BOOK I

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CHAPTER TWO
OF THE FIRST SOCIETIES

[1] The most ancient of all societies and the only natural one is that of the family. Even so children remain bound to the father only as long as they need him for their preservation. As soon as that need ceases, the natural bond dissolves. The children, exempt from the obedience they owe the father, the father exempt from the cares he owed the children, all equally return to independence. If they remain united, they are no longer so naturally but voluntarily, and even the family maintains itself only by convention.

[2] This common freedom is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those he owes himself, and since, as soon as he has reached the age of reason, he is sole judge of the means proper to preserve himself, he becomes his own master.

[3] The family is, then, if you will, the first model of political societies; the chief is the image of the father, the people are the image of the children, and all, being born equal and free, alienate their freedom only for the sake of their utility. The only difference is that in the family the father's love for his children repays him for the cares he bestows on them, and that in the State the pleasure of commanding takes the place of the chief's lack of love for his peoples.

[4] Grotius denies that all human power is established for the sake of the governed: he gives slavery as an example. His most frequent mode of argument is always to establish right by fact. One could use a more consistent method, but not one more favorable to Tyrants.

[5] So that, according to Grotius, it is an open question whether humankind belongs to a hundred men, or whether those hundred men belong to humankind, and throughout his book he appears to incline to the first opinion: that is also Hobbes's sentiment. Here,

* "Learned investigations of public right are often nothing but the history of ancient abuses, and it was a misplaced single-mindedness to have taken the trouble to study them too closely." Ms. Treatise on the Interests of France in Relation to Her Neighbors by M. L[é] M[arquis] d'Argenon. This is precisely what Grotius did.

CHAPTER ONE
SUBJECT OF THIS FIRST BOOK

[1] Man is born free, and everywhere he is in chains. One believes himself the others' master, and yet is more a slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question.

[2] If I considered only force, and the effect that follows from it, [352] I would say: as long as a People is compelled to obey and does obey, it does well; as soon as it can shake off the yoke and does shake it off, it does even better; for in recovering its freedom by the same right as the right by which it was robbed of it, either the people is well founded to take it back, or it was deprived of it without foundation. But the social order is a sacred right, which provides the basis for all the others. Yet this right does not come from nature; it is therefore founded on conventions. The problem is to know what these conventions are. Before coming to that, I must establish what I have just set forth.

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then, is humankind, divided into herds of cattle, each with its chief who tends it to devour it.

[6] As a shepherd is of a nature superior to his flock's, so too are the shepherds of men, who are their chiefs, of a nature superior to their peoples'. This is how, according to Philo, the Emperor Caligula reasoned: concluding rather well from this analogy that kings were Gods, or that peoples were beasts.

[7] Caligula's reasoning amounts to that of Hobbes and of Grotius. Aristotle before all of them had also said that men are not naturally equal, but that some were born for slavery and others for domination.

[8] Aristotle was right, but he mistook the effect for the cause. Any man born in slavery is born for slavery, nothing could be more certain. Slaves lose everything in their chains, even the desire to be rid of them; they love their servitude, as the companions of Ulysses loved their brutishness. Hence, if there are slaves by nature, it is because there were slaves contrary to nature. Force made the first slaves, their cowardice perpetuated them.

[9] I have said nothing about King Adam, or about emperor Noah, father of three great monarchs who among themselves divided the un[355]verse, as did the children of Saturn, whom some believed they recognized in them. I hope my moderation will be appreciated, for since I am a direct descendant from one of these Princes, and perhaps from the elder branch, for all I know, I might, upon verification of titles, find I am the legitimate King of humankind. Be that as it may, it cannot be denied that Adam was Sovereign of the world as Robinson was of his island, as long as he was its sole inhabitant; and what made this empire convenient was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.

CHAPTER THREE
THE RIGHT OF THE STRONGER

[1] The stronger is never strong enough to be forever master, unless he transforms his force into right, and obedience into duty. Hence

* See a small treatise by Plutarch entitled: That Beasts Use Reason.
ourselves to the word alienate. To alienate is to give or to sell. Now, a man who enslaves himself to another does not give himself, he sells himself, at the very least for his subsistence: but a people, what does it sell itself for? A king, far from furnishing his subjects' subsistence, takes his own entirely from them, and according to Rabelais a king does not live modestly. Do the subjects then give their persons on condition that their goods will be taken as well? I do not see what they have left to preserve.

[3] The despot, it will be said, guarantees civil tranquility for his subjects. All right; but what does it profit them if the wars his ambition brings on them, if his insatiable greed, the harassment by his administration cause them more distress than their own dissen- sion would have done? What does it profit them if this very tran- quility is one of their miseries? Life is also tranquil in dungeons; is that enough to feel well in them? The Greeks imprisoned in the Cyclops's cave lived there [356] tranquilly, while awaiting their turn to be devoured.

[4] To say a man gives himself gratuitously is to say something absurd and inconceivable; such an act is illegitimate and null, for the simple reason that whoever does so is not in his right mind. To say the same of a whole people is to assume a people of madmen; madness does not make right.

