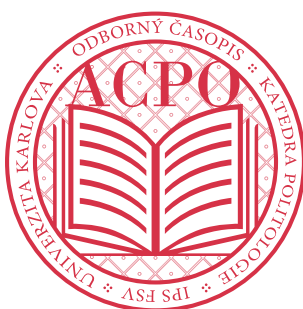


ACTA POLITOLOGICA

www.acpo.cz

RECENZOVANÝ ČASOPIS | PEER-REVIEWED JOURNAL

2018 | Vol. 10 | No. 2 | ISSN 1803-8220



KELLY, Christopher (2018). Sovereign versus Government: Rousseau's Republicanism. *Acta Politologica*. Vol. 10, no. 2, pp. 15–32.

Tento článek podléhá autorským právům, kopírování a využívání jeho obsahu bez řádného odkazování na něj je považováno za plagiátorství a podléhá sankcím dle platné legislativy.

This article is protected by copyright. Copying and use of its content and presenting it as original research without proper citation is plagiarism, which is subject to legal sanctions.

Katedra politologie Institutu politologických studií

Fakulta sociálních věd Univerzity Karlovy

Department of Political Science, Institute of Political Studies

Faculty of Social Sciences, Charles University

Sovereign versus Government: Rousseau's Republicanism

Christopher Kelly¹

Abstract:

Rousseau has been criticized by modern republicanism proponents for failing to live up to the standard of republicanism that involves criticizing unjust laws. Rousseau's version of republicanism regards a different issue as more urgent. Rousseau regards abusive administration of laws, or usurpation of sovereignty by the government, as a more urgent problem. As a result, he addresses issues of dissent, activism and resistance to government rather than protest about laws.

Key words: Rousseau; republicanism; sovereignty; law

Introduction

It has never been easy to know what to make of Rousseau. Among his contemporaries, conservative religious authorities could appreciate his attack on the theatre while being horrified at his analysis of the political problems caused by Christianity. Intellectuals could value his contributions to the *Encyclopédie* while being scandalized by his criticisms of intellectual life (Hullin 1994). It was easy to regard him as a renegade or to dismiss him as a dealer in paradoxes. Nevertheless, one thing none of his contemporaries had any question about was his devotion to republicanism. His identification of himself as "Citizen of Geneva" on the title page of almost all his works made his republicanism clear, especially to subjects of monarchies. Upon awarding him the prize for the *Discourse on the Sciences and the Arts*, the Academy of Dijon felt compelled to excuse itself by saying, "In honouring Monsieur Rousseau's work, the Academy does not pretend to have adopted his political maxims, which do not accord with our customs" (Quoted at Rosenblatt 1997: 47–48). Even when the Genevan government later censored the *Social Contract*, it was acknowledging that Rousseau was an extreme republican rather than an anti-republican. It would be difficult to identify an important thinker during the 18th century who was more closely identified with republicanism than Rousseau was.

For some time, however, this seemingly incontestable point has been contested. Certainly, one reason for this comes from events after Rousseau's death in which the very meaning of republicanism has been at issue. From World War I until well into the Cold War, much of the debate about Rousseau in the English-speaking world was over whether he should be considered a collectivist, a totalitarian, and an enemy to liberty or not (Brook 2016). Although the charges against him concerned the question of whether Rousseau can be regarded as liberal (rather than whether he can be regarded as a republican), none of

¹ Christopher Kelly is a Professor at the Department of Political Science, Boston College, Chestnut Hill (MA), USA. Contact: kellyfv@bc.edu.

them encourages the idea that he was the latter. This issue has largely been dropped within Rousseau scholarship, although it remains alive among non-specialists. More recently, scholars have turned more directly to the question of the precise nature of Rousseau's republicanism and whether he belongs to the tradition sometimes called neo-Roman republicanism. There is little question that Rousseau considered himself to be a supporter of the Roman version of republicanism. He never wavered from his claim in the Dedicatory Letter to the *Second Discourse* that the Romans were the "*model of all free Peoples*" (Rousseau 1992: 4). Nevertheless, again in the English-speaking world at least, those who do treat this strand of republicanism, either from a historical perspective or a more theoretical one, are either silent or ambivalent about Rousseau.

The most recent serious treatment of Rousseau from this perspective has been given by Philip Pettit. Pettit argues that, on the one hand, Rousseau's insistence that freedom requires "*not being subjected to the will of another agent or agency*" makes him a member of this tradition. On the other hand, his rejection of "*the institutions associated with the mixed constitution*" represents a break with it (Pettit 2016: 168). Pettit is surely right that Rousseau insists on the importance of "*a single assembly of all the citizens*" and that this assembly—and it alone—is the sovereign authority. Pettit (2016: 169 and 177) also acknowledges that Rousseau does recommend a mixed government. Indeed, Rousseau's treatment of the government in the *Social Contract* contains many of the features of the Roman government, including a Senate, censors, tribunes and so on. The issue, then, is the difference between a mixed government and what Pettit calls a mixed constitution. What Rousseau does not endorse is the idea that any of these institutions other than the assembly of all the citizens should be considered as sharing sovereign power. It is clear that, ultimately, it is Rousseau's notion of sovereignty to which Pettit objects.

Pettit's objection is rooted in the fact that the sovereign assembly is unconstrained by any law and that its decisions are not contestable by individual citizens. The problem that Pettit identifies may well be a real one, but it should be defined clearly. The issue is whether individuals remain subject to the decisions of the popular assembly even when those individuals believe that the assembly has been corrupted by factionalism and, therefore, does not really represent the general will. Pettit (2016: 185) concludes, "*Rousseau does not ever confront the question raised*", and he goes on to speculate about what answer Rousseau's principles would lead to, finding that Rousseau himself can offer no satisfactory options.

I would like to take a different direction and ask, instead, why Rousseau would not confront Pettit's question. I would like to identify the different problem to which Rousseau gives greater urgency and to explore his analysis of that problem. My account relates to Pettit's in that it too focuses on Rousseau's separation of government from sovereignty. It aims less at questioning Pettit's description of Rousseau than at contesting the conclusions he draws from this description. He insists that Rousseau's citizens are "*restricted to the role of lawmakers in an assembly*" and that they are unable to "*challenge the decisions of the authorities*". I will argue that Rousseau insists that citizens have not only the right but the duty to hold the government accountable for its misapplications of the laws and that no thinker, republican or otherwise, insists more on the importance of challenging government than Rousseau does. The reason for this is that few regard the government as a more problematic authority than Rousseau does. My main intention is not really to contest Pettit's claim that Rousseau departs from a certain republican tradition; rather, it is to identify something worth pondering in his thought that is relevant for understanding contemporary politics.

