosophie politique*, pp. 157–164, 167; id., *Jean-Jacques Rousseau et la science politique*, pp. 299–307.

la puissance executive, qui a empêché ses depositaires d'agir de concert pour l'opprimer, et en second lieu le passage frequent de cette même puissance executive par différentes mains [...]. Chaque Roi faisoit, dans le cours de son regne, quelques pas vers la puissance arbitraire. Mais l'élection de son successeur forçoit celui-ci de retrograder au lieu de poursuivre; et les Rois, au commencement de chaque regne, étoient contraints par les *pacta conventa* de partir tous du même point'.³

The equivalent formulations in the *Tableau* read: 'Pour maintenir la liberté contre les entreprises du trône et de la puissance exécutive on a placé en différentes mains l'exercice d'autorité'; 'l'élection est le moyen le plus puissant pour conserver les droits de la nation par les conditions qu'elle prescrit au nouveau roi'. Following Wielhorski, Rousseau stated that each minister exercised autonomous authority within the limits assigned to him,⁴ the result of which was a lack of harmony and cooperation. Combining this (fairly freely) with the information from the *Tableau* about the lack of respect for court verdicts among powerful citizens,⁵ he imagined that anarchy in Poland meant that 'chaque dépositaire d'une partie de cette puissance' became a 'petit Despote', a 'petit tiran' who placed himself above the law, refused to acknowledge any superior, showed no respect for court verdicts, felt dependent solely on the diet, which, given its short terms, had no practical significance.⁶ Rousseau did not realize that the power and autonomy of Polish magnates derived less from holding particular offices, than the wide extent and almost sovereign character of the patrimonial authority they

³ OC, vol. iii, pp. 975–976.

⁴ In the *Tableau* we read: 'une partie de la justice, la police, les finances et la guerre forment 4 départements confiés à différents ministres, indépendants les uns des autres'.

⁵ Wielhorski postulated the reform of the system of enforcing court verdicts, 'auxquels plusieurs citoyens puissants refusent de se soumettre'.

⁶ OC, vol. iii, p. 976.

exercised in their own estates, along with the material resources at their disposal.

In order to prevent the licence of over-mighty citizens, Rousseau demanded, like Wielhorski, a ban on the maintenance of private armies. Moreover, this prohibition was also to apply to private castles and their garrisons,⁷ which Wielhorski would have permitted.⁸ However, he rejected Wielhorski's idea of putting an armed force at the disposal of the courts.⁹ He feared that this could be a source of abuses, and moreover could lead to disturbances, and even to civil war, because of the armed resistance which could be mounted by the aforementioned 'petits tirans'. On the other hand, he thought it best to assign the entire executive power to a prestigious body which would constantly be in office. This role could be fulfilled by the senate. This, however, entailed the danger that such a strong organ would try to subject the legislature to itself. In order to prevent this Mably had proposed to divide the senate into several councils, whose members would be elected only for a period of time, and which would be chaired, also for a limited time, by ministers.¹⁰ Rousseau, however, cast doubt on the efficacy of this solution, just as he had once done in his *Jugement de la Polysynodie* regarding the analogous ideas of the Abbé [Jacques-Henri Bernardin] de Saint-Pierre. Separate councils, in his opinion, would either engage in rivalry at the expense of common interests, until one of them prevailed over the others, or else they would combine against the 'sovereign'. Acknowledging

⁷ Ibid., pp. 994–995.

⁸ See above pp. 32–33.

⁹ In the *Projet d'établissement des troupes dans les palatinats* Wielhorski wrote: 'Les détachements de ces régiments devoient être placés selon l'exigence des cas dans toutes les villes où se tiennent les jugements [...] pour l'exacte manutention de la justice'.

¹⁰ Mably put forward this idea in the *Seconde conférence*, and developed it in his *Observations... sur la réforme des loix*. Wielhorski thought it a very good one: *Observations sur la seconde conférence* and *Observations particulières*.

that effective and good government required the concentration of executive power in the same hands, he believed that in order to guard against usurpation from that direction, regular changes in the persons exercising authority would not suffice. It was necessary for the legislature to constantly monitor and direct them.¹¹ This accorded with Rousseau's fundamental belief that the executive power should be subjected to the legislative power, and that the former should carry out the will of the latter – the sovereign.¹²

The basic condition of reform, for Rousseau as it had been for Mably, was the removal of the king's most important prerogative: the distribution of graces (that is, senatorial office and starosties) and thereby the possibility of 'corrupting' the nation. Both of them followed the line of reasoning of the Polish republicans, for whom the matter was a fundamental element of their constitutional programme. Here Rousseau referred expressly to Wielhorski and quoted the *Tableau* almost word-for-word.¹³ Rousseau saw in the removal of the distributive power from the king an effective strengthening of the 'sovereign' – the people, which meant the nation of nobles in the Polish reality. In the first place, the participants in the legislative power would not be subject to temptation by the king who sought to corrupt them, and they would retain their patriotism.¹⁴ They could therefore formulate

¹¹ *OC*, vol. iii, pp. 644, 977–978. See also Sven Stelling-Michaud's commentary to the edition of *Jugement sur la Polysynodie*, *ibid.*, p. 1564.

¹² Derathé, 'Les rapports de l'exécutif et du législatif', p. 158.

