

THE NATIONAL WILL IN CONDORCET'S PHILOSOPHY

A VONTADE NACIONAL NA FILOSOFIA DE CONDORCET

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ABSTRACT

In this article, we will analyze the meaning of the expression “national will” in Condorcet's thought. For this, we will identify the passages in which the philosopher uses this term and we will make an interpretation of its meaning. Furthermore, we will expose the ways in which the national will can appear in the works of this author. As the philosopher clarifies, there are two ways in which the national will arises: when citizens interact with representatives in the elaboration of ordinary laws and, also, when citizens and representatives participate in the making of the Constitution. Finally, we will verify the similarities and differences between the expressions “national will” in Condorcet and “general will” in Rousseau.

Keywords: national will, Condorcet, general will;

RESUMO

Neste artigo, analisaremos o significado da expressão “vontade nacional” no pensamento de Condorcet. Para isso, identificaremos as passagens em que o filósofo emprega esse termo e faremos uma interpretação do seu sentido. Ademais, exporemos alguns modos nos quais a vontade nacional pode aparecer nas obras desse autor. Como o iluminista esclarece, duas formas de a vontade nacional surgir são estas: quando os cidadãos interagem com os representantes na elaboração das leis ordinárias e, também, quando cidadãos e representantes participam da feitura da Constituição. Por fim, verificaremos as semelhanças e as diferenças entre as expressões “vontade nacional” em Condorcet e “vontade geral” em Rousseau.

Palavras-chave: vontade nacional, Condorcet, vontade geral;

I- INTRODUCTION:

Some expressions play a central role in the thinking of certain authors, which does not mean that they will have a peaceful interpretation. It is enough to remember that some readers can adopt a creative freedom and extrapolate the scope of certain concepts – whether such interpreters from

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the same period of the author or from a different context. The purpose of our work is to analyze the concept of “national will” in Condorcet's thought. For that, we will expose some passages of the Condorcetian work in which this expression appears. Furthermore, we will deal with two ways in which the national will can appear: in the making of the ordinary laws and in the making of the Constitution. Finally, we will make a comparison between the notion of “general will” by Rousseau and “national will” by Condorcet. This path will help us to better understand the meaning of the term, which seems to us to be structural, in the philosophy of the last Enlightenment.

II- THE CONCEPT OF NATIONAL WILL IN CONDORCET'S THOUGHT:

In his works, Condorcet uses both the term “national will” and “general will”. In the first paragraph of *Exposition des principes et des motifs du plan de constitution*¹, for example, Condorcet uses the expression “general will”: “(...) combine the parts of this Constitution in such a way that the need to obey the laws, to submit individual wills to the general will, allows the sovereignty of the people (...)” (CONDORCET, 2013, p. 63). In turn, the term “national will” is used in some examples that we will give below. We consider that Condorcet uses these different terms with the same meaning. However, we emphasize that, when dealing with these expressions in the thought of Condorcet and other authors, we will be faithful to adopt the terminology used by them.

As Newton Bignotto points out, the term “general will” had been used since the 17th century by thinkers such as Arnauld, Pascal, Malebranche and others. According to this interpreter, for Malebranche, it was something natural and, therefore, it could become general without men having to interfere (BIGNOTTO, 2010, 164).

In the 18th century, this term became famous in Rousseau's work. A few years later, as Lucien Jaume points out, the idea of general will is at the heart of revolutionary ideology and is constantly invoked in the discourse of the various groups that support the engaged process (from the monarchists to the far left) (JAUME, 1989, 221).

¹ From now on, we will designate this work as the Constitution Plan, as will the Portuguese translators of this text, Amaro Fleck and Cristina Foroni. It precedes the Bill of Rights and the Draft Constitution. Most interpreters consider that Condorcet acted almost exclusively in the elaboration of these Constitution Plan and Constitution Project. We also emphasize that, as a general rule, we will use the works of Condorcet published by A. Condorcet O'Connor and MF Arago, from 1847. We will also use the book with political-constitutional texts by Condorcet translated into Portuguese mentioned in this note. -baseboard.

² According to Condorcet, the French territory should be divided into 85 departments; these would be divided into communes which, in turn, would be divided into municipal sections and primary assemblies. Each citizen would be a member of a primary assembly, and each would have no less than 450 members or more than 900. Condorcet further emphasizes that, at each assembly, an office would be appointed consisting of one member for every 50 citizens (CONDORCET, 2013, 130-132).