Rousseau's Rule

I will begin by identifying what could be regarded as Rousseau's fundamental maxim about politics, which I will call Rousseau's rule. Contemporary political scientists are often guilty of reducing the complex thought of a great thinker to a simple maxim. A couple of years ago, a member of the Politburo Standing Committee of the Chinese Communist Party made news by recommending that people read Tocqueville's *Ancien Regime*. A number of Western commentators, including some political scientists, have embraced Tocqueville's analysis as extremely pertinent for understanding the current condition of China. I know a Chinese graduate student who was excited at this endorsement of the study of the history of political thought, but one of his professors cautioned him that the lesson one was supposed to draw from Tocqueville was that periods of reform lead to revolutions because they invite complaints that the reforms are not coming quickly enough. In effect, the government was issuing a warning that those demanding faster reforms could be regarded as attempting to undermine the regime. Even more recently, a scholar of international relations has written a book concerning "the Thucydides trap" in which war results from the fears of an established power about the emergence of a rival (Allison 2017). There has been a mixed reaction to the announcement of this rule of politics, with some scholars saying that it rests on a misunderstanding of Thucydides and others saying that it rests on a misunderstanding of US-China relations. Nevertheless, the term "Thucydides trap" seems destined for a career of some length. Although I should be hesitant to add to this list of unsophisticated application of a complex thinker's insight, I will overcome this hesitation for the purposes of this essay.

Rousseau gives his rule a simple and straightforward formulation in Chapter 11 of Book III of *On the Social Contract*. After saying, "*If Sparta and Rome perished, what State can hope to endure forever? If we want to form a lasting establishment, let us therefore not hope to make it eternal,*" he concludes, "*The body politic, like the human body, begins to die at the moment of its birth, and carries within itself the causes of its destruction*" (Rousseau 1994: 188). This statement hardly seems novel at all. In fact, it seems to be entirely commonplace, surprising only as an example of sober conservatism in a thinker not usually famous for such qualities. Few intelligent people, one might think, could possibly disagree with it.

Nevertheless, there are serious thinkers whose work was known to Rousseau who have disagreed with it. The most notable of these is Thomas Hobbes. Arguing against those who claim that experience proves that there are no grounds on which a stable politics can be established, Hobbes asserts, "*So, long time after men have begun to constitute Commonwealths, imperfect, and apt to relapse into disorder, there may Principles of Reason be found out, by industrious meditation, to make their constitution (excepting by external violence) everlasting*" (Hobbes 1992: 232). Needless to say, he claims that these principles are precisely the ones he has set forth in his book. With this assertion, Hobbes gives force to the aspiration to solve the problems of politics once and for all in a practical as well as a theoretical way, an aspiration that shows itself repeatedly in political thought after Hobbes, involving designs of political institutions, reliance on public administration, or efforts to have partisan issues settled by judges. If politics is seen as intrinsically fraught with problems, this aspiration could be said to be trying to abolish politics and its problems forever.

Hobbes's position allows us to see what Rousseau is claiming here. He is not saying that the limitations in the intelligence of humans mean that we should not expect perfection from their contrivances. In other words, he is not making the mistake that Hobbes

attributes to ignorant people who measure what is possible by what has happened so far. Rather, Rousseau is claiming that the limitations of what is possible for states exist *in principle* and cannot be overcome by any progress of human knowledge. In short, it is not the present imperfection of political science that accounts for the mortality of states. In fact, Rousseau claims that his own genuinely adequate political science demonstrates the necessity of this mortality. In asserting this, Rousseau is indicating that the aspiration to put an end to political problems once and for all is futile, or even dangerous. To understand Rousseau's point, it is necessary to understand why, according to his political science, any conceivable body politic carries within itself from birth the seeds of its own destruction.

There are two crucial ideas within Rousseau's political thought that lead to this conclusion. The first is the separation he makes between the sovereign and government; the second is his understanding of the general will. Richard Tuck (2015 and 2017) has recently discussed the history of the separation between sovereign and government, showing that this distinction existed well before Rousseau. Nevertheless, it is clear both that Rousseau insisted on the importance of this distinction and that he thought that, however present it might have been in earlier thinkers, it would not be understood by most of his readers. He begins the chapter in which he makes this distinction, "On Government in General", in the *Social Contract* with a disclaimer: "*I warn the reader that this chapter should be read carefully, and that I do not know the art of being clear for those who are not willing to be attentive*" (Rousseau 1994: 166). In his *Judgment on the Polysynody* proposed by the Abbé de St. Pierre, he asserts that the idea of aristocratic sovereignty is the worst of all conceptions of sovereignty. Expecting that readers might remember his claim in the *Social Contract* that elective aristocracy is the best form of government, he declares, "*I would wage that a thousand people will again find here a contradiction with the Social Contract. That proves that there are even more readers who should learn to read than authors who should learn to be consistent*" (Rousseau 2005: 99). In the *Letters Written from the Mountain*, he claims that the democratic constitution has hitherto been poorly understood by those who have discussed it. In particular, he says, "*none of them has sufficiently distinguished the Sovereign from the Government, the legislative Power from the executive*" (Rousseau 2001: 257). Finally, in *On the Government of Poland* in a chapter originally entitled "Sovereignty, where does it reside?" he begins, "*I hardly ever hear anyone speaking about government without finding that they go back to principles that appear to me to be either false or doubtful*" (Rousseau 2005: 184). This evidence shows clearly that no matter how many thinkers before Rousseau might have made some version of this distinction, he clearly regards it as not yet adequately established.

A simple way to understand Rousseau's doctrine is to distinguish it from those of Hobbes and Locke. Like Hobbes, he insists that sovereignty should be understood as a way out of the state of nature, a condition in which men live without any political authority over them. The problem with Hobbes's compact establishing sovereignty, according to Rousseau's argument, is that those who make the compact remain in the state of nature with regard to the sovereign, who is outside of the compact. Whether the sovereign is an individual or group of individuals, those within the contract are, to a very large degree, subjugated to the person or body outside of it. Rousseau's solution to this is, first of all, to allow only a sovereign in which everyone participates. The sovereign remains outside of the compact in that there are only formal restrictions on what it can do, but all members who comprise it are inside of the compact. To use Pettit's language about the republican tradition, no one is

subject to any individual or to any body of which he is not an equal member. Second, Rousseau, like Locke, sees a separation of powers in which the legislative power is supreme as a necessary part of avoiding tyranny. In Rousseau's more radical version of the separation of powers, however, only the legislative power is the sovereign; the executive power (what he also calls the government or administration) is entirely subordinate. It has no share whatsoever in sovereignty. Finally, the legislative power issues only laws of general application, which are themselves enforced by the government. The distinction between sovereign and government requires that each of these separate powers be restricted to its own realm.