¹³ 'Les Instituteurs de la Pologne, comme l'a remarqué M. le Comte Wielhorski, ont bien songé à oter aux Rois les moyens de nuire, mais non pas celui de corrompre, et les graces dont ils sont les distributeurs leur donnent abondamment ce moyen', *OC*, vol. iii, p. 989. Wielhorski had written in the *Tableau*: 'La nation a voulu empêcher le roi de se faire craindre et lui a laissé tous les moyens de se faire aimer par la concession des charges et des graces; mais elle n'a pas fait attention qu'en lui ôtant le droit de nuire, elle lui a laissé la faculté de corrompre'.

¹⁴ 'Il faut oter au Roi la nomination du Senat, non pas tant à cause du pouvoir qu'il conserve par là sur les Senateurs et qui peut n'être pas grand, que

the 'general will'. Secondly, the senate would be dependent on the 'sovereign' which would choose its members. Rousseau projected the choice of the palatines and the greater castellans ('du premier rang'), whose offices would retain their lifelong duration, by either the diet or the dietines, and of the lesser castellans ('du second rang') by the diet, but only for two years, in the character of senator-deputies.¹⁵ Rousseau's views in this matter were not decisive; nor were his arguments consequential. He began them with an alternative project: either the diet would choose the greater senators, or else the dietines would present the diet with a certain number of candidates for the vacant places, and the diet would select one, or possibly several to be nominated finally by the king. At the outset he aired the idea that it would be best to choose directly at the dietines, following the model of certain palatinates of the Grand Duchy of Lithuania (the palatinates of Witebsk [Vitsebsk] and Połock [Polatsk] chose their palatines, while the Duchy of Samogitia chose its starosta-senator).¹⁶ He acknowledged that this system would be the most appropriate because it would move the constitution of the Commonwealth closer to a federative form.¹⁷ In the chapter *Du Roi* he repeated this proposal, writing: 'J'ai dit comment il me paroît que cette nomination devoit se faire, savoir les Palatins et grands Castellans, à vie par leurs Dietines respectives; les Castellans

par celui qu'il a sur tous ceux qui aspirent à l'être, et par eux sur le corps entier de la Nation. Outre l'effet de ce changement dans la constitution, il en résultera l'avantage inestimable d'amortir, parmi la noblesse, l'esprit courtisan, et d'y substituer l'esprit patriotique', *OC*, vol. iii, pp. 985–986, see also p. 983.

¹⁵ *Ibid.*, pp. 986–987, 1022.

¹⁶ Rousseau could have discovered this particular privilege of the palatinate of Połock and the Duchy of Samogitia from Wielhorski's *Observations particulières* (see note 22 below). He could have learned about the palatinate of Witebsk, not mentioned by Wielhorski, from Pfeffel's book. Cf. Fabre's only partly correct commentary, *OC*, vol. iii, p. 1768.

¹⁷ *Ibid.*, p. 986.

du second rang, à tems et par la Diète'.¹⁸ However, when he described the technique of voting for senators at the diet, he took into consideration not only the senator-deputies of the second rank, while in the chapter *Projet pour assujétir à une marche graduelle tous les membres du gouvernement* he spoke about the choice of palatines and greater castellans only by the diet.¹⁹

In the question of the royal distributive power, Rousseau showed still more moderation than Wielhorski and Mably. 'Maintenant tout le Sénat est à la nomination du Roi: c'est trop. S'il n'a aucune part à cette nomination, ce n'est pas assez', he stated in the chapter *Du Roi*. He wished to leave the nomination of bishops to the king, as he saw no other solution,²⁰ unless it was to leave their election to cathedral chapters. Only the archbishop of Gniezno would be chosen by the diet, because of his political entitlements as primate of Poland. The king would also nominate the chancellors and the diet would choose the remaining ministers, or possibly would present a few candidates for royal nomination.²¹

In these projects Rousseau, while remaining faithful to his own concepts, to a significant degree followed Wielhorski's (and in part also Mably's) suggestions. The former were expressed not in the *Tableau*, but in other writings drafted for Mably. In these texts Wielhorski advocated the nomination of senators by the king from among three candidates chosen by the dietine of the given palatinate, and the analogous nomination of ministers from among three candidates presented by the diet,

¹⁸ Ibid., p. 990.

¹⁹ Ibid., pp. 988–989, 1023.

²⁰ This was probably a silent polemic with Mably who in the *Observations... sur la réforme des loix* wished to assign the choice of bishops to the diet, limiting the royal prerogative to the nomination of one of the three candidates presented to him. AGAD, Zbiór Anny Branickiej 10. Rousseau, in contrast to Mably, here again showed his reluctance to touch upon any religious or ecclesiastical matters or to propose any reforms in this regard.

