

ROUSSEAU

On the Social Contract, or Principles of Political Right

By J.-J. Rousseau,
Citizen of Geneva

—foederis aequas
Dicamus leges
—Aeneid, XI

FOREWORD

This little treatise is part of a longer work I undertook some time ago without taking stock of my abilities, and have long since abandoned. Of the various selections that could have been drawn from what had been completed, this is the most considerable, and, it appears to me, the one least unworthy of being offered to the public. The rest no longer exists.

ON THE SOCIAL CONTRACT

BOOK I

I want to inquire whether there can be some legitimate and sure rule of administration in the civil order, taking men as they are and laws as they might be. I will always try in this inquiry to bring together what right permits with what interest prescribes, so that justice and utility do not find themselves at odds with one another.

I begin without demonstrating the importance of my subject. It will be asked if I am a prince or a legislator that I should be writing about politics. I answer that I am neither, and that is why I write about politics. Were I a prince or a legislator, I would not

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waste my time saying what ought to be done. I would do it or keep quiet.

Born a citizen of a free state and a member of the sovereign, the right to vote is enough to impose upon me the duty to instruct myself in public affairs, however little influence my voice may have in them. Happy am I, for every time I meditate on governments, I always find new reasons in my inquiries for loving that of my country.

CHAPTER I: Subject of the First Book

Man is born free, and everywhere he is in chains. He who believes himself the master of others does not escape being more of a slave than they. How did this change take place? I have no idea. What can render it legitimate? I believe I can answer this question.

Were I to consider only force and the effect that flows from it, I would say that so long as a people is constrained 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 by recovering its liberty by means of the same right that stole it, either the populace is justified in getting it back or else those who took it away were not justified in their actions. But the social order is a sacred right which serves as a foundation for all other rights. Nevertheless, this right does not come from nature. It is therefore

founded upon convention. Before coming to that, I ought to substantiate what I just claimed.

CHAPTER II: Of the First Societies

The most ancient of all societies and the only natural one, is that of the family. Even so children remain bound to their father only so long as they need him to take care of them. As soon as the need ceases, the natural bond is dissolved. Once the children are freed from the obedience they owed the father and their father is freed from the care he owed his children, all return equally to independence. If they continue to remain united, this no longer takes place naturally but voluntarily, and the family maintains itself only by means of convention.

→ This common liberty is one consequence of the nature of man. Its first law is to see to his maintenance; its first concerns are those he owes himself; and, as soon as he reaches the age of reason, since he alone is the judge of the proper means of taking care of himself, he thereby becomes his own master.

The family therefore is, so to speak, the prototype of political societies; the leader is the image of the father, the populace is the image of the children, and, since all are born equal and free, none give up their liberty except for their utility. The entire difference consists in the fact that in the family the love of the father for his children repays him for the care he takes for them, while in the state, where the leader does not have love for his peoples, the pleasure of commanding takes the place of this feeling.

Grotius denies that all human power is established for the benefit of the governed, citing slavery as an example. His usual method of reasoning is always to present fact as a proof of right.¹ A more logical method could be used, but not one more favorable to tyrants.

¹ "Learned research on public right is often nothing more than the history of ancient abuses, and taking a lot of trouble to study them too closely gets one nowhere." *Treatise on the Interests of France Along With Her Neighbors*, by the Marquis d'Argenson. This is just what Grotius has done.

According to Grotius, it is therefore doubtful whether the human race belongs to a hundred men, or whether these hundred men belong to the human race. And throughout his book he appears to lean toward the former view. This is Hobbes' position as well. On this telling, the human race is divided into herds of cattle, each one having its own leader who guards it in order to devour it.

Just as a herdsman possesses a nature superior to that of his herd, the herdsman of men who are the leaders, also have a nature superior to that of their peoples. According to Philo, Caligula reasoned thus, concluding quite properly from this analogy that kings were gods, or that the peoples were beasts.

Caligula's reasoning coincides with that of Hobbes and Grotius. Aristotle, before all the others, had also said that men are by no means equal by nature, but that some were born for slavery and others for domination.