This separation between sovereign and government properly understood leads to the second of Rousseau's doctrines. The sovereign legislative power's laws are expressions of the general will, that is they are general in origin as well as application. The term general 'will' refers both to the generality of the laws that issue from it and the disposition of those who vote on them to consider the community rather than their particular good. This second point (and this is what I want to stress) means that the doctrine of the general will is, in part, an empirical account of how any functioning group operates as well as a part of a normative doctrine of sovereignty. Rousseau insists that the general will remains constantly present even in a community in which individuals are almost entirely selfish. Such people wish to make the laws in a way that serves their own interests or at least to evade laws that do not, but they do not want others to behave on these same principles. For a community to continue to exist as a community at least this minimal sense of a common interest is necessary. An assemblage of people who have no desire whatsoever for laws that apply generally could not function as a society at all. It could be held together only by force. Moreover, it is not clear whether any amount of force would suffice for this.

That Rousseau's account of the general will is an account of how groups actually function is connected to his view of the problem posed by factions. As a member of a faction, one wills the good of that faction at the expense of the larger community. In fact, this is part of what it means to be a good member of the faction, whether that faction is a labour union, a political party, a public interest lobbying group, or a band of conspirators against the regime. Even someone who is not at all selfish will have stronger loyalties to some groups than to others, and the smaller the group is and the closer it is to its members, the stronger that loyalty is likely to be. Modern political life largely consists of people who feel very divided loyalties—to themselves and to a variety of sorts of communities (Todorov 1985: 20–25). The general will of the faction—which from the perspective of the community as a whole is merely a corporate will—will be stronger than the general will of the larger community. A good community, then, will work to eliminate factions and to increase loyalty to the larger group through an education that promotes patriotism and a civil religion.

There is, however, one faction that cannot be eliminated, even or especially in a good community. That faction is the government. In effect, the government is itself a small community within the community that has its own general will. Without such a general will, it could hardly function as a unity; it could not be an effective government. It is quite natural for the members of the administration to think of it as representing the will of the community. Eventually, this belief will lead them to see themselves as citizens of the administration every bit as much as they are citizens of the country. As Rousseau (2005: 98–99) says,

“[T]he interests of partial social groups are neither less distinct from those of the State nor less pernicious to the Republic than those of private individuals,

and they even have an added disadvantage that people glory in sustaining at any cost whatsoever the rights and pretensions of a body of which they are members and that what would be dishonourable in preferring oneself to others disappears when one favours a large social group of which one is a part, by dint of being a good senator, one finally becomes a bad citizen.”

Note that the description of bad citizens here could easily be turned into a description of good citizens who also would glory in sustaining the rights of their community against enemies. Rousseau’s point is not that politicians are self-seeking and corrupt by nature. Indeed, the tendency that he identifies will be stronger precisely to the extent that members of the government are not self-seeking. Rousseau (2001: 301n.) says, “*Tyranny of the Leaders is a vice of station*”, by which he means that in a different station this tyranny would not be a vice at all. The virtue of a good member of an administration is, when viewed from the perspective of the community, nothing but “*a vice of station*”.

In the long run, the members of the government will tend to lose sight of the general will of the community as opposed to that of the government. This may not be true for all of them, but it will be a continuing temptation that will prove to be hard to resist. The government will have endless opportunities to give in to this tendency, and it will be impossible for the rest of the community to resist every one of them. Eventually, with the best will in the world, the government must succeed in usurping the functions of sovereignty for its own benefit. This might take a very long time, but time is always on the side of the government. As Rousseau (2001: 243) says, “*In an executed undertaking they gain force; in a failed undertaking, they lose only time.*” In the best situation, the community resists the force, but eventually it loses ground. This is why every community has the seeds of its own destruction within itself from the beginning.

Rousseau’s point can be illustrated as follows. Imagine a democratic community in which all citizens are genuinely concerned with the common good. A newly elected government forms an administration of genuinely public-spirited citizens. One can hardly ask for more. In order to perform its function of executing the law, this new administration must cultivate an *esprit de corps* that engages its members. Success in implementing its program can increase the general spirit of this body, but so can resistance on the part of those outside of the administration, particularly political opponents who may be equally public spirited, but have their disagreements with the policies of the administration. Devoted public servants are devoted to the administration of which they are a part and feel that they have more in common with each other than with those whom they wish to serve, particularly when those people fail to appreciate what the government is doing. These public servants are or become citizens of the society made up of the administration at least as much as they are citizen of the broader community. As a new election looms, this general spirit finds a new focus: the administration must stay in office to pursue its agenda. To this, of course, can be added the selfish desire of administration members to keep their positions. Even so, it is the least self-seeking of these members who develop the strongest factional spirit. They will learn to look at legal formalities as inconveniences that hinder them in implementing the administration’s programs. They wish to find short-cuts around these cumbersome procedures. Even if the administration is removed from office, the new one (with its new policy preferences) will attempt to preserve the advantages acquired by the old one. All administrations

will share the same vice or virtue of station of wanting the administration to be able to act effectively although they might differ from each other on other points.

These are the necessary consequences of Rousseau's understanding of what a state is. The separation of sovereignty from government is necessary to prevent domination, but this separation creates a permanent community within the community that never ceases to exert its will. This is the cause of destruction that is present in every political community from its birth. When he analyses the constitutional crisis of Geneva in the 1760s, Rousseau argues that it is the result of exactly this process of usurpation of sovereignty by the government. He says, "*Two centuries ago a Political Thinker could have foreseen what has happened to you. He would have said; the Institution that you are forming is good for the present, and bad for the future*" (Rousseau 2001: 239). In fact, a political thinker would be able to make this same prediction for every community. Indeed, as things tend to go, two centuries of political liberty would be a rather good result. Even the best cases—Sparta and Rome—were doomed to the same fate over a longer period. Not even a perfect political science, perfectly applied, would be sure to save them. We can formulate Rousseau's Rule as follows: The very need for a government creates conditions in which the government will eventually rule tyrannically.