²¹ OC, vol. iii, pp. 989–990.

which in turn would choose them from among persons chosen by the dietines.²²

Rousseau did not resolve, in a sufficiently clear manner, the question of the lifelong tenure of ministerial office, whose abolition had been postulated by Mably, and somewhat reluctantly accepted by Wielhorski.²³ It would seem that Rousseau inclined towards maintaining the existing state of affairs, and therefore tenure for life.²⁴

²² In the *Observations sur la seconde conférence* Wielhorski wrote: 'Si la nation assemble aux diétines anticomitiales, qui se tiennent le même jour presque dans toute la Pologne et le Grand Duché de Lithuanie recommandoit à la pluralité des suffrages les personnes dignes d'occuper les places ministérielles parmi lesquelles la diète feroit le choix de 3 candidats et à l'un d'eux le roi donneroit la charge qui seroit vacante, il est évident, il me semble, 1^o – qu'on se rapprocheroit davantage des loix primitives portées à cet égard, 2^o – que le roi conservoit son droit dans les distributions des graces, 3^o – qu'on obviroit par là à toutes les cabales des grands qui n'auroient ni le temps ni le moyen ni la faculté pour gagner la pluralité dans toutes les diétines de la République, d'où l'on doit conclure que les magistratures qui peuvent faire le plus ombrage à la liberté seroient exercées par les gens de mérite reconnue pour tels par toute la nation'. He expounded his stance regarding the election of senators, noted briefly in the *Observations sur la seconde conférence*, more fully in the *Observations particulières*: 'Quant au senat, pourquoi la noblesse ne choisiroit-elle pas dans ses palatinats respectifs 3 sujets pour la dignité vacante de palatin ou de castellan dont le roi nommeroit un à sa volonté. Il garderoit par là une partie de ses droits et la noblesse seroit sûre de son sénateur, elle auroit de la confiance en lui et lui-même seroit plus en état de remplir sa place avec honneur et à l'avantage de son palatinat et de toute la République. Pourquoi le palatinat de Połock et le district de Samogitie ont-ils seuls le privilège en vertu de leurs election?.'

²³ In the *Seconde conférence* Mably had postulated a four-year term for ministers, after which they could again be elected only after a further four years had passed. He developed this project in his *Observations... sur la réforme des loix*. Wielhorski in the *Observations particulières* wrote: 'Les charges de ministres à vie n'ont point été funestes jusqu'ici à la liberté. Il seroit cependant plus utile qu'elles fussent limitées à un certain temps'.

²⁴ He expressed himself ambivalently: 'Cette amovibilité [...] ne doit peut-être pas s'étendre aux Ministres, dont les places, exigeant des talents particuliers, ne sont pas toujours faciles à bien remplir', *OC*, vol. iii, p. 986.

Lifelong tenure could admittedly mean only an indefinite term in office, not immovability. In accordance with Rousseau's doctrine on the subjugation of the executive to the sovereign-people, the latter could at any time change the persons it had entrusted with executive power: 'Les dépositaires de la puissance exécutive ne sont point les maîtres du peuple, mais ses officiers, qu'il peut les établir et les destituer quand il lui plaît' – as he stated in the *Contrat Social*.²⁵ In the *Considérations* he did not however make any specific recommendations on the basis of this principle, whether in regard to the ministers or to the senators for life. Rousseau did not refer to the wish expressed by Wielhorski in the *Observations particulières*, to regulate by law the possibility of depriving ministers of their office, if they proved unworthy of their position.²⁶ This idea, which (despite its lack of clarity, given the abbreviated formulation) can probably be understood as an attempt to introduce the political (and not only judicial) responsibility of ministers, did not find any echo with either Rousseau or Mably, and was abandoned by Wielhorski himself. He did not return to it in the treatise *On the Restoration of the Former Government*.²⁷

In the *Considérations* Rousseau paid the ministers little attention in general and did not specify their role and competences. He mentioned the diminution of their authority,²⁸ and their

²⁵ *Ibid.*, p. 434.

²⁶ 'Il faudroit encore qu'il a eût un loi qui ordonnat de priver de charge tous ceux qui s'en rendroient indignes. Maintenant tous les ministres ont les mains libres de faire ce qui leur plaît, sans qu'ils craignent d'être responsables de leur emploi, excepté le grand trésorier qui est obligé de rendre compte à la République de la régie de ses finances'.

²⁷ There he only mentioned, in very similar words, the absence hitherto of the responsibility of ministers, *O przywróceniu dawnego rządu*, p. 128.

²⁸ 'Quant aux Ministres, surtout les grands Généraux et grands Trésoriers, quoique leur puissance, qui fait contrepoids à celle du Roi, doive être diminuée en proportion de la sienne', *OC*, vol. iii, p. 990. Rousseau could find the stereotypical republican view about 'counterweight' in Wielhorski's

partial incorporation into the senate,²⁹ from which it can be concluded that despite his criticism he accepted Mably's project to confer executive power on councils, which the ministers would only chair. In another place, moreover, he wrote about consigning 'les détails de l'administration' to ministers, without explaining the concept precisely.³⁰ Nor did he engage with some of the difficulties flagged by Wielhorski regarding the implementation of the new system of filling ministerial and senatorial positions, such as the very distant time in which it would be accomplished if the principle of 'salvis modernis possessoribus' were to be respected,³¹ or the problem of promotion within the senate, given the strict hierarchy of all senatorial dignities.³² He did however come out against connecting the reform of the distribution

Observations sur la seconde conférence: 'Les principes des Polonois ont toujours été de donner plus de pouvoir à de certains magistrats, comme aux grands généraux, aux grands maréchaux, aux grands trésoriers afin de contrebalancer l'autorité royale.'

²⁹ OC, vol. iii, p. 987.

³⁰ Ibid., p. 993.

³¹ In the *Observations sur la second conférence* Wielhorski noted: 'Mais avant que l'on parvienne à ce règlement il y a une difficulté à surmonter: que faire avec les ministres qui sont en place? Il ne seroit ni juste ni équitable de les leur ôter; d'un autre côté, en attendant leur mort, qui nous assureroit que les loix qu'on établiroit aujourd'hui à cet égard puissant en 50 ans avoir leurs execution. Nos successeurs auront le même droit d'abolir ce que nous aurons statue, comme nous avons celui de réformer les loix de nos prédecesseurs.'