[5] Even if everyone could alienate himself, he could not alienate his children; they are born men and free; their freedom belongs to them, no one but they themselves has the right to dispose of it. Before they have reached the age of reason, their father may in their name stipulate conditions for their preservation, for their well-being; but he cannot give them away irrevocably and unconditionally; for such a gift is contrary to the ends of nature and exceeds the rights of patriernity. Hence, for an arbitrary government to be legitimate, the people would, in each generation, have to be master of accepting or rejecting it, but in that case the government would no longer be arbitrary.

[6] To renounce one's freedom is to renounce one's quality as man, the rights of humanity, and even its duties. There can be no possible compensation for someone who renounces everything. Such a renunciation is incompatible with the nature of man, and to deprive one's will of all freedom is to deprive one's actions of all morality. Finally, a convention that stipulates absolute authority

on one side, and unlimited obedience on the other, is vain and contradictory. Is it not clear that one is under no obligation toward a person from whom one has the right to demand everything, and does not this condition alone, without equivalent and without exchange, nullify the act? For what right can my slave have against me, since everything he has belongs to me, and his right being mine, this right of mine against myself is an utterly meaningless expression?

[7] Grotius and the rest derive from war another origin of the alleged right of slavery. Since, according to them, the victor has the right to kill the vanquished, the latter can buy back his life at the cost of his freedom; a convention they regard as all the more legitimate because it proves profitable to both parties. But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Men are not naturally enemies, if only because when they live in their primitive independence [357] the relation among them is not sufficiently stable to constitute either a state of peace or a state of war. It is the relation between things and not between men that constitutes war, and since the state of war cannot arise from simple personal relations but only from property relations, private war or war between one man and another can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of the laws.

[8] Individual fights, duels, skirmishes, are acts that do not constitute a state; and as for the private wars authorized by the ordinances of King Louis IX of France and suspended by the peace of God, they are abuses of feudal government, an absurd system if ever there was one, contrary both to the principles of natural right and to all good politics.

[9] War is then not a relationship between one man and another, but a relationship between one State and another, in which individuals are enemies only by accident, not as men, nor even as citizens,*

* The Romans who understood and respected the right of war better than any nation in the world were so scrupulous in this regard that a citizen was not allowed to serve as a volunteer without having enlisted specifically against the enemy, and one designated as such by name. When a Legion in which the Younger Cato fought his first campaign under Popilius was reorganized, the Elder Cato wrote to Popilius that if he was willing to have his son continue to serve under him, he would have to have him take a new military oath because, the first oath having been vacated, he could no longer bear arms against the enemy. And the same Cato
but as soldiers; not as members of the fatherland, but as its
defenders. Finally, any State can only have other States, and not
men, as enemies, inasmuch as it is impossible to fix a true relation
between things of different natures.

[10] This principle even conforms to the established maxims of
all ages and to the constant practice of all civilized peoples. Declarations
of war are warnings not so much to the powers as to their
subjects. The foreigner, whether he be a king, a private individual,
or a people, who robs, kills, or detains subjects without declaring
war on their prince, is not an enemy, he is a brigand. Even in the
midst of war, a just prince may well seize everything in enemy
territory that belongs to the public, but he respects the person and
the goods of private individuals; he respects rights on which his
own are founded. Since the aim of war is the destruction of the
every State, one has the right to kill its defenders as long as they
bear arms; but as soon as they lay down their arms and surrender
they cease to be enemies or the enemy's instruments, and become
simply men once more, and one no longer has a right over their
life. It is sometimes possible to kill the State without killing a single
one of its members: and [258] war confers no right that is not neces-
sary to its end. These principles are not those of Grotius; they are
not founded on the authority of poets, but follow from the nature
of things, and are founded on reason.

[11] As regards the right of conquest, it has no other foundation
than the law of the stronger. If war does not give the victor the
right to massacre vanquished peoples, then this right which he does
not have cannot be the foundation of the right to enslave them. One
has the right to kill the enemy only when one cannot make him a
slave. Hence the right to make him a slave does not derive from the
right to kill him; it is therefore an iniquitous exchange to make him
buy his life, over which one has no right whatsoever, at the cost of
his freedom. Is it not clear that by establishing the right of life and
death by the right of slavery, and the right of slavery by the right of
life and death, one falls into a vicious circle?

wrote to his son to be careful not to appear in battle without having taken this
new oath. I know that the siege of Ctesiphon and other individual facts can be urged
against me, but I cite laws, practices. The Romans are the people who least fre-
quently transgress their laws, and they are the only ones to have had such fine
ones. [1783 edn.]

[12] Even assuming this terrible right to kill all, I say that a slave
made in war or a conquered people is not bound to anything at all
toward their master, except to obey him as long as they are forced
to do so. In taking an equivalent of his life, the victor did not spare
it; instead of killing him unprofitably, he killed him usefully. So far,
then, is he from having acquired over him any authority associated
with his force, that they continue in a state of war as before; their
relation itself is its effect, and the exercise of the right of war pre-
supposes the absence of a peace treaty. They have made a conven-
tion; very well: but that convention, far from destroying the state
of war, presupposes its continuation.

[13] Thus, from whatever angle one looks at things, the right to
slavery is null, not only because it is illegitimate, but because it is
absurd and meaningless. These words slavery and right are con-
dictory; they are mutually exclusive. Either between one man and
another, or between a man and a people, the following speech will
always be equally absurd. I make a convention with you which is
entirely at your expense and entirely to my profit, which I shall observe
as long as I please, and which you shall observe as long as I please.