In the text *Instruction on the exercise of the right of sovereignty*, Condorcet clarifies for us what he understands by national will:

When the universality of a nation voted in the assemblies, convened according to a form established by law (...), the desire of the majority of citizens present in these assemblies, or of that majority of these assemblies, is the expression of the national will (...) (CONDORCET, 1847d, 536-537).

In the text *On National Conventions*, from 1791, Condorcet states that, when men felt the need to live according to common rules, they saw that such rules could not be the expression of a unanimous will (CONDORCET, 1847b, 193). Therefore, in a free society, each individual must have his own opinion. As Charles Coutel states, unanimity exists to respect the majority opinion and execute the law after the vote (COUTEL, 1996, 133).

In *On the Nature of Political Powers in a Free Nation*, Condorcet takes up this idea by stating that submission to the will of the majority is founded on the need for a common rule of action and on the interest in preferring the common rule, which will be more often conforming to the reason and interest of all (CONDORCET, 1847a, 590). As a result, even those who do not agree with the majority rule must obey it; otherwise, others might take a similar stance, and in that way it would not be possible to establish common rules. Thus, according to the Enlightenment, individuals must abstract from their opinion when they obey the laws.

We also emphasize that, for Condorcet, the national will must not violate minority rights. Thus, citizens will be called upon to express their opinions only on issues that do not violate individual rights expressed in the Declaration of Citizens' Rights. (CONDORCET, 1847f, 415). In the following passage, Condorcet clearly expresses his thought: "(...) the power of the majority over the minority must not be arbitrary, it extends as far as it does not violate the right of an individual" (CONDORCET, 1847a , 590). Thus, we realize that, for Condorcet, the idea of democracy and the protection of rights must be complementary. In other words, according to Condorcet, the majority vote should not override the protection of citizens' rights.

In addition, according to Condorcet, in order to verify the national will, all citizens of the country must manifest themselves after a previous action by the representatives. Therefore, the national will can only be verified after dialogue between representatives and citizens takes place. Thus, for example, the national will can be seen when citizens ratify the constitutional text drawn up by the representatives or when citizens claim that the proposal, made by a citizen or representatives, to change the constitutional text deserves to be taken into account . In other words, the investigation of national will depends on a general mechanism of interactions between representatives and citizens. As Pierre Rosanvallon states:

The general will presents for him [Condorcet] a doubly complex feature. Far from being a pre-existing fact of political activity, it results from a continuous process of interaction and reflection between the people and the representatives. The ordinary structures of representative government and the referendum or censorship procedures of the people are complementary: they constitute two moments and two forms, at the same time, of people's sovereignty. This approach is extraordinarily innovative (ROSANVALLON, 2000, 61).

We realize, therefore, that Condorcet is opposed to the idea that the national will can be obtained by verifying only the will of the representatives or only that of the citizens. On the other hand, some consider that the national will can only be achieved by investigating the will of the representatives. From the perspective of an absolute king, his will represents the will of the nation. Not too divergently, for some, the voice of a legislative assembly is the voice of the citizens. Following this thought, for Emmanuel Joseph Sieyès, the general will is related to the manifestation of the representatives' voices. In this sense, art. 26 of its Bill of Rights provides: "The law can only be the expression of the general will. In a great people, it must be the work of a body of representatives chosen for a short time, directly or indirectly by all citizens who are linked to public affairs for their interests and capacities" (SIEYÈS, 1994, 205, grifo nosso).

During the revolutionary government, some deputies of the Committee for Public Safety also began to associate the national will with their own. Such deputies came to defend the idea that legislators had the task of "creating the people". In this situation, therefore, they would determine what citizens should believe. Thus, the will of the nation should have an intimate relationship with an ideology. In this sense, the national will would be identified with the will of an assembly of "virtuous" representatives, which, in defending the creation of a people, in addition to despising individual wills, would be in favor of eliminating those who behaved in an opposite way. to the "virtuous man" model.

Faced with these conceptions of national will, we realize that all of them, with the exception of Condorcet's, treat the people as an abstract entity. The last Illuminist, in turn, associates the people with the sum of citizens belonging to a country: as a result, the national will must be verified by counting the votes of each citizen.