³² Wielhorski wrote about this in the *Observations sur la second conférence*. Rousseau wished to equalize senatorial positions in the case of senator-deputies, removing their titular link with particular lands, OC, vol. iii, p. 987. He silently passed over the question of hierarchical distinctions among the other senators, except for the difference between greater castellans and palatines, as only the latter could in his project be candidates for the throne. 'Cela feroit – he wrote in the chapter *Elections des rois* – dans le même ordre un nouveau grade que les grands Castellans auroient encore à passer pour devenir Palatins, et par conséquent un moyen de plus pour tenir le Sénat dépendant du législateur', *ibid.*, p. 1031. He did not, however, describe the way in which greater castellans would be promoted to palatines.

of offices with the problem of removing from office the political opponents of the Confederation of Bar and persons who had not wanted to join the movement. Wielhorski had proposed this regarding the ministries; he himself aspired to become a chancellor.³³ Rousseau's formulation was ambiguous but the intention was clear: 'Je serois d'avis – he wrote – [...] de laisser en place la plupart de ceux qui y sont, de ne conférer les emplois selon la nouvelle réforme qu'à mesure qu'ils reviendront à vaquer'.³⁴

On the other hand, Rousseau's own idea – one that was alien to Polish traditions – was the limitation of the candidates for all elective offices to a separated and hierarchical group of 'membres actifs de la République'. In order to join this group it would be necessary to complete three years of service in positions at the lower courts and among the advocates, and to obtain a suitable testimonial from the dietine. Only then would it be possible to become a candidate for an envoy to the diet, a deputy (judge) to the tribunal, or for commissar to the so-called Radom Tribunal.^a Serving three times as an envoy or a deputy would make a citizen eligible to stand as a senator-deputy, and three terms in that function would confer eligibility to be a candidate for the rank of greater castellan or palatine. Rousseau intended this system to create an elite of power, formed under the constant

³³ In the *Observations particulières* Wielhorski conducted a review of all the current ministers. He regarded those nominated by Stanislaw August as illegitimate and only in exceptional cases able to count on confirmation in office according to the principles of the projected reform. Lithuanian Grand Chancellor Michał Czartoryski was to be punished with the loss of his office, while Crown Treasurer Teodor Wessel, as a good patriot, should subject himself to the new principles. So too, fearfully – because of their indifference to the Confederation of Bar – should Lithuanian Field Hetman Aleksander Michał Sapieha and Lithuanian Grand Marshal Józef Paulin Sanguszko. However, as meritorious patriots the Crown hetmans, Jan Klemens Branicki and Waclaw Rzewuski, could retain their offices for life.

³⁴ OC, vol. iii, p. 1040.

^a See above, chapter 1, note 31.

supervision of society, based on virtue and real merit (he assumed that the dietines and diet would choose according to these sole criteria) and not on material wealth.³⁵ In this way a government would be formed that would approach the ideal of an ‘aristocratic government’ which he regarded as the best possible kind – if it was based on an ‘aristocratie élective’ and subordinated to the sovereign-people.³⁶ As he put it in his *Lettres écrites de la montagne*: ‘le meilleur des Gouvernements est l’aristocratique; la pire des souverainetés est l’aristocratique’.³⁷ He expounded this view in the chapter *De l’aristocratie* in the third book of the *Contrat Social*: ‘Outre l’avantage de la distinction des deux pouvoirs (that is the legislative power – the sovereign people, and the executive power – the elective aristocracy), elle a celui du choix de ses membres; car, dans le Gouvernement populaire, tous les Citoyens naissent magistrats, mais celui-ci les borne à un petit nombre, et ils ne le deviennent que par élection: moyen par lequel la probité, les lumières, l’expérience, et toutes les autres raisons de préférence et d’estime publique, sont autant de nouveaux garants qu’on sera sagement gouverné [...] Et un mot, c’est l’ordre le meilleur et le plus naturel que les plus sages gouvernent la multitude, quand on est sûr qu’ils la gouverneront pour son profit, et non pour le leur’.³⁸

Rousseau realized that ‘aristocratic government’ show preference towards wealthy persons, who were able to devote their time to public affairs, but he showed that the elective character of aristocracy also provided opportunities to people with essential personal qualities.³⁹ He emphasized this motif in the *Considérations* as well, with this summative evaluation of his project for ‘graded promotion’: ‘Voilà quelque idée grossière et seulement par forme

³⁵ OC, vol. iii, pp. 1020–1023.

³⁶ Ibid., p. 406.

³⁷ Quoted after Stelling-Michaud’s commentary, *ibid.*, p. 1564.

³⁸ Ibid., pp. 407–408.

³⁹ Ibid., p. 408.

d'exemple de la manière dont on peut procéder, pour que chacun voye devant lui la route libre pour arrive à tout, que tout tende graduellement, en bien servant la patrie, aux rangs les plus honorables, et que la vertu puisse ouvrir toutes les portes que la fortune se plait à fermer'.⁴⁰

These careers were seen by Rousseau as purely civic, based exclusively on virtue recognized by fellow-citizens, and not on knowledge or specialist skills. He was, as we know,⁴¹ a decided opponent of professionalized apparatuses in the state, the judiciary, the military and even among lawyers and teachers. 'Tout homme public en Pologne ne doit avoir d'autre état permanent que celui de Citoyen. Tous les postes qu'il remplit, et surtout ceux qui sont importants [...] ne doivent être considérés que comme des places d'épreuve et des degrés pour monter plus haut après l'avoir mérité' – he warned in the chapter *Education*.⁴² However, understanding that knowledge of the law was required to perform the duties of office and to participate in public life, he wished to make the law simple and easy, and thereby accessible to all.