CHAPTER FIVE
THAT ONE ALWAYS HAS TO GO BACK TO A FIRST
CONVENTION

[1] Even if I were to grant everything I have thus far refuted, the
abettors of despotism would be no better off. There will always be
a great difference between subjugating a multitude and ruling a
society. When scattered men, regardless of their number, are suc-
cessively enslaved to a single man, I see in this nothing but a master
and slaves, I do not see in it a people and its chief; it is, if you will,
an aggregation, but not an association; there is here neither public
good, nor body politic. That man, even if he had enslaved half the
world, still remains nothing but a private individual; his interest,
separate from that of the others, still remains nothing but a private
interest. When this same man dies, his empire is left behind scat-
tered and without a bond, like an oak dissolves and collapses into
a heap of ashes on being consumed by fire.
only himself and remain as free as before." This is the fundamental problem to which the social contract provides the solution.

[5] The clauses of this contract are so completely determined by the nature of the act; that the slightest modification would render them null and void; so that although they may never have been formally stated, they are everywhere the same, everywhere tacitly admitted and recognized; until, the social compact having been violated, everyone is therupon restored to his original rights and resumes his natural freedom while losing the conventional freedom for which he renounced it.

[6] These clauses, rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community: For, in the first place, since each gives himself entirely, the condition is [361] equal for all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest.

[7] Moreover, since the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything further to claim: For if individuals were left some rights, then, since there would be no common superior who might adjudicate between them and the public, each, being judge in his own case on some issue, would soon claim to be so on all, the state of nature would subsist and the association necessarily become tyrannical or empty.

[8] Finally, each, by giving himself to all, gives himself to no one, and since there is no associate over whom one does not acquire the same right as one grants him over oneself, one gains the equivalent of all one loses, and more force to preserve what one has.

[6] If, then, one sets aside everything that is not of the essence of the social compact, one finds that it can be reduced to the following terms: Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.

[10] At once, in place of the private person of each contracting party, this act of association produces a moral and collective body made up of as many members as the assembly has voices, and which receives by this same act its unity, its common self, its life and its will. The public person thus formed by the union of all the others
Chapter Seven
Of the Sovereign

[1] This formula shows that the act of association involves a reciprocal engagement between the public and private individuals, and that each individual, by contracting, so to speak, with himself, finds himself engaged in a two-fold relation: namely, as member of the Sovereign toward private individuals, and as a member of the State toward the Sovereign. But here the maxim of civil right, that no one is bound by engagements toward himself, does not apply; for there is a great difference between assuming an obligation toward oneself, and assuming a responsibility toward a whole of which one is a part.

[2] It should also be noted that the public deliberation which can obligate all subjects toward the Sovereign because of the two differ-

*The true sense of this word is almost entirely effaced among the moderns; most take a city for a City, and a bourgeoisie for a Citizen. They do not know that houses make the city but Citizens make the City. This same error once cost the Carthaginians dear. I have not read that the subjects of any Prince were ever given the title Citizen, not even the Macedonians in ancient times nor, in our days, the English, although they are closer to freedom than all the others. Only the French assume the name Citizen casually, because they have no genuine idea of it, as can be seen in their Dictionaries; otherwise they would be committing the crime of Lese-Majesty in usurping it; for them this name expresses a virtue and not a right. When Bodin wanted to speak of our Citizens and Bourgeoisie, he committed a bad blunder in taking the one for the other. M. d'Alembert made no mistake about it, and in his article General he correctly distinguished the [56a] four orders of men (even five, if simple foreigners are included) there are in our city, and only two of which make up the Republic. No other French author has, to my knowledge, understood the true meaning of the word Citizen.

tent relations in terms of which each subject is viewed cannot, for the opposite reason, oblige the Sovereign toward itself, and that it is therefore contrary to the nature of the body politic for the Sovereign to impose on itself a law which it cannot break. Since the Sovereign can consider itself only in terms of one and the same relation, it is then in the same situation as a private individual contracting with himself: which shows that there is not, nor can there be, any kind of fundamental law that is obligatory for the body of the people, not even the social contract. This does not mean [56b] that this body cannot perfectly well enter into engagements with others about anything that does not detract from this contract; for with regard to foreigners it becomes a simple being, an individual.

[3] But the body politic or Sovereign, since it owes its being solely to the sanctity of the contract, can never obligate itself, even toward another, to anything that detracts from that original act, such as to alienate any part of itself or to subject itself to another Sovereign. To violate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.

[4] As soon as this multitude is thus united in one body, one cannot injure one of the members without attacking the body, and still less can one injure the body without the members being affected. Thus duty and interest alike obligate the contracting parties to help one another, and the same men must strive to combine in this two-fold relation all the advantages attendant on it.

[5] Now the Sovereign, since it is formed entirely of the individuals who make it up, has not and cannot have any interests contrary to theirs; consequently the Sovereign power has no need of a guarantor toward the subjects, because it is impossible for the body to want to harm all of its members, and we shall see later that it cannot harm any one of them in particular. The Sovereign, by the mere fact that it is, is always everything it ought to be.

[6] But this is not the case regarding the subjects' relations to the Sovereign, and notwithstanding the common interest, the Sovereign would have no guarantee of the subjects' engagements if it did not find means to ensure their fidelity.