It is also important to point out that, at the time of the Revolution, some individuals who did not occupy institutional positions also began to identify their will with that of the people. Thus, we realize that they also adopt the discourse of speaking on behalf of the people, implying that they know what the national will would be. As stated by Gabriele Magrin, in August 1792, a new political phase of the Revolution began, characterized by an unstable relationship between the people and national representation. Thus, in this period, the popular movement, with its driving forces in sections, clubs and, above all, in the Paris Insurrectionary Commune, began to interfere in the

Convention's political decisions. Given this, an “active minority” progressively begins to speak on behalf of the sovereign people (MAGRIN, 2007, 133-135).

In response to this speech, in his Instruction on the exercise of the right of sovereignty, Condorcet states that no part of the sections of the people should have the right to collect, verify or declare the national will (CONDORCET, 1847d, 537-538).

Now, as we have already mentioned, Condorcet is opposed to some people asserting what the will of the nation is without consulting it. How can representatives or some citizens know what the voices of the members of the nation are if there is a divergence of opinion between the representatives themselves and the citizens themselves? According to Condorcet, the presence of representatives is of fundamental importance so that citizens can demonstrate their voices, in an institutionalized way, on various issues related to politics, including laws. This, in turn, is quite different from the fact that representatives alone can say what the voice of the nation is. Likewise, as we mentioned, some citizens cannot assert what the people's will is: in order for the national will to be achieved, every citizen must have the opportunity to demonstrate his opinion.

III- WAYS OF REACHING THE NATIONAL WILL IN CONDORCET'S THOUGHT:

According to Condorcet, citizens can express their voices about the ordinary laws and also about the Constitution. In the Constitution Plan as well as in the Constitution Project, Condorcet addresses the ways in which citizens can interfere in the making of laws. We do not intend to analyze in detail the procedural steps of this task. However, we consider it important to highlight the Enlightenment's central ideas about the ways in which both citizens and representatives will utter their voices in relation to the making of these laws.

According to Condorcet, in order for a citizen to propose a change in an ordinary law, he must ask the office of his primary assembly² to convene it for the next Sunday in order to deliberate on his proposal. It is also necessary for 50 individuals residing in the district of the same primary assembly to affirm that this proposal to change the law deserves to be submitted to the primary assembly - they do not need to agree that this proposition is fair, they must only express whether this matter deserves to be taken up in consideration (CONDORCET, 2013, 130-132).

This requirement fulfilled, the office of the primary assembly has the right to convene, to examine the proposition which it itself has admitted, all the assemblies of a wider circumscription in the territory. If the resolution of the majority of the members of these assemblies is that the application for legal change deserves to be considered, the assemblies of an even larger constituency will be convened. Therefore, if the resolution of the majority of these primary assemblies also considers that such a matter should be taken into consideration, the assembly of country

representatives should state whether it should deal with that issue. If the Assembly of Representatives considers that it should not deal with this issue, the universality of the Republic's primary assemblies will be called upon to answer the same question: should this matter be taken into consideration? In this hypothesis, two situations are possible: either the majority of the primary assemblies declare themselves in favor of the representatives' opinion and, thus, the proposition is rejected; or that majority expresses a resolution to the contrary. In that case, the assembly of representatives must be renewed, as it appears to have lost national confidence (CONDORCET, 2013, 76),

In this way, Condorcet creates opportunities for every citizen to express their voice in relation to the laws. In this situation where a citizen is proposing a law, the movement starts in society, it can reach the members of the legislative power, it can return to society and, finally, it can cause the removal of representatives. In this case, the citizens of the republic, not the representatives, have the last word on a citizen's request concerning the motion or the reform of the law.

This summons of citizens to primary assemblies to pronounce themselves on whether they consider it pertinent to propose a change in the law causes them to be encouraged to demonstrate their voices in the legislative activity. According to Condorcet, if citizens are not called upon to demonstrate their opinions, only the voice of those who are more active in politics will appear:

(...) (they) need a Constitution to show them, in a certain way, what is their interest and what is their duty, so that they may learn without difficulty towards what end they must muster their efforts; and once its imposing mass has been led towards that common goal, the active portion of the citizens ceases to appear to be the whole people (...) (CONDORCET, 2013, 122).

For Condorcet, the existence of procedures provided by law for citizens to demonstrate their will makes even individuals uninterested in politics express their opinions. Therefore, Condorcet tries to create artificial means that allow citizens to demonstrate their voice over the laws. In doing so, they will exercise their sovereign right.