Aristotle was right, but he took the effect for the cause. Every man born in slavery is born for slavery; nothing is more certain. In their chains slaves lose everything, even the desire to escape. They love their servitude the way the companions of Ulysses loved their degradation.² If there are slaves by nature, it is because there have been slaves against nature. Force has produced the first slaves; their cowardice has perpetuated them.

I have said nothing about King Adam or Emperor Noah, father of three great monarchs who partitioned the universe, as did the children of Saturn, whom some have believed they recognize in them. I hope I will be appreciated for this moderation, for since I am a direct descendent of these princes, and perhaps of the eldest branch, how am I to know whether, after the verification of titles, I might not find myself the legitimate king of the human race? Be that as it may, we cannot deny that Adam was the sovereign of the world, just as Robinson Crusoe was sovereign of his island, so long as he was its sole inhabitant. And the advantage this empire had was that the monarch,

² See a short treatise of Plutarch entitled "That Animals Reason."

securely on his throne, had no rebellions, wars or conspirators to fear.

CHAPTER III: On the Right of the Strongest

The strongest is never strong enough to be master all the time, unless he transforms force into right and obedience into duty. Hence the right of the strongest, a right that seems like something intended ironically and is actually established as a basic principle. But will no one explain this word to me? Force is a physical power; I fail to see what morality can result from its effects. To give in to force is an act of necessity, not of will. At most, it is an act of prudence. In what sense could it be a duty?

Let us suppose for a moment that there is such a thing as this alleged right. I maintain that all that results from it is an inexplicable mish-mash. For once force produces the right, the effect changes places with the cause. Every force that is superior to the first succeeds to its right. As soon as one can disobey with impunity, one can do so legitimately; and since the strongest is always right, the only thing to do is to make oneself the strongest. For what kind of right is it that perishes when the force on which it is based ceases? If one must obey because of force, one need not do so out of duty; and if one is no longer forced to obey one is no longer obliged. Clearly then, this word "right" adds nothing to force. It is utterly meaningless here.

Obey the powers that be. If that means giving in to force, the precept is sound, but superfluous. I reply it will never be violated. All power comes from God—I admit it—but so does every disease. Does this mean that calling in a physician is prohibited? If a brigand takes me by surprise at the edge of a wooded area, is it not only the case that I must surrender my purse, but even that I am in good conscience bound to surrender it, if I were able to withhold it? After all, the pistol he holds is also a power.

Let us then agree that force does not bring about right, and that one is obliged to obey only legitimate powers. Thus my original question keeps returning.

CHAPTER IV: On Slavery

Since no man has a natural authority over his fellow man, and since force does not give rise to any right, conventions therefore remain the basis of all legitimate authority among men.

If, says Grotius, a private individual can alienate his liberty and turn himself into the slave of a master, why could not an entire people alienate its liberty and turn itself into the subject of a king? There are many equivocal words here which need explanation, but let us confine ourselves to the word alienate. To alienate is to give or to sell. A man who makes himself the slave of someone else does not give himself; he sells himself, at least for his subsistence. But why does a people sell itself? Far from furnishing his subjects with their subsistence, a king derives his own from them alone, and, according to Rabelais, a king does not live cheaply. Do subjects then give their persons on the condition that their estate will also be taken? I fail to see what remains for them to preserve.

It will be said that the despot assures his subjects of civil tranquility. Very well. But what do they gain, if he wars his ambition drags them into, if his insatiable greed, if the oppressive demands caused by his ministers occasion more grief for his subjects than their own dissensions would have done? What do they gain, if this very tranquility is one of their miseries? A tranquil life is also had in dungeons; is that enough to make them desirable? The Greeks who were locked up in the Cyclops' cave lived a tranquil existence as they awaited their turn to be devoured.

To say that a man gives himself gratuitously is to say something absurd and inconceivable. Such an act is illegitimate and null, if only for the fact that he who commits it does not have his wits about him. To say the same thing of an entire populace is to suppose a populace composed of madmen. Madness does not bring about right.