[7] Indeed each individual may, as a man, have a particular will contrary to or different from the general will he has as a Citizen. His particular interest may speak to him quite differently from the common interest; his absolute and naturally independent existence
may lead him to look upon what he owes to the common cause as a gratuitous contribution, the loss of which will harm others less than its payment burdens him and, by considering the moral person that constitutes the State as a being of reason because it is not a man, he would enjoy the rights of a citizen without being willing to fulfill the duties of a subject; an injustice, the progress of which would cause the ruin of the body politic.

[564] [8] Hence for the social compact not to be an empty formula, it tacitly includes the following engagement which alone can give force to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free; for this is the condition which, by giving each Citizen to the Fatherland, guarantees him against all personal dependence; the condition which is the device and makes for the operation of the political machine, and alone renders legitimate civil engagements which would otherwise be absurd, tyrannical, and liable to the most enormous abuses.

Chapter Eight
Of the Civil State

[1] This transition from the state of nature to the civil state produces a most remarkable change in man by substituting justice for instinct in his conduct, and endowing his actions with the morality they previously lacked. Only then, when the voice of duty succeeds physical impulse and right succeeds appetite, does man, who until then had looked only to himself, see himself forced to act on other principles, and to consult his reason before listening to his inclinations. Although in this state he deprives himself of several advantages he has from nature, he gains such great advantages in return, his faculties are exercised and developed, his ideas enlarged, his sentiments ennobled, his entire soul is elevated to such an extent, that if the abuses of this new condition did not often degrade him to beneath the condition he has left, he should ceaselessly bless the happy moment which wrested him from it forever, and out of a stupid and bounded animal made an intelligent being and a man.

[2] Let us reduce this entire balance to terms easy to compare. What man loses by the social contract is his natural freedom and an unlimited right to everything that tempts him and he can reach; what he gains is civil freedom and property in everything he possesses. In order not to be mistaken about these compensations, one has [565] to distinguish clearly between natural freedom which has no other bounds than the individual’s forces, and civil freedom which is limited by the general will, and between possession which is merely the effect of force or the right of the first occupant, and property which can only be founded on a positive title.

[3] To the preceding one might add to the credit of the civil state moral freedom, which alone makes man truly the master of himself; for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom. But I have already said too much on this topic, and the philosophical meaning of the word freedom is not my subject here.

Chapter Nine
Of Real Property

[1] Each member of the community gives himself to it at the moment of its formation, such as he then is, he himself with all his forces, of which the goods he possesses are a part. It is not that by this act possession changes in nature by changing hands, and becomes property in the hands of the Sovereign; But just as the City’s forces are incomparably greater than a private individual’s, so public possession in fact has greater force and is more irrevocable, without being any more legitimate, at least for foreigners. For with regard to its members, the State is master of all their goods by the social contract which serves as the basis of all rights within the State; but with regard to other Powers it is master of all of its members’ goods only by the right of the first occupant which it derives from private individuals.

[2] The right of the first occupant, although more real than the right of the stronger, becomes a true right only after the right of property has been established. Every man naturally has the right to everything he needs; but the positive act that makes him the proprietor of some good excludes him from all the rest. Having received his share, he must be bound by it, and he has no further
right to the community [of goods]. That is why the right of the first occupant, so weak in the state of nature, is respected by everyone living in civil society. [366] In this right one respects not so much what is another's as what is not one's own.

[3] In general, to authorize the right of the first occupant to any piece of land, the following conditions must apply. First, that this land not yet be inhabited by anyone; second, that one occupy only as much of it as one needs to subsist; in the third place, that one take possession of it not by a vain ceremony, but by labor and cultivation, the only sign of property which others ought to respect in the absence of legal titles.

[4] Indeed, does not granting the right of the first occupant to need and to labor extend it as far as it can go? Can this right be left unbounded? Shall it suffice to set foot on a piece of common land forthwith to claim to be its master? Shall having the force to drive other men off it for a moment suffice to deprive them of the right ever to return? How can a man or a people seize an immense territory and deprive all mankind of it except by a punishable usurpation, since it deprives the rest of mankind of a place to live and of foods which nature gives to all in common? When Nuñez Balboa, standing on the shore, took possession of the southern seas and of all of South America in the name of the crown of Castile, was that enough to dispossess all of its inhabitants and to exclude all the Princes of the world? If it had been, then such ceremonies were repeated quite unnecessarily, and all the catholic King had to do was from his council chamber all at once to take possession of the entire universe; except for afterwards subtracting from his empire what the other Princes already possessed before.

[5] It is intelligible how individuals' combined and contiguous pieces of ground become the public territory, and how the right of sovereignty, extending from subjects to the land they occupy, becomes at once real and personal; which places the possessors in a position of greater dependence, and turns their very forces into the guarantors of their fidelity. This advantage seems not to have been fully appreciated by ancient monarchs who, only calling themselves Kings of the Persians, of the Scythians, of the Macedonians, seem to have looked upon themselves as chiefs of men rather than as masters of the country. Present-day monarchs [367] more shrewdly call themselves Kings of France, of Spain, of England, etc. By thus holding the land, they are quite sure of holding its inhabitants.