Among those who have failed to grasp the distinction between government and sovereign are those who, in the middle of the last century, accused Rousseau of being a totalitarian. They seemed to believe that he attributes a sort of authority to the government that he, in fact, denies to it. One might even say that they entirely miss what should be the strongest point of Rousseau's thought from their own perspective. Rousseau's distinctiveness as a political thinker stems in large part from the fact that he goes as far as he does in asserting that governments are to blame for almost all political problems. Ignoring his claims that the tendency of all governments to usurp sovereign authority constitutes the fatal flaw of all states, these critics blamed Rousseau himself for encouraging governments to lay claim to this authority.

More recently, Matthew Simpson (2006) has renewed some of these claims in a more sophisticated way. He argues that the confusion between sovereign and government is not a mistake made by Rousseau's critics, but a contradiction within his theory that inevitably confuses anyone who tries to apply it. The contradiction, according to Simpson (2006: 51), is that the sovereign legislature being "*blind to all individuals*" is unable to pass judgment on anything done by a particular government. This overstates the blindness of the sovereign. Certainly, the laws made by the sovereign must be general in their application and therefore "*blind to all individuals,*" but this does not mean that the sovereign is blind to the concrete particularities of the community when it makes laws; if it were, every society would have to have the same laws.

Simpson allows that the problem he sees might not occur with the account of the state given in the *Letters Written from the Mountain*, but he denies that this account is compatible with the one in the *Social Contract*. In my view the only difference in the two accounts is that in the later one Rousseau makes it explicit that surveillance of the government is an essential function of sovereignty. I believe that this is implied in the earlier account, both in the discussion of the two questions considered in the periodic assembly and in the discussion of the oversight function of the tribunate (see Spector 2005: 160). A further illustration from the *Social Contract* of the importance of constantly attending to changing circumstances is seen in his claim that the Roman decision to move to a secret ballot was,

contrary to Cicero's judgment, a wise one. It reflected the fact that Rome had moved from a condition in which citizens would have been ashamed to vote openly for something unjust to one in which they were not ashamed to accept bribes for their votes. The new law was blind to individuals in that everyone would vote secretly just as they had earlier voted publicly. In order to know that the change should be made, the sovereign had to be aware of the corruption that had taken over. Rousseau (1994: 210) concludes that "*the downfall of the State was hastened because more changes of this sort were not made.*" A similar need to consider changing circumstances occurs in the *Letter to d'Alembert on the Theatre* (Kelly 2003: 127–133). In short, the issue is not whether the sovereign is capable in principle of taking note of government usurpation. It is, rather, how the sovereign can take note of it and how it can act upon its knowledge.

If the eventual success of the government in usurping the authority of the sovereign is inevitable, how can it be slowed down? The basic device upon which Rousseau relies is regular meetings of the general assembly of the sovereign. This is the theme of Book III, Chapter 18 of the *Social Contract*, "The way to prevent usurpations by the government." In these periodic assemblies, the sovereign considers two questions: 1) whether it wishes to preserve the present form of government and 2) whether it wishes to preserve the present administration. The first question is properly a question of sovereignty because it involves no judgment upon individuals; it concerns only the fundamental political laws in a general form. The second question, however, is itself a governmental question because it does pass judgment on the individuals who make up the administration. Rousseau signals this difference by formulating the first question in terms of what the sovereign pleases and the second in terms of what the people want. In effect, in this instance the people are acting as a democratic government rather than as a sovereign. Rousseau (1994: 197) is careful to say that, even when periodic assemblies are established by one of the fundamental political laws rather than requiring a convocation by the government, they "*are suited to prevent or postpone usurpation.*" Postpone may, in fact, be the best they can do. There is no guarantee that the sovereign assembled will see the necessity to reform a usurping government, particularly when the usurpations take place only gradually and with plausible pretexts.

Moreover, few communities have provisions for regular sovereign assemblies. What capacity does Rousseau's sovereign have to take notice of the stages of usurpation when the assembly does not take place? Indeed, one can ask, as Pettit seems to, what sort of existence Rousseau's sovereign enjoys when it is not legislating. Rousseau shows his attention to this question by not concluding the *Social Contract* with his discussion of sovereign assemblies at the end of Book III. With the exception of the discussion of the civil religion in Chapter 8 of Book IV, this book is the least studied of the four books that make up the *Social Contract*, often being ignored in studies of the work (Bertram 2004 and Spector, 2015, but cf. Gilden 1983). Most commentators look at the practical details covered in Book IV as standing outside of Rousseau's theoretical account of the first three books. This tendency, unfortunately, has sometimes led to misinterpretations of the earlier books that could have been avoided. At the very least, this book deals with the practical consequences that necessarily accompany his principles. Book IV continues the discussion of "*political laws*"; focusing at first on voting and elections. It concludes by presenting "*the ways to strengthen the constitution of the State.*" These "ways" include the civil religion, which strengthens devotion of the community and its laws; the dictatorship (an extra-legal institution), which temporarily suspends the laws during emergencies; the censorship, which expresses public

judgment in matters that fall outside the law narrowly considered; and the tribunate, which is particularly important for the consideration of the relation between the government and the sovereign. Elsewhere, such as in *On the Government of Poland*, Rousseau points to the importance of precisely these Roman institutions (Rousseau 2005: 188 and 205).

The Tribunate

The importance of the tribunate, in particular, is indicated earlier in the *Social Contract*, in the chapter of Book III where Rousseau discusses the tendency of the government to degenerate. In a note he cites Machiavelli to indicate that prior to the establishment of this office, the form of government in Rome was “*always uncertain and up in the air*” (Rousseau 1994: 186n). In the *Letters Written from the Mountain*, Rousseau explains the significance of this office, saying that prior to its establishment, Rome was not yet anything and that later it “*had five hundred years of glory and prosperity under it, and became the capital of the world*” (Rousseau 2001: 292). In short, he seems to attribute to this institution an importance even beyond that of the others discussed in Book IV.