Rousseau, hostile to complex socio-economic relations and so also to complicated law, imagined an ideal of patriarchal law as a collection of basic, simple and easy rules, which could and should be known by every member of society. Everyone should subject themselves to the law consciously, from conviction, attachment and even love, and at the same time contribute to their formulation. 'La seule étude – he wrote in one of his sketched notes – qui convienne à un bon Peuple est celle de ses Loix. Il faut qu'il les médite sans cesse pour les aimer, pour les observer, pour les corriger même, avec les précautions que demande un sujet de cette importance, quand le besoin en est

⁴⁰ Ibid., p. 1029; cf. the sketch of an analogous idea in *Projet de constitution pour la Corse*, *ibid.*, p. 910.

⁴¹ See above, pp. 65–66, 94.

⁴² *OC*, vol. iii, p. 967.

bien pressant et bien avéré. Tout Etat où il y a plus de Loix que la mémoire de chaque Citoyen n'en peut contenir est un Etat mal constitué, et tout homme qui ne sait pas par cœur les loix de son país est un mauvais Citoyen'.⁴³ He imagined that legal knowledge limited to Polish law (contained in three proposed codes of public, civil and criminal law ('clair, court et précis'), taught in secondary schools would be acquired throughout society. He decidedly opposed the teaching in schools and the use by the courts of Roman law, which he could not bear. The enthusiast of the 'laws' of Lycurgus and Numa saw in extensive and complicated codifications, in an elaborate judiciary and professional lawyers the source of all abuses and delays in the system of justice. 'Toutes les règles du droit naturel – he wrote – sont mieux gravées dans les cœurs des hommes que dans tout le fatras de Justinien. Rendez-les seulement honnêtes et vertueux, et je vous répons qu'ils sauront assez de droit'. Questions not covered by the law should be resolved 'par le bon sens et l'intégrité des juges', who owed these qualities mainly to the fact that they had performed these duties as stages in a civic career, and not as a profession.⁴⁴

Many of these thoughts (which contained in part the *loci communes* of Enlightenment views on law and the judicial system) harmonized with opinions that were well grounded in Polish noble society, which was averse to Roman law and professional lawyers, but was acquainted in practice with the law and valued the civic model of offices and courts. An understanding of the need for a somewhat deeper theoretical legal preparation for public life, and especially for judicial office, was beginning to take root in this society.⁴⁵ An example of this nascent tendency were Wielhorski's opinions in the *Tableau* about the need to raise the

⁴³ Ibid., p. 492.

⁴⁴ Ibid., pp. 1000–1002.

⁴⁵ Jerzy Michalski, *Studia nad reformą sądownictwa i prawa sądowego w XVIII wieku*, Wrocław, 1958, pp. 280–281.

standard of the teaching of law and spread it more widely, but nonetheless society remained decidedly hostile towards ideas of introducing an educational census.⁴⁶ As usual, although obviously unconsciously, the arguments of the *Considérations* ran counter to the reformist current in Poland, which at this time propagated the belated reception of Roman law.⁴⁷

* * *

Rousseau expressed the hope, after the king had been deprived of his power of distribution, that he would cease to be 'l'ennemi né de la liberté' and would become its defender.⁴⁸ As additional securities against the ambitions of the king, which were always harmful to freedom, he proposed to limit the funds available to him,⁴⁹ just as Wielhorski and especially Mably had advised,⁵⁰ and to deprive the sons of kings of the right to be candidates for the throne,⁵¹ which was his own idea and which was imposed on Poland a few years later by the partitioning powers. However, he decidedly opposed hereditary succession to the throne, proposed by Mably, as he considered that its inevitable consequence (as the histories of several European states testified) would be the end of liberty.⁵² Wielhorski, although personally a supporter of free royal elections, understood the harmful aspects of interregna and knew that the leaders of the Confederation of Bar wished to offer the crown on a hereditary basis to the elector of Saxony. In the

⁴⁶ See pp. 65–66 above.

⁴⁷ Michalski, *Studia nad reformą*, pp. 283–284; Zbigniew Zdrójkowski, *Teodor Ostrowski*, Warsaw, 1956, pp. 44–45.

⁴⁸ *OC*, vol. iii, p. 989.

⁴⁹ *Ibid.*, p. 991.

⁵⁰ Wielhorski, both in the *Observations sur la seconde conférence* and in the *Tableau* proposed to remove the royal domain lands and instead to pay the king a civil list. On Mably, see Fabre's commentary, *OC*, vol. iii, p. 1771.

⁵¹ *OC*, vol. iii, pp. 992–993.

⁵² *Ibid.*, pp. 991–992; on Mably, see Fabre's commentary, *ibid.*, p. 1773.