[6] What is remarkable about this alienation is that the community, far from despoiling individuals of their goods by accepting them, only secures to them their legitimate possession, changes usurpation into a genuine right, and use into property. Thereupon the possessors, since they are considered to be the trustees of the public good, since their rights are respected by all the members of the State and preserved by all of its forces against foreigners, have, by a surrender that is advantageous to the public and even more so to themselves, so to speak acquired everything they have given. The paradox is easily explained by the distinction between the rights the Sovereign and the proprietor have to the same land, as will be seen below.

[7] It may also happen that men begin to unite before they possess anything and that, seizing a piece of land sufficient for all, they enjoy its use in common or divide it among themselves, either equally or according to proportions established by the Sovereign. Regardless of the manner of this acquisition, the right every individual has over his own land is always subordinate to the right the community has over everyone, without which there would be neither solidarity in the social bond, nor real force in the exercise of Sovereignty.

[8] I shall close this chapter and this book with a comment that should serve as the basis of the entire social system; it is that the fundamental pact, rather than destroying natural equality, on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that while they may be unequal in force or in genius, they all become equal by convention and by right.*

* Under bad governments this equality is only apparent and illusory; it serves only to maintain the poor in misery and the rich in his usurpation. In fact the laws are always useful to those who possess something and harmful to those who have nothing. Whence it follows that the social state is advantageous for men only insofar as all have something and none has too much of anything.
BOOK II

CHAPTER ONE

That Sovereignty is Inalienable

[1] The first and the most important consequence of the principles established so far is that the general will alone can direct the forces of the State according to the end of its institution, which is the common good; for while the opposition of particular interests made the establishment of societies necessary, it is the agreement of these same interests which made it possible. What these different interests have in common is what forms the social bond, and if there were not some point on which all interests agree, no society could exist. Now it is solely in terms of this common interest that society ought to be governed.

[2] I say, then, that sovereignty, since it is nothing but the exercise of the general will, can never be alienated, and that the sovereign, which is nothing but a collective being, can only be represented by itself; power can well be transferred, but not will.

[3] Indeed, while it is not impossible that a particular will agree with the general will on some point, it is in any event impossible for this agreement to be lasting and constant; for the particular will tends, by its nature, to partiality, and the general will to equality. It is even more impossible to guarantee such an agreement, even if it did always obtain; it would be an effect not of art, but of chance. The Sovereign may well say, I currently will what a given man wills or at least what he says he wills; but it cannot say: what this man is going to will tomorrow, I too shall will it; since it is absurd for the will to [769] shackle itself for the future, and since no will can consent to anything contrary to the good of the being that wills. If, then, the people promises simply to obey, it dissolves itself by this very act, it loses its quality of being a people; as soon as there is a master, there is no more sovereign, and the body politic is destroyed forthwith.

[4] This is not to say that the commands of the chiefs may not be taken for general wills as long as the sovereign is free to oppose them and does not do so. In such a case the people's consent has to be presumed from universal silence. This will be explained more fully.

CHAPTER TWO

That Sovereignty is Indivisible

[1] For the same reason that sovereignty is inalienable, it is indivisible. For either the will is general* or it is not; it is either the will of the body of the people, or that of only a part. In the first case, the declaration of this will is an act of sovereignty and constitutes law; in the second case it is merely a particular will, or an act of magistracy; at most it is a decree.

[2] But our politicians, unable to divide sovereignty in its principle, divide it in its object; they divide it into force and will, into legislative and executive power, into rights of taxation, justice and war, into domestic administration and the power to conduct foreign affairs; sometimes they mix up all these parts and sometimes they separate them; they turn the Sovereign into a being that is fantastic and formed of disparate pieces; it is as if they were putting together man out of several bodies one of which had eyes, another arms, another feet, and nothing else. Japanese conjurors are said to carve up a child before the spectators' eyes, then, throwing all of its members into the air one after the other, they make [370] the child fall back down alive and all reassembled. That is more or less what our politicians' tricks are like; having dismembered the social body by a sleight-of-hand worthy of the fairground, they put the pieces back together no one knows how.

[3] This error comes from not having framed precise notions of sovereign authority, and from having taken what were mere emanations from this authority for parts of this authority itself. Thus, for example, the act of declaring war and that of making peace have been regarded as acts of sovereignty, which they are not; for neither of these acts is a law but only an application of the law, a particular act which decides a case, as will clearly be seen once the idea that attaches to the word law has been fixed.

* For a will to be general, it is not always necessary that it be unanimous, but it is necessary that all votes be counted; any formal exclusion destroys generality.
(4) By examining the other divisions in the same way, one would discover that whenever one believes one sees sovereignty divided, one is mistaken, that the rights which one takes for parts of this sovereignty are all subordinate to it, and always presuppose supreme wills which these rights simply implement.