In the case of making the Constitution, Condorcet defends that it be made by a constituent assembly, also called national convention, and by the citizens (CONDORCET, 2013, 168). By defending the existence of periodic national conventions to revise a country's Constitution, Condorcet intends that citizens are encouraged to speak out on it. This, in turn, will cause them to interact with their reps. According to Condorcet, a Constitution that encourages citizen participation in law-making brings stability to a society. This idea is clear in the following passage:

The way to avoid insurrections is then to dominate the will of the people by reason, to force them, clarifying them, not to bow to the law, but to want to submit to it. The way to avoid insurrections is then to organize regular, equally irresistible grievances that force national sovereignty to speak its voice. The way to prevent revolutions is to give citizens the facility to carry them out in a legal and peaceful manner (CONDORCET, 1847 a, 612).

Thus, we perceive that, in the case of the elaboration of the Constitution, Condorcet is not content with the existence of open channels of dialogue between citizens and representatives. For the Illuminist, periodically, the members of a constituent assembly must revise the Constitution, and citizens must express whether or not they agree with the new constitutional plan presented by that assembly. In this sense, we agree with Urbinati's assertion that Condorcet tries to create procedures capable of turning legal innovation into a source of stability and improvement (URBINATI, 2006, 182). Therefore, the action of citizens in making their Constitution should not be dependent on the demand for constitutional change by any citizen or representative. From time to time, constitutional review must take place. We can say that the establishment of periodic national conventions will ensure that the public spirit of citizens will always remain active. Using Paine's term, we consider that such conventions will provide stamina – a vital capacity for the maintenance of an activity – for citizens to act in the making of laws. In other words, we believe that Condorcet has the objective of setting a fire to the revolutionary spirit in the citizens. However, this flame must be controlled by the institutions. Thus, Condorcet tries to find a way in which citizens and members of democratic institutions periodically demonstrate their voices.

Pierre-François-Joseph Robert³, Deputy of the National Convention, criticizes this thought of Condorcet. According to him, if citizens were constantly called upon to participate in drafting the laws, only those with recourse would, in fact, do so. On April 26, 1793, he affirmed in front of the other deputies:

If you decreed these frequent assemblies, the least favored part of the people would be in absolute impossibility to participate in them, and, if they do not participate in these assemblies, their right to exercise sovereignty would only be illusory: the favored, opulent class, would become the supreme lady of the assemblies, and, by an excess of misunderstood democracy, you would necessarily see a very terrible kind of aristocracy rise, the almost absolute aristocracy of the rich (ARCHIVES PARLEMENTAIRES, LXIII, 386).

³ Robert and his wife played a large role in the journalistic field, being responsible for the creation of the *Jornal do Estado e do Cidadão* (SOBOUL, 1989, 912). Robert was also editor of the *Mercure National* and one of the main spokespersons for patriotic societies in the spring of 1791 and, since 1790, he had declared himself a republican (before the king's flight to Varennes) (BIGNOTTO, 2010, 236). Thus, we realized that Robert declared himself a republican at a time when few were demonstrating against the monarchy.

We observe that Robert is afraid that a regime that encourages democratic measures will end up becoming less democratic because the less favored class does not have time to participate in matters concerning the interests of the collective. Thus, according to this thinker, extreme democratism reverses itself. And what role should citizens play in legislative activity in his view? In his 1790's *Republicanism Adapted to France*, Robert asserts:

Smaller as well as larger communities are brought together to name their municipal officials, their administrators, their judges; they will meet to nominate new representatives: could we not meet them equally at certain times to consent or reject the decisions of the national assembly? (ROBERT, 1790, 99).

From this excerpt, we see that Robert is in favor of citizens participating in the legislative activity. However, he imagines ways that do not require citizens to act as frequently in this activity as those proposed by Condorcet.

Robespierre also criticizes Condorcet's proposed model of citizen participation in law-making. According to him, the excessive participation of individuals in public affairs would harm the livelihood of their families. To compensate for these tasks, the State would have to provide compensation to citizens. (MONTFORT, 1915, 205).