In the *Letters Written from the Mountain*, Rousseau indicates that his own purposes require modifications in the tribunate as it actually existed in Rome. He says, “*I have shown upon what principles the Tribunate should be instituted, the limits one ought to give it, and how all that can be done*” (Rousseau 2001: 292). Thus, in spite of his reference to Machiavelli, Rousseau’s account of the tribunate has some novel features. In Machiavelli’s account in the *Discourses*, the establishment of the tribunate was a means to stabilize without eliminating the conflict between the patricians and the plebeians. Prior to that establishment, Rome was dangerously unstable because the people were not represented in the government at all. It was a sort of mix of monarchy and aristocracy, with the former being represented in the consuls and the latter in the senate. The tribunate established the power of the people without removing the power of the other two elements, thereby creating a permanent productive tension in Rome. This dynamic between the patricians does play a part in Rousseau’s account. His description of voting procedures approves of the way the Romans covertly gave precedence to the patricians without leaving the plebeians entirely powerless. The tribunes kept this precedence from turning into a simple dominance. Rousseau also cites Machiavelli in support of the idea that constant turbulence in the state is often a good thing (Rousseau 1994: 186). Nevertheless, unlike Machiavelli, Rousseau surprisingly denies that a tribunate, when properly constituted, is a part of the government at all.

Rousseau’s innovation can be seen in his description of the problem the tribunate is meant to solve. The particular power of the tribunate that interests Rousseau is its ability to veto actions by the government: “*although it can do nothing, it can prevent everything*” (Rousseau 1994: 211). It is important that it have very little force; “*even a little too much*” (as was the case in Rome) would allow it to usurp power. Elsewhere, (Rousseau 2001: 292) Rousseau says about Book IV, Chapter 5 of the *Social Contract*, “*I blamed [the Tribunate] for having usurped the executive power that it should have only held in check.*” The problem that a “*wisely tempered Tribunate*” is meant to solve is this one:

“When an exact proportion cannot be established between the constituent parts of the State, or when indestructible causes constantly alter the relations between them, a special magistracy is then

instituted which does not form a body with the others; which places each term back in its true relationship; and which creates a link or middle term either between the Prince and the People or between the Prince and the Sovereign, or on both sides at once if necessary."

We have seen that, in principle, indestructible causes always constantly tend to alter the relations between the constituent parts of the state: the government's internal general will always eventually leads it to usurp powers that belong to the sovereign.

What sort of office is the Tribunal? Rousseau says,

"The Tribunal is not a constituent part of the City and should not have any portion of the legislative or executive power. But it is for this very reason that its own power is greater, for although it can do nothing, it can prevent everything. It is more sacred and revered as a defender of the Laws than the Prince who executes them and the Sovereign who makes them."

At the end of the chapter Rousseau (1994: 212) repeats the essential point by saying that the Tribunal *"is not part of the constitution"*. The claim that the Tribunal is more sacred and revered than the sovereign itself is puzzling. Its sacredness apparently stems from the fact that it preserves the laws, a task that seems to be beyond the sovereign that makes them. Although Rousseau is almost always critical of the idea of representation and even insists that *"a private will cannot represent the general will"* (Rousseau 1994: 149), it appears that the Tribunal does in some sense represent the sovereign when it acts against the government in order to re-establish its subordination to the sovereign. In fact, he makes this explicit in *On the Government of Poland*, where he compares the *liberum veto* in the Polish Diet with the Roman tribunes, saying, *"The veto of the Polish Deputies corresponds to that of the Tribunes of the people at Rome. Now they did not exercise this right as Citizens, but as Representatives of the Roman People"* (Rousseau 2005: 194). It appears that the sovereign, acting only during periodic assemblies, needs a representative to act outside of these assemblies. There are reasons to qualify this statement in a way that shows Rousseau's consistency, but first it should be developed.

As his reference to the *liberum veto* shows, Rousseau is willing to consider multiple forms for such an extra-constitutional institution, but all such offices remain subject to all of the reservations he normally expresses about representation. Like the Tribunal in Rome, the *liberum veto* becomes an instrument against the freedom it is meant to protect. Rousseau says, *"In itself the liberum veto is not a vicious right, but as soon as it passes its bounds it becomes the most dangerous of abuses: it was the guarantee of public liberty; it is no longer anything but the instrument of oppression"* (Rousseau 2005: 202–203). It might be going too far to say that a well-tempered Tribunal is a logical impossibility, but it is hardly surprising that Rousseau's discussion of this office in the *Letters Written from the Mountain* ends with the assertion that not only doesn't such an office exist in Geneva, it would not be appropriate in a modern community. As we have seen, the perfection of any body politic will be inherently unstable because of the tendency of the government

to encroach. An institution like the Roman tribunate might lead to a rather long period of relative perfection and, no doubt, an improved version could do even better, but Rousseau never gives the slightest hint that even a perfectly designed extra-constitutional representative of the sovereign could avoid the corruption that awaits all governments. In fact, the problem is that ultimately the tribunes are sure to participate in the corruption.

Roger Masters (Rousseau 1994: 264n25) has suggested that the tribunate as discussed by Rousseau bears some resemblance to the exercise of judicial review by the American Supreme Court. There are, indeed, striking similarities between Rousseau's discussion and Alexander Hamilton's in *Federalist 78*. Hamilton distinguishes the court from the executive and legislative branches by saying that it has "*neither FORCE nor WILL but merely judgment*" (Publius 1987: 437). This corresponds precisely to Rousseau's distinction between the government (which is nothing but force) and the sovereign (which expresses nothing but will), although Rousseau goes farther than Hamilton by saying that the tribunate is not a part of the constitution at all. In addition, Hamilton adds that "*the courts were designed to be an intermediate body between the people and the legislature in order, among other things, to keep the latter within the limits assigned to their authority*" (Publius 1987: 438–9). In this case, the legislative is clearly understood to be something like Rousseau's government in that its "laws" are subordinate to the more fundamental law of the Constitution. In spite of these similarities, there are two very striking differences between the views of Hamilton and Rousseau. Hamilton insists on the importance of maintaining judicial independence by service during good behaviour while Rousseau goes so far as to indicate both that tribunes should have short terms and that the tribunate itself should be suspended for periods of time. This difference is consistent with the second one. Hamilton (Publius 1987: 437) famously calls the judicial branch the "*least dangerous*" precisely because of its lack of force and will. Rousseau regards the temptation to exercise will as so great that, in any form it might take, the tribunate is an extremely dangerous branch, even if a very useful, or even indispensable one even if a very useful, or even indispensable one.