(5) It would be difficult to exaggerate how much this lack of precision has clouded the conclusions of writers on matters of political right when they sought to adjudicate the respective rights of kings and peoples by the principles they had established. Anyone can see in chapters three and four of the first Book of Grotius how that learned man and his translator Barbeyrac get entangled and constrained by their sophisms, fearful of saying too much or not saying enough according to their views, and of offending the interests they had to reconcile. Grotius, a refugee in France, discontented with his fatherland, and wanting to pay court to Louis XIII to whom his book is dedicated, spares nothing to despoil peoples of all their rights, and to invest kings with them as artfully as possible. This would certainly also have been to the taste of Barbeyrac, who dedicated his translation to King George I of England. But unfortunately the expulsion of James II, which he calls an abdication, forced him to be on his guard, to equivocate, to be evasive, in order not to make a usurper of William. If these two writers had adopted the true principles, all their difficulties would have been solved, and they would always have been consistent; but they would have sadly told the truth and [372] paid court only to the people. Now, truth does not lead to fortune, and the people confers no ambassadorships, professorships or pensions.

CHAPTER THREE

WHETHER THE GENERAL WILL CAN ERR

(1) From the preceding it follows that the general will is always upright and always tends to the public utility: but it does not follow from it that the people's deliberations are always equally upright. One always wants one's good, but one does not always see it: one can never corrupt the people, but one can often cause it to be mistaken, and only when it is, does it appear to want what is bad.

Of the Social Contract

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

[3] If, when an adequately informed people deliberates, the Citizens had no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when factions arise, small associations at the expense of the large association, the will of each one of these associations becomes general in relation to its members and particular in relation to the State; there can then no longer be said to be as many voters as [372] there are men, but only as many as there are associations. The differences become less numerous and yield a less general result. Finally, when one of these associations is so large that it prevails over all the rest, the result you have is no longer a sum of small differences, but one single difference; then there is no longer a general will, and the opinion that prevails is nothing but a private opinion.

[4] It is important, then, that in order to have the general will expressed well, there be no partial society in the State, and every Citizen state only his own opinion.** Such was the single sublime institution of the great Lycurgus. That if there are partial societies, their number must be multiplied, and inequality among them prevented, as was done by Solon, Numa, Servius. These are the only precautions that will ensure that the general will is always enlightened, and that the people make no mistakes.

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* Each interest, says M[archand] d'Argenson, has different principles. The agreement between two individual interests is formed by opposition to a third party's interest. He might have added that the agreement between all interests is formed by opposition to each one's interest. If there were no different interests, the common interest would scarcely be sensible since it would never encounter obstacles; everything would run by itself, and politics would cease to be an art.

** In truth, says Machiavelli, some divisions harm Republics, and some benefit them; harmful are those that are accompanied by factions and parties; beneficial are those that do not give rise to factions and parties. Therefore, since the founder of a Republic cannot prevent enemies, he must make the best provision possible against factions. History of Florence, Bk. vii [ch. 1].
CHAPTER FOUR
OF THE LIMITS OF SOVEREIGN POWER

[1] If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its cares is the care for its self-preservation, then it has to have some universal and coercive force to move and arrange each part in the manner most conformable to the whole. Just as nature gives each man absolute power over his members, the social pact gives the body politic absolute power over all of its members, and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.

[373] [2] But in addition to the public person, we must consider the private persons who make it up, and whose life and freedom are naturally independent of it. It is therefore important to distinguish clearly between the respective rights of the Citizens and of the Sovereign, as well as between duties which the former have to fulfill as subjects, and the natural right which they must enjoy as men.

[3] It is agreed that each man alienates by the social pact only that portion of his power, his goods, his freedom, which it is important for the community to be able to use, but it should also be agreed that the Sovereign is alone judge of that importance.

[4] All the services a Citizen can render the State, he owes to it as soon as the Sovereign requires them; but the Sovereign, for its part, cannot burden the subjects with any shackles that are useless to the community; it cannot even will to do so: for under the law of reason nothing is done without cause, any more than under the law of nature.

[5] The commitments which bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. Why is the general will always upright, and why do all consistently will each one’s happiness, if not because there is no one who does not appropriate the word each to himself, and think of himself as he votes for all? Which proves that the equality of right and the notion of justice which it produces follows from each one’s preference for himself and hence from the nature of man; that the general will, to be truly such, must be so in its object as well as in its essence, that it must issue from all in order to apply to all, and that it loses its natural rectitude when it tends toward some individual and determinate object; for then, judging what is foreign to us, we have no true principle of equity to guide us.

[6] Indeed, whenever what is at issue is a particular fact or right regarding a point not regulated by a general and prior convention, the affair grows contentious. [374] In such a suit, where interested private individuals are one of the parties, and the public the other, I do not see what law should be followed or what judge should pronounce judgment. It would be ridiculous, under these circumstances, to try to invoke an express decision of the general will, which can only be the decision of one of the parties, and is, therefore, as far as the other party is concerned, nothing but a foreign, particular will which on this occasion is inclined to injustice and subject to error. Thus, just as a particular will cannot represent the general will, so the general will changes in nature when it has a particular object, and it cannot, being general, pronounce judgment on a particular man or fact. For example, when the people of Athens appointed or cashiered its chiefs, bestowed honors on one, imposed penalties on another, and by a multitude of particular decrees indiscriminately performed all the acts of government, the people no longer had a general will properly so called; it no longer acted as a Sovereign but as a magistrate. This will appear contrary to the commonly held ideas, but I must be allowed the time to set forth my own.

[7] In view of this, one has to understand that what generalizes the will is not so much the number of voices, as it is the common interest which unites them: for in this institution, everyone necessarily submits to the conditions which he imposes on others; an admirable agreement between interest and justice which confers on common deliberations a character of equity that is seen to vanish in the discussion of any particular affair, for want of a common interest which unites and identifies the rule of the judge with that of the party.