Marat is also opposed to the actions of citizens in primary assemblies advocated by Condorcet. For “Amigo do Povo”, there is no point in summoning citizens in primary assemblies to give their opinion on the proposal of a new law or the reform of an existing one. According to him, this can be perfectly done by a deputy. In the article *On the New Constitution*, February 18, 1793, these ideas are clear:

In this plan [of the Condorcet Constitution], the administrative bodies and the courts have quite extensive functions, but it is the primary assemblies that play the big role, as they are constantly moving for the slightest thing, so that the authors of the plan The Constitution gives citizens no other occupation than that of meeting and deliberating (...) Who would have believed that, to propose a new law or change an old one, which can be done simply by a simple deputy, it would be necessary to maintain five million men on standby for six weeks? it's an act of madness (...) (MARAT, 1869, 275).

Condorcet admits that, in countries where three-quarters of the population are subjected to daily work, citizens cannot be responsible for drafting legislation alone. As the Illuminist adds, this would determine the absolute destruction of equality and even of freedom (CONDORCET, 1847e, 539). In view of this, Condorcet thinks of ways in which citizens can participate in law-making on a constant basis without this affecting their personal affairs. Citizens' legislative activity could occupy a small part of their days. In addition, Condorcet defends the existence of some requirements for citizens to be called upon to speak their voices in primary assemblies. If, for example, the

majority of citizens of a commune do not consider that a given proposition deserves to be analyzed, the citizens belonging to the primary assemblies of a department will not be called to speak.

In defending these issues, we observe that Condorcet defends the existence of a kind of “collective legislator”, a concept of which citizens are part. In this way, Condorcet fights the figure of authority represented by few legislators endowed with an extraordinary capacity to impose laws. Now, for Condorcet, legislators are common people who must work with citizens in the legislative activity. As we are trying to demonstrate in this work, for Condorcet, the Constitution should serve as an instrument to encourage the actions of citizens in making laws.

When interpreting Condorcet's ideas about the actions of citizens in making laws, Coutel states that “the Condorcet citizen is fully an actor and never a spectator in public affairs” (COUTEL, 1999, 100). Coutel uses the following term to define the doctrine that Condorcet seems to follow: “*meliorisme politique*”. Such a doctrine, as opposed to optimism and pessimism, is that the world can be made better by man's properly directed efforts (COUTEL, 1996, 250).

Like Coutel, we recognize that Condorcet's thinking in relation to the actions of citizens and representatives in the legislative activity depends on an effort. In other words, a democratic society does not emerge spontaneously. Now, the Illuminist does not seem to doubt that, in a populous country, it would be simpler for citizens to fully delegate their political rights to representatives. However, for Condorcet, this would also imply the delegation of his freedom. As a result, the effort that citizens would have to make to participate in making their laws is rewarding.

In view of these ideas, it remains for us to answer the following question: does the difficulty of implementing Condorcet's ideas on the actions of citizens in making laws represent the price that must be paid to live in a democratic regime? We consider it preferable to have mechanisms that are at first sight complex, but which allow citizens to demonstrate which rules they would like to comply with, rather than letting a few individuals interfere in this matter. This idea that the democratic regime requires an effort to materialize reminds us of Montesquieu's thought in relation to the difficulty of establishing a moderate regime:

To form a moderate government, it is necessary to combine the powers, regulate them, moderate them and make them act; to offer, as it were, a ballast to one to put him in a position to resist another; it is a masterpiece of legislation which chance rarely produces and which is rarely left to prudence to do either (MONTESQUIEU, 1979, 74).

At first, we might think that the democratic regime is even more difficult to be carried out than the moderate regime. However, we are not sure whether this type of comparison is pertinent. In reality, for Condorcet, the realization of the democratic regime depends on the actions of citizens, and not only that of representatives, in the legislative activity. Thus, we would say that, for Condorcet, the democratic regime, unlike the moderate regime, requires that citizens, together with

their representatives, strive to maintain this regime. Therefore, from our point of view, the democratic regime is not more difficult to be carried out than the moderate one, but it depends on the actions of the whole society for its realization and not just that of the representatives.

According to Condorcet, the action of citizens in making laws is possible and, in addition, brings rewarding results, since citizens will impose the laws and, as a consequence, will no longer be subject to their representatives. Having presented these ideas, we will now deal with Condorcet's reflections on the elaboration of the Constitution by representatives and citizens. As we will see, in addition to the rules mentioned above, the making of the Constitution requires some specific.