'The Legislator always exists, although it does not always show itself'

What institutions like the tribunate have in common is their mission of restoring a balance between the government and the sovereign. The desirability of such an institution points to the need for the sovereign or its representative to oversee the executive branch. This might give the impression that the sovereign itself has no capacity to oversee the executive other than when the sovereign assembly is in session. This, however, is not true. In *On the Government of Poland* Rousseau says,

"For the administration to be strong, good, and proceed directly toward its goal, all the executive power must be in the same hands: but it is not enough for these hands to change; they must act, if possible only under the Legislator's eyes and the Legislator must be the one who guides them. That is the true secret for keeping them from usurping its authority" (Rousseau 1994: 188–9).

Certainly, the guidance given by the Legislator can only be the laws themselves. For the legislator to meddle more directly in the functioning of the administration would violate the separation of powers as Rousseau understands it. The question is what is meant by the administration working “*only under the Legislator’s eyes.*”

Rousseau gives a particularly clear statement of the Legislative power’s functions in the *Letters Written from the Mountain*, saying, “*The Legislative power consists in two inseparable things: to make the Laws and to maintain them; that is to say, to have inspection over the executive power*” (Rousseau 2001: 247). This inspection takes place at each new sovereign assembly when the sovereign is asked whether it wishes to maintain the same form of government. Any answer to this question must depend on a judgment about whether the existing government has been performing its function well. Does this judgment take place only in the sovereign assembly, or does it in some way precede it? It might appear that the only time that the sovereign really exists in a way that allows it to act is during the assembly itself, and some have read the *Social Contract* as suggesting this. In the *Letters Written from the Mountain*, however, Rousseau makes it clear that while the sovereign can act only in the general assembly, it exists all of the time. When analysing Geneva, he says,

“In a State such as yours, where the sovereignty is in the hands of the People, the Legislator always exists, although it does not always show itself. It is assembled and speaks authentically only in the general Council; but outside of the general Council it is not annihilated; its members are scattered, but they are not dead; they cannot speak by means of Laws, but they can always keep watch over the administration of the Laws; this is a right, this is even a duty attached to their persons, and which cannot be taken away from them at any time” (Rousseau 2001: 263).

Thus, while the sovereign can “speak” only in the general Council, it can “keep watch” over the government through the ordinary citizens who are not members of the government. Indeed, keeping watch over the government is an essential duty of citizenship.

We will have to see what sort of action this keeping watch can lead to if the sovereign can speak only in the general Council, but first it will be useful to give some idea about how this watching takes place. This can be seen from Rousseau’s discussion of the “circles” or men’s clubs of Geneva in the *Letter to d’Alembert*. He introduces the subject of the circles by raising the question of which social practices will be displaced by the establishment of a theatre. If the theatre is better or less bad than what it will replace, it should be encouraged. If the reverse is true, it should be discouraged. Primary among the practices that Rousseau claims will be undermined by the theatre is the circles, or “*societies of twelve to fifteen persons*”, who meet together most afternoons to “gamble, chat, read, drink and smoke” (Rousseau 2004: 324). Indicating that many people regard these clubs as the source of more vice than virtue, Rousseau himself stresses their political function, saying “*Our civil discords, during which the necessity of affairs obliged us to meet more often and to deliberate coldly and calmly, caused these tumultuous societies to be changed into decent associations.*” Later, he describes the conversations that take place in the circles as “*grave and serious discourse*” involving “*fatherland and virtue*” (Rousseau 2004: 328). Rousseau concedes that the gambling and drunkenness facilitated by the circles are bad,

but he insists that these are the necessary accompaniments of the good that comes from them. He argues that the most ferocious opponents of the circles are not those who fear the moral corruption that goes along with them; rather they are those who fear their political consequences: *"It is only the fiercest despotism which is alarmed at the sight of seven or eight men assembled, ever fearing that their conversation turns on their miseries"* (Rousseau 2004: 330). The circles, then, are an institution that stands outside of the political constitution narrowly considered in which citizens can discuss the government freely. The theatre is an institution that will be welcomed by a government that wishes to divert citizens from their duty of supervision. The point here could not be missed in the Genevan context. Rousseau is intimating that the elite who support the establishment of the theatre are hoping to distract the majority of citizens from political affairs and that conservative citizens who dislike the circles on moral grounds are the dupes of this effort.

There is one passage from the *Social Contract* that is sometimes interpreted in a way that is incompatible with this account of citizens who meet in private to discuss the government, although there have also been objections to these interpretations (Scott 2005 and Kelly 2003: 117–122). In Book II, Chapter 3, Rousseau discusses the conditions necessary for a genuine expression of the general will. He argues that factionalism makes it impossible for the general will to express itself when the faction imposes a particular view on its members. Rousseau says, *"If, when an adequately informed people deliberates, the Citizens were to have no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good."* He concludes, *"In order for the general will to be well expressed, it is therefore important that there be no partial society in the State, and that each Citizen give only his own opinion"* (Rousseau 1994: 147–48). Some scholars—often those who argue that Rousseau is a totalitarian—read this as requiring that the citizens must be kept from deliberating among themselves in small groups. The clubs seem to violate this condition. Given that Rousseau was working on the *Social Contract* at the time he wrote the *Letter to d'Alembert*, it would be hard to argue that he changed his mind on this issue. Does he contradict himself or not?

The question is what Rousseau means by citizens having no communication among themselves. At what stage of public deliberation is this isolation necessary? Rousseau's most detailed account of public deliberation is in the *Letters Written from the Mountain*, and this account focusses precisely on the question of sovereign oversight of the government. In fact, it occurs just after his claim, cited above, that one of the two constitutive elements of legislative power is inspection over the executive power. Here, Rousseau insists that this oversight is, once the fundamental laws have been established, the sole function of the sovereign. Geneva has entered a political crisis because the government denies this function and has made itself the sole interpreter of the laws, that is they *"make themselves obeyed in the name of the Laws while disobeying them themselves"* (Rousseau 2001: 262). Geneva lacks any extra-constitutional institution like the tribunate to protect the laws against this governmental usurpation. Lacking such an institution, it might appear that the only device left for the exercise of this function of sovereignty is the general council and, in a sense, this is true because it is only in the general council that the government can be called to account. Nevertheless, as we have seen, Rousseau insists that even when the sovereign does not show itself in the Council, it continues to exist.

From the continued existence of the sovereign outside of the general council and the sovereign's power of overseeing the government, Rousseau derives the right of

individuals or groups in their capacity as citizens to make “*représentations*” or remonstrances to the government about its abuses (Rousseau 2001: 264). As he says, “*This right gives you inspection, no longer over Legislation as previously, but over administration*” (Rousseau 2001: 262). Rousseau then poses and answers a series of questions: “*But in the end what is this right? How far does it extend? How can it be exercised*” (Rousseau 2001: 263). In addition to being a traditional Genevan right established by law, according to Rousseau, this is a right that exists in any government.