[8] From whatever side one traces one’s way back to the principle, one always reaches the same conclusion: namely, that the

* Attentive readers, please do not rush to accuse me of contradiction. I have not been able to avoid it verbally, in view of the poverty of the language; but wait.
social pact establishes among the Citizens an equality such that all commit themselves under the same conditions and must all enjoy the same rights. Thus by the nature of the pact every act of sovereignty, that is to say every genuine act of the general will, either obligates or favors all Citizens equally, so that the Sovereign knows only the body of the nation and does not single out any one of those who make it up. What, then, is, properly, an act of sovereignty? It is not a convention of the superior with the inferior, but a convention of the body with each one of its members: [375] A convention which is legitimate because it is based on the social contract, equitable because it is common to all, and secure because the public force and the supreme power are its guarantors. So long as subjects are subjected only to conventions such as these, they obey no one, but only their own will; and to ask how far the respective rights of Sovereign and Citizens extend is to ask how far the Citizens can commit themselves to one another, each to all, and all to each.

[9] From this it is apparent that the Sovereign power, absolute, sacred, and inviolable though it is, does not and cannot exceed the limits of the general conventions, and that everyone may fully dispose of such of his goods and freedom as are left him by these conventions: so that it is never right for the Sovereign to burden one subject more than another, because it then turns into a particular affair, and its power is no longer competent.

[10] These distinctions once admitted, it is so [evidently] false that the social contract involves any genuine renunciation on the part of individuals, that ... as a result of the contract their situation really proves to be preferable to what it had been before, and that instead of an alienation they have only made an advantageous exchange of an uncertain and precarious way of being in favor of a more secure and better one, of natural independence in favor of freedom, of the power to harm others in favor of their own security, and of their force which others could overwhelm in favor of right made invincible by the social union. Their very life which they have dedicated to the State is constantly protected by it, and when they risk it for its defense, what are they doing but returning to it what they have received from it? What are they doing that they would not have done more frequently and at greater peril in the state of nature, when, waging inevitable fights, they would be defending the means of preserving their lives by risking them? All have to fight for the fatherland if need be, it is true, but then no one ever has to fight for himself. Isn't it nevertheless a gain to risk for the sake of what gives us security just a part of what we would have to risk for our own sakes if we were deprived of this security?

CHAPTER FIVE

OF THE RIGHT OF LIFE AND DEATH

[1] It is asked how individuals who have no right to dispose of their own life can transfer to the Sovereign this same right which they do not have. The question seems difficult to resolve only because it is badly put. Everyone has the right to risk his life in order to save it. Has anyone ever said that a person who jumps out of a window to escape a fire is guilty of suicide? Has that crime even ever been imputed to a person who dies in a storm, although he was not unaware of the danger when he set out?

[2] The social treaty has the preservation of the contracting parties as its end. Whoever wills the end, also wills the means, and these means are inseparable from certain risks and even certain losses. Whoever wants to preserve his life at the expense of others ought also to give it up for them when necessary. Now, the Citizen is no longer judge of the danger the law wills him to risk, and when the Prince has said to him, it is expedient to the State that you die, he ought to die; since it is only on this condition that he has lived in security until then, and his life is no longer only a bounty of nature, but a conditional gift of the State.

[3] The death penalty imposed on criminals can be looked upon from more or less the same point of view: it is in order not to become the victim of an assassin that one consents to die if one becomes an assassin oneself. Under this treaty, far from disposing of one's own life, one only thinks of guaranteeing it, and it should not be presumed that at the time one of the contracting parties is planning to get himself hanged.

[4] Besides, every evil-doer who attacks social right becomes a rebel and a traitor to the fatherland by his crimes, by violating its laws he ceases to be a member of it, and even enters into war with it. Then the preservation of the State is incompatible with his own,
of the two has to perish, and when the guilty man is put to
death, it is less as a Citizen than as an enemy. The proceedings, the
[377] judgment are the proofs and declaration that he has broken
the social treaty, and consequently is no longer a member of the
State. Now, since he recognized himself as one, at the very least by
residence, he must be cut off from it either by exile as a violator of
the treaty, or by death as a public enemy; for such an enemy is not
a moral person, but a man, and in that case killing the vanquished
is by right of war.

[5] But, it will be said, the condemnation of a Criminal is a par-
ticular act. Granted; and indeed such a condemnation does not
belong to the Sovereign’s province; it is a right the Sovereign can
confer without itself being able to exercise it. My ideas all fit
together, but I cannot well present them all at once.

[6] Besides, frequent harsh punishments are always a sign of
weakness or laziness in the Government. There is not a single
wicked man who could not be made good for something. One only
has the right to put to death, even as an example, someone who
cannot be preserved without danger.