Tableau he therefore took an ambiguous position. In the chapter entitled *De l'interrègne* he wrote: 'Tout le monde sçait que chaque élection cause un ébranlement dans l'État; que l'interrègne est un temps de brigues et de factions; que la nation devient alors le jouet et la victim de la politique étrangère; que depuis longtemps sa prerogative d'élire ses rois n'est qu'une chimère, puisque dans le fait elle n'en jouit pas et que c'est toujours une autre puissance qui dispose de la couronne. Mais si le nation juge à propos de conserver cette prerogative, il seroit essentiel de lui indiquer les moyens d'en jouir réellement et d'écartier tous les désordres qui subsistent dans le système actuel'.⁵³

In the chapter *Election des rois* Rousseau echoed these phrases⁵⁴ and fulfilled the postulate of demonstrating the means of saving free royal election. This was to rest on the election by the diet of one of three candidates chosen by lot from among the palatines. The element of chance would make pointless all pressure and intrigues, whether foreign (the exclusion of foreign candidates would also help in this regard) or domestic, while the element of choice would prevent randomness.⁵⁵ Thus conceived, the election of the king would be the culmination of the projected system of graduated promotion and would become another stimulus for civic virtue and patriotism. 'Quel ressort puissant sur des ames grandes et ambitieuses – he wrote with his inimitable exaltation – que cette couronne, destinée au plus digne et mise en perspective devant les yeux de tout citoyen qui saura mériter

⁵³ In the *Observations sur la seconde conférence* he opined that after depriving the king of the distributive power and limiting his income to a civil list, 'cette première magistrature ne seroit dangereuse à l'Etat, quand même elle seroit héréditaire'. This was a fairly soft expression of support for the principle of succession to the throne, ardently advocated by Mably.

⁵⁴ The similarity in the wording is evident: 'l'élection [...] ébranle l'état'; 'L'action du sort amortit [...] les factions et brigues des Nations étrangères', *OC*, vol. iii, 1029, 1032.

⁵⁵ *Ibid.*, pp. 1029–1033.

l'estime publique! Que de vertus, que de nobles efforts, l'espoir d'en aquerir le plus haut prix ne doit-il pas exciter dans la nation, quel ferment de patriotisme dans tous les cœurs, quand on sauroit bien que ce n'est que par-là qu'on peut obtenir cette place devenue l'objet secret des vœux de tous les particuliers, sitot qu'à force de mérite et de services, il dépendra d'eux de s'en approcher toujours d'avantage, et, si la fortune les seconde, d'y parvenir enfin tout à fait'.⁵⁶

In this way 'le plus digne' citizen would stand at the head of the executive power, whose participants at various levels would all be the best citizens, who owed their positions to the approval of society. This would constitute the realization of the Rousseauvian ideal of an elective aristocracy, or, as Starobinski accurately put it, a 'meritocracy'.⁵⁷ This would not, however, be an aristocracy in the strict sense of the term, as it would have a crowned head. For in accordance with Rousseau's fundamental view, which he recalled in the *Considérations*, a monarch was required in a country as extensive as Poland.⁵⁸ The king, not participating in sovereignty and denied any prospect of usurping it, given the removal of all the means to do so, especially the possibility of 'corrupting', would cease to be the enemy of

⁵⁶ Ibid., p. 1030.

⁵⁷ 'Rousseau est partisan [...] d'une "méritocratie", où les avantages seraient conférés en fonction des mérites et des services rendus à la "patrie"', Starobinski, *Jean-Jacques Rousseau*, p. 49.

⁵⁸ OC, vol. iii, p. 989. In the *Contrat Social* he formulated the rule: 'Si, dans les différens Etats, le nombre des magistrats suprêmes doit être en raison inverse de celui des Citoyens, il s'ensuit qu'en général le Gouvernement Démocratique convient aux petits Etats, l'Aristocratique aux médiocres, et le Monarchique aux grands'. Poland could not, however, have a monarchical government as Rousseau conceived it in the *Contrat Social*: 'Le Souverain [...] peut concentrer tout le Gouvernement dans les mains d'un magistrat unique dont tous les autres tiennent leur pouvoir. Cette [...] forme [...] s'appelle *Monarchie* ou Gouvernement royal', *ibid.*, pp. 403–404.

freedom.⁵⁹ In contrast to Mably's plans, Rousseau's king would not be limited to representative functions, with only a shadow of power, so that his weakness would guarantee his harmlessness.⁶⁰ On the contrary, the king, as the 'chef de la nation' would have an extensive range of entitlements and tasks: 'la présidence de la Diète, du Senat et de tous les corps, un sévère examen de la conduite de tous les gens en place, un grand soin de maintenir la justice et l'intégrité dans l'État, de lui donner une bonne assiette au dehors, le commandement des armées en tems de guerre, les établissemens utiles en tems de paix'.⁶¹ The king was to gain command of the army, at the same time as the office of hetman would be suppressed, following the implementation of the projected reform abolishing the standing army – which was judged to be a threat to liberty.⁶² Despite this condition, it would seem that Rousseau departed here from the intentions of Wielhorski who did not write a word about the military entitlements of the king.⁶³ Something similar occurred with the judicial role of the king. Wielhorski stated in the *Tableau* that it was restricted to presiding in relational and diet courts. Rousseau, however, took the view that kings were 'les juges nés de leurs peuples' and for this reason was ready to confer the highest judicial functions on the king of Poland. Likewise, he wished to leave the nomination of the chancellors to the king, because having misunderstood the

⁵⁹ *Ibid.*, p. 989.