A point that deserves to be emphasized is that, for Condorcet, the interaction between citizens and representatives must be likely to occur at any time. In other words, Condorcet does not understand that national will is something that is seen on a specific occasion, as this interaction can occur when members of primary assemblies across the country are called upon to demonstrate their voices on the requirement for legal change proposed by a citizen and also when citizens periodically manifest themselves on the Constitution elaborated by the representatives. As a result, in Condorcet's conception, the national will does not have a fixed content. In this sense, we agree with Jaume's assertion that, in Condorcet's model of sovereignty, the general will becomes a process and not an entity (JAUME, 1989, 318). Following this reasoning, Rosanvallon argues that the general will for Condorcet is a historical construction (ROSANVALLON, 2000, 61)⁴.

We realize, therefore, that the national will in Condorcet is not simply the will of the majority of citizens. Identifying these terms without giving further explanation could lead to a misinterpretation of the concept of national will in Enlightenment thought. In reality, for Condorcet, the national will is the will of the majority obtained from the interaction, in an institutionalized way, between citizens and representatives – which can occur at any time –, and which, furthermore, does not contradict the rights of citizens.

According to Condorcet, after reaching the national will, it is up to the representatives to declare it: “(...) the representatives have the right, not to form or even interpret the national will, but to declare it, after having collected it and verified” (CONDORCET, 1847d, 538). The Illuminist also says that, if the national will is not evident, if it is not formally pronounced, it is up to the representatives to warn the people that it is necessary that their will be known in order to be carried out (CONDORCET, 1847d, 538).

4 This conception of national will earned him some criticism. Saint-Just, for example, despite not providing a definition for the concept of the general will, made the following comment: “It seemed to me that the (Constitution) committee had considered the general will in its intellectual aspect; the purely speculative general will, resulting more from the ways of mind than from the interest of the social body, the laws being the expression of taste more than of the general will”, in: (ARCHIVES Parlementaires de 1787 a 1860, Tome LXIII, 1903, 203).

It is also important to point out that art. 3 of the Bill of Rights Bill of February 1793 has the following content: “The conservation of liberty depends on submission to the law, which is the expression of the general will” (CONDORCET, 2013, 125). We do not know if Condorcet was the writer of this article. However, given the considerations presented above, a literal interpretation of this phrase could be inconsistent with Condorcet's ideas about the authors of the laws. Strictly speaking, Condorcet defends that only constitutional laws must necessarily be an expression of the national will. Condorcet considers that, in the future, all laws will be ratified by citizens to be valid. However, at the time of writing, Condorcet argues that ordinary laws can be drafted exclusively by members of the legislative power. Therefore, they can be valid without prior dialogue between representatives and citizens. In this case, such laws are not an expression of the national will, but an expression of the will of the representatives elected by the citizens. However, as mentioned, Condorcet admits the hypothesis that the laws may come to be the expression of the national will when a citizen proposes a change in this law, and the other citizens as well as the representatives establish a dialogue about this proposal.

After these considerations, we will be able to make a brief comparison between the concept of national will in Condorcet and the concept of general will in Rousseau in the following item. We emphasize, at this moment, that we do not intend to make a deep analysis of the concept of general will in the thought of the Genevan philosopher, since this would be beyond the scope of our article. What we intend to expose is the possible influence of Rousseau in the elaboration of Condorcet's concept of national will.

IV- THE NATIONAL WILL IN CONDORCET AND THE GENERAL WILL IN ROUSSEAU:

As the Genevan philosopher states, the general will is related to the common interest that can be recognized by all (ROUSSEAU, 1987, 44). According to Lourival Gomes Machado, it is necessary to emphasize that the common interest does not concern a confluence of particular interests, but the interest of each and every one as a component of the collective body and exclusively in this capacity. In other words, the general will would be what is common to all the particular wills⁵.

5 Ideia presente na nota de rodapé da obra *Do Contrato Social* (ROUSSEAU, 1987, 44).

Following Bignotto's lessons, for Rousseau, a democratic republican society can only be constituted from the initial expression of the general will and with the identification of the common good as a central pole for the construction of citizenship (BIGNOTTO, 2010, 170). Bignotto also states that, according to Rousseau, the manifestation of the general will is the zero moment of the political body and that, at that moment, representation cannot exist. Following this interpreter, the representation depends on the other, on someone outside, and this should be avoided as it constitutes a threat (BIGNOTTO, 2010, 167)⁶.