It is important to specify that making a remonstrance is not an act of sovereignty. Rousseau says,

“This is not to vote in general Council, it is to state an opinion about matters that ought to be brought there; since one does not count the votes this is not to give one’s suffrage, it is only to state one’s opinion. This opinion is, in truth, only that of a private individual or of several; but since these private individuals are members of the Sovereign and can represent it sometimes by their multitude, reason wants one to pay respect to their opinion then, not as a decision, but as a proposition that demands a decision, and that sometimes makes one necessary” (Rousseau 2001:263–64).

The citizens who make the remonstrance are representatives of the sovereign in the same sense as the tribunes are, but their remonstrances do not have the same legal force as the actions of the tribune. Even if virtually every citizen were to join in the remonstrance, this would not make the remonstrance an act of sovereignty. “*Even if it is unanimous their opinion will never be anything but a Remonstrance*” (Rousseau 2001: 271). To use the language of the *Social Contract*, a unanimous judgment would be merely the will of all rather than the general will.

Rousseau states that making a remonstrance is stating an opinion rather than casting a vote. A few pages earlier, he indicates that this distinction is an important one that is not maintained consistently enough in French. He puts the point this way,

“To Deliberate, To Give an Opinion, to Vote are three very different things that the French do not distinguish enough. To Deliberate is to weigh the pro and the con; To Give an Opinion is to state one’s advice and to give the reasons for it; To Vote is one’s suffrage, when nothing is left to do but to collect the votes. First the matter is put into deliberation. On the first round one gives one’s opinion; one votes on the last round” (Rousseau 2001: 253).

Clearly each of these does take place within a sovereign assembly, but only the last of them is an act of sovereignty. The other two can take place, in principle, at any time and any place. The expression of one’s opinion to a group outside of the assembly is not only allowed, it is sometimes a duty. A remonstrance then, is an expression of an opinion by a representative of the sovereign (i.e. a citizen or group of citizens) that a law has been violated by the government (see Spector, 2005: 159–160).

What can or must the government do when confronted by a remonstrance accusing it of injustice? One possibility is, of course, that it acknowledges the error of its ways and corrects what it has done. The other more likely possibility is to deny that it has done anything wrong. Cannot the government with great plausibility present itself as a more legitimate representative of the sovereign will than the remonstrators are? This Rousseau denies, although he does not claim that the government's assertions have no weight in the matter. The issue then is, when these two equal moral authorities clash, who is to be the judge between them. The Genevan government claims to have settled the matter, but Rousseau says, "[W]hen a number of Citizens affirm that there is injustice, and when the Magistrate accused of that injustice affirms that there isn't who can be judge, if it is not the informed public, and where can this informed public be found at Geneva, if it is not in the general Council" (Rousseau 2001: 267)? Rousseau insists that the sovereign assembly is the only possible judge in such a case. The best option is to bring the matter in question to the next regularly scheduled assembly. If there is no regular schedule, the assembly must be called into session (Silvestrini 2005: 238).

Of course, it is likely that the government will refuse to do this even, or especially, in the face of public demonstrations. Clashes between the government and the citizens are no more of a problem for Rousseau's theory than for any account of republican government. An interesting feature of Rousseau's position is that it is the citizens and not the government who are understood as the conservative force. They understand themselves as reacting not simply to government injustice, but the government's violation of the fundamental political laws of the community. In this characterization, Rousseau is no different from Locke (Tarcov 1981). Rousseau is reticent in spelling out the consequences that follow from the government's refusal to consult the general council. Following the same practice that he had followed in his *Letter to d'Alembert*, he stops short of offering specific advice. He says only that "when one knows where one is and where one ought to go, one can direct oneself without effort" (Rousseau 2001: 305). A few years later in *On the Government of Poland* he shows no such reticence. He says that whenever the Diet, or general council, is prevented from assembling, a confederation of nobles should rise up to restore the laws. He compares such a confederation with the Roman dictatorship that preserves the constitution by suspending the laws in a temporary emergency (Rousseau 2005: 205–206). Just as the remonstrances of citizens can be compared with the Roman tribunes, an act of resistance can be compared with the Roman dictatorship. These passages support the suggestion made above that Book IV of the *Social Contract* is not a mere appendage to Rousseau's theory. Institutions and practices that aim at maintaining the constitution are a part of the theory.

Let us assume that the remonstrators do succeed at having a general assembly called to act as judge between them and the government. When describing this need for a judge, Rousseau says, "It would then be up to the general will to decide, for in your State that will is the supreme Judge and the unique Sovereign" (Rousseau 2001: 267). This statement seems to indicate that it is the assembly acting as sovereign that passes judgment, but this cannot be true because this judgment involves deciding between two particulars. Rousseau says this clearly a few pages later when talking about the re-establishment of general Councils:

"These assemblies, which by a very important distinction will not have the authority of the Sovereign but of the supreme

Magistrate, far from being able to innovate anything, will only be able to prevent all innovation” (Rousseau 2001: 271).

The judgment of the general council in such a case is comparable to the second stage of the periodic assembly described in the *Social Contract*. In the first stage, the sovereign establishes the form of government; in the second, the people decide who is to be in the government. In effect, as a party in the dispute the government loses its status as government and yields it to the assembly.

Conclusion

I believe I have demonstrated that in spite of, or in fact because of, his insistence on an absolute sovereign, Rousseau insists on the importance of an active citizenry who watch over the government and, if necessary, mobilize against it. This is so even if he does not give much attention to the problem of calling into question the justice of an existing law. To some extent the reason for this lies in Rousseau’s definition of exactly what a law is—laws of general formulation and universal application are less likely to be unjust than most decrees that we, unlike Rousseau, recognize as laws. What I have been emphasizing, however, is that he regards the unjust application of laws by a usurping government as the far more urgent problem. Characteristically, he suggests that remonstrances will follow persecution of an individual who has been condemned without the government following proper legal procedure (Perrin 2011). He claims that it is this problem that is of the utmost political importance, saying, *“Everywhere that innocence is not in safety, nothing can be: everywhere that the Laws are violated with impunity, there is no longer any liberty”* (Rousseau 2001: 237). In short, the violation or misapplication of fundamental laws by the government is usually a more urgent problem than the existence of unjust laws. Philip Pettit’s characterization of Rousseau with which this essay began is not exactly incorrect, but it ignores Rousseau’s own view of the crucial question.