Even if each person can alienate himself, he cannot alienate his children. They are born men and free. Their liberty belongs to them; they alone have the right to dispose of it. Before they have reached the age of reason, their father can, in their name, stipulate

conditions for their maintenance and for their well-being. But he cannot give them irrevocably and unconditionally, for such a gift is contrary to the ends of nature and goes beyond the rights of paternity. For an arbitrary government to be legitimate, it would therefore be necessary in each generation for the people to be master of its acceptance or rejection. But in that event this government would no longer be arbitrary.

Renouncing one's liberty is renouncing one's dignity as a man, the rights of humanity and even its duties. There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with the nature of man. Taking away all liberty from his will is tantamount to removing all morality from his actions. Finally, it is a vain and contradictory convention to stipulate absolute authority on one side and a limitless obedience on the other. Is it not clear that no commitments are made to a person from whom one has the right to demand everything? And does this condition alone not bring with it, without equivalent or exchange, the nullity of the act? For what right would my slave have against me, given that all he has belongs to me, and that, since his right is my right, my having a right against myself makes no sense?

Grotius and others derive from war another origin for the alleged right of slavery. Since, according to them, the victor has the right to kill the vanquished, these latter can repurchase their lives at the price of their liberty—a convention all the more legitimate, since it turns a profit for both of them.

But clearly this alleged right to kill the vanquished does not in any way derive from the state of war. Men are not naturally enemies, for the simple reason that men living in their original state of independence do not have sufficiently constant relationships among themselves to bring about either a state of peace or a state of war. It is the relationship between things and not that between men that brings about war. And since this state of war cannot come into existence from simple personal relations, but only from real [proprietary] relations, a private war between one man and another can exist neither in the state of nature,

where there is no constant property, nor in the social state, where everything is under the authority of the laws.

Fights between private individuals, duels, encounters are not acts which produce a state. And with regard to 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 there ever was one, contrary to the principles of natural right and to all sound polity.

War is not therefore a relationship between one man and another, but a relationship between one state and another. In war private individuals are enemies only incidentally: not as men or even as citizens, but as soldiers; not as members of the homeland but as its defenders. Finally, each state can have as enemies only other states and not men, since there can be no real relationship between things of disparate natures.

This principle is even in conformity with the established maxims of all times and with the constant practice of all civilized peoples. Declarations of war are warnings not so much to powers as to their subjects. The foreigner (be he king, private individual, or a people) who robs, kills or detains subjects of another prince without declaring war on the prince,

³ [At this point the following passage was added to the 1782 edition: The Romans, who had a better understanding of and a greater respect for the right of war than any other nation, carried their scruples so far in this regard that a citizen was not allowed to serve as a volunteer unless he had expressly committed himself against the enemy and against a specifically named enemy. When a legion in which Cato the Younger first served had been reorganized, Cato the Elder wrote Popilius that if he wanted his son to continue to serve under him, he would have to make him swear the military oath afresh, since, with the first one having been annulled, he could no longer take up arms against the enemy. And this very same Cato wrote his son to take care to avoid going into battle without swearing this military oath afresh. I know the siege of Clusium and other specific cases can be raised as counter-examples to this, but for my part I cite laws and customs. The Romans were the ones who transgressed their laws least often, and are the only ones to have had such noble laws.]

is not an enemy but a brigand. Even in the midst of war a just prince rightly appropriates to himself everything in an enemy country belonging to the public, but respects the person and goods of private individuals. He respects the rights upon which his own rights are founded. Since the purpose of war is the destruction of the enemy state, one has the right to kill the defenders of that state so long as they bear arms. But as soon as they lay down their arms and surrender, they cease to be enemies or instruments of the enemy. They return to being simply men; and one no longer has a right to their lives. Sometimes a state can be killed without a single one of its members being killed. For war does not grant a right that is unnecessary to its purpose. These principles are not those of Grotius. They are not based on the authority of poets. Rather they are derived from the nature of things; they are based on reason.