[7] As for the right to pardon, or to exempt a guilty man from
the penalty prescribed by law and imposed by a judge, it belongs
exclusively to the one which is above judge and law; that is to say,
to the Sovereign: And even the Sovereign’s right in this is not
altogether clear, and the occasions to exercise it are very rare. In a
well-governed State there are few punishments, not because many
pards are granted, but because there are few criminals: when the
State is in decline the large number of crimes ensures their
impunity. Under the Roman Republic neither the Senate nor the
Consuls ever attempted to grant pardons; nor did the people itself
grant any, although it sometimes revoked its own verdict. Frequent
pardons proclaim that crimes will soon no longer need them, and
anyone can see where that leads. But I feel my heart murmur and
check my pen; let us leave these questions to be discussed by the
just man who has never lapsed, and never himself been in need of
pardon.

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CHAPTER SIX
OF LAW

[1] By the social pact we have given the body politic existence and
life: the task now is to give it motion and will by legislation. For
the initial act by which this body assumes form and unity still leaves
entirely undetermined what it must do to preserve itself.

[2] What is good and conformable to order is so by the nature of
things and independently of human conventions. All justice comes
from God, he alone is its source; but if we were capable of receiving
it from so high, we would need neither government nor laws. No
do ubit there is a universal justice emanating from reason alone; but
this justice, to be admitted among us, has to be reciprocal. Con-
idering things in human terms, the laws of justice are vam among
men for want of natural sanction; they only bring good to the
wicked and evil to the just when he observes them toward everyone
while no one observes them toward him. Conventions and laws are
therefore necessary to combine rights with duties and to bring jus-
tice back to its object. In the state of nature, where everything is
common, I owe nothing to those to whom I have promised nothing.
I recognize as another’s only what is of no use to myself. It is not
so in the civil state where all rights are fixed by law.

[3] But what, then, finally, is a law? So long as one leaves it at
attaching only metaphysical ideas to this word, one will continue
reasoning without understanding one another, and even once it has
been stated what a law of nature is, one will not have been brought
any closer to knowing what a law of the State is.

[4] I have already said that there is no general will about a par-
ticular object. Indeed, this particular object is either within the State
or outside the State. If it is outside the State, a will that is foreign
is not general in relation to it; and if this object is inside the State,
it is a part of it. Then a relation is formed between the whole and
its part that makes them into two separate beings, of which the part
is [379] one, and the whole, less that part, the other. But the whole
less a part is not the whole, and as long as this relation persists
there is no longer a whole but two unequal parts; from which it
follows that neither is the will of one of these parts general in
relation to the other.
Book II, Chapter 6

[5] But when the whole people enacts statutes for the whole people it considers only itself, and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view, with no division of the whole. Then the matter with regard to which the statute is being enacted is general, as is the enacting will. It is this act which I call law.

[6] When I say that the object of the laws is always general, I mean that the law considers the subjects in a body and their actions in the abstract, never any man as an individual or a particular action. Thus the law can very well state that there will be privileges, but it cannot confer them on any one by name; the law can create several Classes of Citizens, it can even specify the qualifications that entitle to membership in these classes, but it cannot nominate this person or that for admission to them; it can establish a royal government and hereditary succession, but it cannot elect a king or name a royal family; in short, a function that relates to an individual does not fall within the province of the legislative power.

[7] On this idea one immediately sees that one need no longer ask whose province it is to make laws, since they are acts of the general will; nor whether the Prince is above the laws, since it is a member of the State; nor whether the law can be unjust, since no man can be unjust toward himself, nor how one is both free and subject to the laws, since they are merely records of our wills.

[8] One also sees that since the law combines the universality of the will and that of the object, what any man, regardless of who he may be, orders on his own authority is not a law; what even the Sovereign orders regarding a particular object is not a law either, but a decree, nor is it an act of sovereignty but of magistracy.

[9] I therefore call Republic any State ruled by laws, whatever may be the form of administration: for then the public interest alone governs, and the [380] public thing counts for something. Every legitimate Government is republican.* I shall explain in the sequel what Government is.

* By this word I understand not only an Aristocracy or a Democracy, but in general any government guided by the general will, which is the law. To be legitimate, the Government must not be confused with the Sovereign, but be its minister: then monarchy itself is a republic. This will become clearer in the following book.

Of the Social Contract

[10] Laws are, properly speaking, nothing but the conditions of the civil association. The People subject to the laws ought to be their author; only those who are associating may regulate the conditions of the society; but how will they regulate them? Will it be by common agreement, by a sudden inspiration? Has the body politic an organ to state its wills? Who will give it the foresight necessary to form its acts and to publish them in advance, or how will it declare them in time of need? How will a blind multitude, which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation? By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment that guides it is not always enlightened. It must be made to see objects as they are, sometimes as they should appear to it, shown the good path which it is seeking, secured against seduction by particular wills, bring together places and times within its purview, weigh the appeal of present, perceptible advantages against the danger of remote and hidden evils. Individuals see the good they reject, the public wills the good it does not see. All are equally in need of guides: The first must be obligated to conform their wills to their reason; the other must be taught to know what it wills. Then public enlightenment results in the union of understanding and will in the social body, from this union results the smooth cooperation of the parts, and finally the greatest force of the whole. Hence arises the necessity of a Lawgiver.

Chapter Seven
Of the Lawgiver

[19] To discover the best rules of society suited to each Nation would require a superior intelligence who saw all of man’s passions and experienced none of them, who had no relation to our nature yet knew it thoroughly, whose happiness was independent of us and who was nevertheless willing to care for ours, finally, one who, preparing his distant glory in the progress of times, could work in