⁶⁰ 'Le roi borné à représenter la majesté de l'État comme un roi de Suède ou comme un doge de Venise; c'est une ombre d'autorité et non pas une autorité réelle [...] étant réduit dans un état de faiblesse qui l'empêche de se rendre dangereux' – this was how Mably in the *Seconde conférence* characterized the status of the king in the reformed Commonwealth and he repeated it in his *Observations... sur la réforme des loix*. See also Fabre's commentary, *OC*, vol. iii, p. 1771.

⁶¹ *Ibid.*, p. 993.

⁶² *Ibid.*, pp. 1016–1017.

⁶³ Mably, however, in his *Observations... sur la réforme des loix*, assigned command of the army to the king.

information in the *Tableau* about their presiding in the assessor courts, he believed that they presided on the king's behalf in the highest court – the Crown Tribunal.⁶⁴

In contrast to Wielhorski, who described at some length the right of withdrawing obedience to a king who broke the *pacta conventa* in the *Tableau*, Rousseau did not envisage such a possibility. He considered the idea of a periodic 'reconfirmation' of the king (and therefore also the possibility of depriving him of the crown), but he judged it contrary to the interests of the state. However, in order to introduce some substitute for responsibility and the need to take account of public opinion, he brought forward, citing the traditions of ancient Egypt, a project worked out in detail for organizing a posthumous trial of the king, considering his merits, and his misdeeds, if any, and according to them decreeing the fame or infamy of the deceased and deciding the situation of the royal children. Rousseau commented on his own project thus: 'L'indifférence des modernes sur tous les objets moraux et sur tout ce qui peut donner du ressort aux ames, leur fera sans doute regarder l'idée de rétablir cet usage pour les rois de Pologne comme une folie, et ce n'est pas à des François, surtout à des philosophes, que je voudrois tenter de la faire adopter, mais je crois qu'on peut la proposer à des Polonois'.⁶⁵

⁶⁴ OC, vol. iii, p. 990.

⁶⁵ Ibid., pp. 1033–1036.

Conclusion

Rousseau's vision of Poland diverged vastly from reality, but it was not so very distant from that which Polish noble society had created. This similarity derived partly from Wielhorski's information, but partly from Rousseau's own basic outlook.

Poland's distinctiveness in this period from the rest of Europe (obviously in the colloquial sense of the term at that time) was a fact, but Rousseau saw this distinctiveness in a specific, idealized way, similar to the perception of this phenomenon by republican Sarmatism. He treated it as a primordial phenomenon, just as he believed, together with his Polish informants, in the primordial nature of the libertarian Polish constitution. Like them, he was inclined to frame its problems in concepts and phrases lifted from Plutarch and Livy. He also believed in commonplace verdicts, suggested to him mainly by Wielhorski, on the national characteristics of the Poles and in the apologetic picture of the confederates of Bar. These verdicts and this picture contained a grain of truth.

All these half-truths and fictions, although they could be treated by Rousseau as objective knowledge about Poland, did not however suffice for him to recognize Poland as a country capable of legislation in the spirit of his doctrine. If he overlooked difficulties, he did so because emotional factors affected his decision to write the *Considérations*: sympathy for the embattled nation, hostility to the 'philosophical sect' which was blackening his reputation, and the ambition of an author-legislator, stimulated by rivalry with Mably.

Let us now look at the *Considérations* from the perspective of Poland at that time, and consider the problem of their applicability. This work, which Stanisław August described as 'le plus

beau roman politique qui ait encore paru',¹ could be received favourably by Polish republicans, particularly given that some of the author's intentions escaped their understanding. They were drawn to each other in their moralistic perspective on political and constitutional questions, their cult of liberty, their patriotic and civic rhetoric which derived from the same literary sources, their aversion to the elaborate apparatus of the modern state and their passive conception of foreign policy. The element of Rousseau's doctrine which was most revolutionary for the inhabitants of other countries – the principle of the inalienable, indivisible sovereignty of the 'people' – did not introduce anything new into the Poles' political thinking, who had long since deprived their monarchs of factual sovereignty. They also seemed to share a conservative attitude, which in the *Considérations* sometimes took on the character of an *apologia* for Polish constitutional institutions, although the philosophical and historiographical motivations of Rousseau's conservatism were completely alien to Polish republicans. The conservatism and the republican ideology of liberty professed by the Genevan philosopher sometimes went further, and was more consequential and logical than the primitive traditionalism of the Polish republicans. The ardent propagation of patriotism uniting the goals of all citizens could provoke grimaces from some 'enlightened' persons who disliked all 'enthusiasm', but love of the fatherland belonged to the virtues which in theory were accepted by everyone (however rarely they were practised) in a republican environment, while the postulate of civic unity did not offend those who (theoretically) professed the ideal of unanimity and equality. Likewise, the slogan of native traits and the distinctiveness of Poland and the Poles from the rest of the world harmonized with the still vivid tradition of Sarmatian ideology (and would in future encourage its

¹ Jean Fabre, *Stanislas-Auguste Poniatowski et l'Europe des lumières. Étude de cosmopolitisme*, Paris, 1952, p. 344.