By associating national will with the will of the majority arising from dialogue between representatives and citizens, Condorcet seems to emphasize the voices of citizens in an already constituted political body. So Condorcet does not take the same approach as Rousseau mentioned above. This, in turn, does not mean that Rousseau does not deal with the general will in an already constituted political body.

When he says that laws are acts of the general will, Rousseau means that laws should not be an expression of a particular will (ROUSSEAU, 1987, 55). We believe that this statement can be applied to an already constituted political body. According to Rousseau, for a will to be general, it is not always necessary that it be unanimous, but it is necessary that all votes are counted. Any formal exclusion breaks generality (ROUSSEAU, 1987, 45). When interpreting this passage by Rousseau, we observe that, for him, the general will can be the will of the majority, as long as such a rule is unanimously enshrined in a first convention. This means that majority rule is also a convention. How does he try to elucidate Rousseau, if there is no previous convention, unless the election were unanimous, where would be the obligation of submitting the less numerous to the choice of the more numerous? Where does the right of a hundred who want a master come from, to vote in the name of ten who do not want him at all? Therefore, the law of plurality of suffrages is itself the institution of a convention and presupposes, at least for once, unanimity (ROUSSEAU, 1987, 31).

6 Despite defending this idea, Rousseau defends the existence, at the time of institution of the political body, of what he calls the legislator. As the Genevan philosopher states, the legislator is the individual who dares to undertake the institution of a people (ROUSSEAU, 1987, 57).

In this sense, we realize that, for Rousseau, in an already constituted political body, the general will can be the will related to the common interest of a majority. In turn, at the time of founding a political body, the general will must be related to the common interest, which concerns the unanimity of voices. Thus, we can conclude that, according to the Genevan philosopher, the law can be an expression of the majority's will as long as it has been obtained in an already constituted political body.

In this respect, Condorcet and Rousseau seem to speak the same language. It is also important to emphasize that this majority will, for Rousseau, is also born from the dialogue between representatives and citizens. Although Rousseau affirms that the will cannot be transmitted and that the sovereign, being a collective being, can only be represented by himself⁷, we consider that Rousseau is not against the representative's participation in law-making with citizens in a political body already constituted.

As stated by Rousseau, any law that the people does not directly ratify is null; absolutely, it is not law (ROUSSEAU, 1987, 108). It is up to the people, in turn, only to ratify the laws. As Rousseau expressly points out, the members of the Government must have the task of giving their opinion, proposing, dividing and discussing the laws (ROUSSEAU, 1987, 118). Thus, in our view, the general will in Rousseau, in an already constituted political body, has many similarities with the national will in Condorcet, since, for the Genevan philosopher, such will is also the will of the majority born of a dialogue between citizens and representatives.

As mentioned, Rousseau considers that every law must be an expression of the general will. Condorcet, in turn, as we have pointed out, is content, in principle, in defending that only constitutional laws are an expression of the national will. For this philosopher, ordinary laws can be the result of national will.

V-CONCLUSION:

Given these considerations, we realize that, for Condorcet, the idea of national will consists of the will of the majority, as long as it does not violate people's rights, arising after the interaction between citizens and representatives. As we have highlighted, also, the Constitution must be an expression of the national will and the ordinary laws can be an expression of that will. For Condorcet, these are not the only forms of expression of the national will. However, they deserved a prominent place in our author's thinking.

In conclusion, we realize that these ideas by Condorcet reflect a republican thought that people should engage in politics and that they should not let just a few dictate orders that will have an impact on their lives. In short: Condorcet warns us that the will of the people is certainly not what many say it is. The will of the people is a construction, therefore, it is the result of a process and, in order for it to be legitimate, every citizen must have the right to express their voice, through institutional channels and in the manner mentioned above, guaranteed. We are aware that such active citizen participation in politics seems far removed from the reality in which many of us struggle to survive. In any case, we consider Condorcet's considerations on representative democracy to be very relevant.

Finally, we emphasize that we will be satisfied if, rather than presenting the thought of a philosopher that has been little studied in our midst, we manage to transform the reading of this work into an invitation to reflect the concept presented above, in our present political moment. Certainly, we will be uncomfortable when someone, even the ruler of our country, tells us what the national will is without first questioning us through institutional means and in a constant and peaceful way.

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