Rousseau’s account of citizen oversight of the government leads to several conclusions of interest to us today. “Rousseau’s Rule” that the tendency of the government to usurp is the fatal flaw of every society helps us to understand the phenomenon of a well-intentioned political class whose good intentions themselves make it progressively more and more removed from its fellow citizens, thereby creating a “democratic deficit” between this class and the people. Second, his account of citizens who represent the sovereign by remonstrating against the government suggests that we should grant the highest status to the sort of protest movement that insists on supporting the very laws that the government fails to execute impartially rather than paying exclusive attention to those that protest against the laws themselves. Third, his analysis allows us to recognize a tendency that his thought promotes: a pervasive mistrust of government, a sort of popular republicanism that always looks for outsiders to rescue the people from the present government and that is always disappointed when these outsiders become insiders. Finally, Rousseau’s account of the inevitable decline of states teaches the important lesson that efforts to move beyond the strife that characterizes political life are bound to be futile. Politics will always be with us.

REFERENCES:

- ALLISON, Graham T. (2017). *Destined for War: Can America and China Escape the Thucydides Trap*. Boston and New York: Houghton Mifflin Harcourt.
- BERTRAM, Christopher (2004). *Rousseau and The Social Contract*. London and New York: Routledge.
- BROOK, Christopher (2016), 'The porch to a collectivism as absolute as the mind of man has ever conceived': Rousseau Scholarship in Britain from the Great War to the Cold War. In LIVSCHITZ, Ari (ed.). *Engaging with Rousseau Reaction and Interpretation from the Eighteenth Century to the Present*. Cambridge: Cambridge University Press, pp. 136–151. <https://doi.org/10.1017/CBO9781316536582>
- GILDEN, Hilail (1983). *Rousseau's Social Contract: The Design of the Argument* Chicago University of Chicago Press.
- HULLIUNG, Mark (1994). *The Autocritique of Enlightenment: Rousseau and the Philosophes* Cambridge MA: Harvard University Press.
- KELLY, Christopher (2003). *Rousseau as Author*. Chicago: University of Chicago Press.
- PERRIN, Jean-François Perrin (2011). *Politique du renonçant: le dernier Rousseau: Des Dialogues aux Rêveries*. Paris: Kimé.
- PETTIT, Philip (2016). Rousseau's Dilemma. In LIVSCHITZ, Ari (ed.). *Engaging with Rousseau Reaction and Interpretation from the Eighteenth Century to the Present*. Cambridge: Cambridge University Press, pp. 168–188. <https://doi.org/10.1017/CBO9781316536582>
- PUBLIUS (1987). *The Federalist Papers*. Harmondsworth, Middlesex: Penguin Books.
- ROSENBLATT, Helena (1997). *Rousseau and Geneva: From the First Discourse to the Social Contract*. Cambridge: Cambridge University Press.
- ROUSSEAU, Jean-Jacques (1993). *Discourse on the Origins of Inequality (Second Discourse), Polemics and Political Economy*. In MASTERS, Roger D.; KELLY, Christopher. *The Collected Writings of Rousseau*, Vol. 3. Hanover NH: University Press of New England.
- ROUSSEAU, Jean-Jacques (1994). *Social Contract, Discourse on the Virtue Most Necessary for a Hero, Political Fragments and Geneva Manuscript*. In MASTERS, Roger D.; KELLY, Christopher. *The Collected Writings of Rousseau*, Vol. 4. Hanover NH: University Press of New England.
- ROUSSEAU, Jean-Jacques (2001). *Letter to Beaumont, Letters Written from the Mountain, and Related Writings*. In MASTERS, Roger D.; KELLY, Christopher. *The Collected Writings of Rousseau*, Vol. 9. Hanover NH: University Press of New England.
- ROUSSEAU, Jean-Jacques (2004). *Letter to d'Alembert and Writings for the Theater*. In MASTERS, Roger D.; KELLY, Christopher. *The Collected Writings of Rousseau*, Vol. 10. Hanover NH: University Press of New England.
- ROUSSEAU, Jean-Jacques (2005). *The Plan for Perpetual Peace, On the Government of Poland, and Other Writings on History and Politics*. In MASTERS, Roger D.; KELLY, Christopher. *The Collected Writings of Rousseau*, Vol. 4. Hanover NH: University Press of New England.
- SCOTT, John (2005). Rousseau's Anti-Agenda Setting Agenda and Contemporary Democratic Theory. *American Political Science Review*. Vol. 99, no. 1, pp. 137–144. <https://doi.org/10.1017/S0003055405051543>
- SILVESTRINI, Gabriella (2005). Genève comme modèle dans la pensée politique de Rousseau.

- In BERNARD, B. GUÉNARD, F.; SILVESTRINI, G. *Religion, Liberté, Justice: sur les Lettres écrites de la montagne de J.-J. Rousseau*. Paris: Vrin, pp. 211–240.
- SIMPSON, Matthew (2006). A Paradox of Sovereignty in Rousseau's Social Contract. *Journal of Moral Philosophy*. Vol. 3, no. 1, pp. 45–56. <https://doi.org/10.1177/1740468106063282>
- SPECTOR, Céline (2005). Droit de représentation et pouvoir négatif: la 'garde de la liberté' dans la Constitution genevoise. *Lettres de la montagne*, VIII et IX. In BERNARD, B. GUÉNARD, F.; SILVESTRINI, G. *Religion, Liberté, Justice: sur les Lettres écrites de la montagne de J.-J. Rousseau*. Paris: Vrin, pp. 193–210.
- SPECTOR, Céline (2015). *Rousseau: Les paradoxes de l'autonomie démocratique*. Paris: Michalon.
- TODOROV, Tzvetan (1985). *Frêle Bonheur: Essai sur Rousseau*. Paris: Hachette.
- TUCK, Richard (2015). *The Sleeping Sovereign*. Cambridge: Cambridge University Press, 2015. <https://doi.org/10.1017/CBO9781316417782>
- TUCK, Richard (2017). Rousseau and Hobbes: The Hobbesianism of Rousseau. In ROSENBLATT, Helena; SCHWEIGERT, Paul (eds.). *Thinking with Rousseau: From Machiavelli to Schmitt*. Cambridge: Cambridge University Press, pp. 37–62. <https://doi.org/10.1017/9781316226490>