revivals), but constituted a strong dissonance with the opposing reformist currents and with the growing 'Europeanizing' tendencies in various areas of Polish life, to which Wielhorski was also subject. The postulate of giving political rights to burghers and peasants and the replacement of the concept of the 'noble nation' with the concept of a nation comprising all estates was very far-reaching in theory (other reformers restricted themselves, especially regarding the peasants, to socio-economic problems) and as such were unable to be well received by the addressees of the *Considérations*. It was, however, formulated with sufficient moderation, with its implementation postponed to such an indefinite future, for it not to cause them offence. The reader of the *Considérations* could easily notice that the author was more concerned with safeguarding the freedom of the noble nation than with the question of social equality and justice. Some of Rousseau's recommendations in matters such as the education of youth, 'civic games' and hierarchical classes of those carrying out public functions, could seem strange and bizarre to Poles. But these were not shocking ideas for them. The idea of consigning the direction of education to the state was not Rousseau's original idea, and it is doubtful that it had any real influence on the creation of the Commission of National Education.²

At the same time Rousseau's concepts frequently failed to take into account crucial problems faced by the Polish state (to which, despite everything, Wielhorski was more attuned). Some of his detailed projects, although penned by a man who observed social reality with deep pessimism and who warned against creating Utopias that did not heed human passions,³ were marked by childish optimism regarding their feasibility.

² Władysław Konopczyński considered such influence very likely in his 'Jan Jakób Rousseau doradcą Polaków', p. 24, but later changed his mind, when he wrote *Konfederacja Barska*.

³ Fabre, 'Réalité et utopie', pp. 108–109.

The direct aim of the *Considérations* – giving counsel to a victorious Confederation of Bar – was made redundant by historical events. The work did however imprint itself on contemporary Polish republican ideology (including Wielhorski himself), providing it with doctrinal motivations, defining its concepts more precisely, and sharpening its postulates. This problem demands separate treatment.

The *Considérations* are highly pertinent to Rousseau's writing as a whole. They were his last work on socio-political questions, and at the same time a work in which – more than in any of the preceding ones – he confronted the difficult task of finding solutions to a wide range of specific questions about a constitution and the functioning of state and society. His information about Poland (Wielhorski's writings and their reflection in Mably's work, with a small store of knowledge from other sources) was sparse. In any case, many of the details supplied by Wielhorski from Polish legislation were dispensable ballast. Perhaps, however, it was this very sparseness of the material which facilitated its formation according to tried and tested mental models. Contrary to opinions (expressed as early as the eighteenth century)⁴ that the author of the *Contrat Social* had yielded to the suggestions of his Polish informants, that he had made great departures from his principles in order to adapt his advice to Polish reality, Polish traditions and Polish political prejudices,⁵ the *Considérations* consequentially and in almost every detail mirrored Rousseau's doctrine.⁶ In some cases he expressed it

⁴ Ibid., p. 105.

⁵ Konopczyński saw in the *Considérations* 'a dissonance between the ideology of his entire life and the task of the moment', *Konfederacja*, vol. ii, p. 603.

⁶ Cf. the correct statements (albeit erroneous in the details of their interpretation of the *Considérations*) of Jean Starobinski, 'La Pensée politique de Jean-Jacques Rousseau', in: *Jean-Jacques Rousseau*, Neuchâtel, 1962, pp. 97–99, and Fabre, in his introduction to the *Considérations*, *OC*, vol. iii, p. CCXLI. Rousseau himself always stressed the uniformity and constancy of his views,

more fully, or added to it. This was so regarding the adaptation of the representative system in the legislative power to the principle that sovereignty was inalienable, with the particular demonstration of the mechanism of creating an 'elective aristocracy'. The theory of the 'general will' displayed its elasticity in the *Considérations*, along with its far from democratic character. Although the *Considérations* in a much lesser degree than the *Projet de constitution pour la Corse* showed Rousseau's preference for constitutional and social *Gleichschaltung*, nevertheless, they expounded, more extensively than in that or any other of his works, a mechanism for forming youths and adults into a spiritually uniform society under the slogans of virtue and patriotism. Rousseau's enthusiasm for love of the fatherland, which had (like his 'zeal for virtue')⁷ a fairly rhetorical and literary character, took on, when it encountered the reality of a nation struggling against foreign violence, the blush of life and set the tone for the entire work. This tone won over Polish readers, although the extreme republican aspects of his constitutional proposals soon ceased to interest them⁸ and many of his counsels were felt to be bizarre and unrealistic, while the doctrinal unity and consequentiality of the whole work was incomprehensible.

It is not easy to answer the question of if, and if so, to what degree the *Considérations* made an impact on non-Polish readers. People acquainted themselves with Rousseau's socio-political

although this claim was sometimes at odds with reality. Derathé, *Jean-Jacques Rousseau et la science politique*, p. 339. It does at least demonstrate his conscious aim.

⁷ 'So handelt es sich denn auch bei Rousseaus Tugendethik viel weniger um ein tugendhaftes Leben als um eine Begeisterung für die Tugend. Die Tugendbegeisterung hat einen phantastischen, ja literarischen Zug und kontrastiert daher in oft recht krasser Weise mit Rousseaus persönlichem Leben', Rang, *Rousseaus Lehre*, p. 202.

⁸ They still evidently influenced Kołłątaj; Bogusław Leśnodorski, *Ludzie i idee*, Warsaw, 1972, pp. 91–92.

doctrine (however variously they interpreted it and made it their own) via the *Contrat Social* and the earlier works. The entanglement of this doctrine in unknown and incomprehensible Polish realities made it hard to extract from the *Considérations*. Even scholars have not been immune to this difficulty.