As to the right of conquest, the only basis it has is the law of the strongest. If war does not give the victor the right to massacre the vanquished peoples, this right (which he does not have) cannot be the basis for the right to enslave them. One has the right to kill the enemy only when one cannot enslave him. The right to enslave him does not therefore derive from the right to kill him. Hence it is an iniquitous exchange to make him buy his life, to which no one has any right, at the price of his liberty. In establishing the right of life and death on the right of slavery, and the right of slavery on the right of life and death, is not clear that one falls into a vicious circle?

Even if we were to suppose that there were this terrible right to kill everyone, I maintain that neither a person enslaved during wartime nor a conquered people bears any obligation whatever toward its master, except to obey him for as long as it is forced to do so. In taking the equivalent of his life, the victor has done him no favor. Instead of killing him unprofitably he kills him usefully. Hence, far from the victor having acquired any authority over him beyond force, the state of war subsists between them just as before. Their relationship itself is the effect of war, and the usage of the right to war does not suppose any peace treaty. They have made a convention. Fine.

But this convention, far from destroying the state of war, presupposes its continuation.

Thus, from every point of view, the right of slavery is null, not simply because it is illegitimate, but because it is absurd and meaningless. These words, *slavery* and *right*, are contradictory. They are mutually exclusive. Whether it is the statement of one man to another man, or one man to a people, the following sort of talk will always be equally nonsensical. *I make a convention with you which is wholly at your expense and wholly to my advantage; and, for as long as it pleases me, I will observe it and so will you.*

CHAPTER V: That It Is Always Necessary to Return to a First Convention

Even if I were to grant all that I have thus far refuted, the supporters of despotism would not be any better off. There will always be a great difference between subduing a multitude and ruling a society. If scattered men, however many they may be, were successively enslaved by a single individual, I see nothing there but a master and slaves; I do not see a people and its leader. It is, if you will, an aggregation, but not an association. There is neither a public good nor a body politic there. Even if that man had enslaved half the world, he is always just a private individual. His interest, separated from that of others, is never anything but a private interest. If this same man is about to die, after his passing his empire remains scattered and disunited, just as an oak tree dissolves and falls into a pile of ashes after fire has consumed it.

A people, says Grotius, can give itself to a king. According to Grotius, therefore, a people is a people before it gives itself to a king. This gift itself is a civil act; it presupposes a public deliberation. Thus, before examining the act whereby a people chooses a king, it would be well to examine the act whereby a people is a people. For since this act is necessarily prior to the other, it is the true foundation of society.

In fact, if there were no prior convention, then unless the vote were unanimous, what would become of the minority's obligation to submit to the majority?

choice, and where do one hundred who want a master get the right to vote for ten who do not? The law of majority rule is itself an established convention, and presupposes unanimity on at least one occasion.

CHAPTER VI: On the Social Compact

I suppose that men have reached the point where obstacles that are harmful to their maintenance in the state of nature gain the upper hand by their resistance to the forces that each individual can bring to bear to maintain himself in that state. Such being the case, that original state cannot subsist any longer, and the human race would perish if it did not alter its mode of existence.

For since men cannot engender new forces, but merely unite and direct existing ones, they have no other means of maintaining themselves but to form by aggregation a sum of forces that could gain the upper hand over the resistance, so that their forces are directed by means of a single moving power and made to act in concert.

This sum of forces cannot come into being without the cooperation of many. But since each man's force and liberty are the primary instruments of his maintenance, how is he going to engage them without hurting himself and without neglecting the care that he owes himself? This difficulty, seen in terms of my subject, can be stated in the following terms:

"Find a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which each one, while uniting with all, nevertheless obeys only himself and remains as free as before." This is the fundamental problem for which the social contract provides the solution.

The clauses of this contract are so determined by the nature of the act that the least modification renders them vain and ineffectual, that, although perhaps they have never been formally promulgated, they are everywhere the same, everywhere tacitly accepted and acknowledged. Once the social compact is violated, each person then regains his first rights and resumes his natural liberty, while losing the conventional liberty for which he renounced it.

These clauses, properly understood, are all reducible to a single one, namely the total alienation of each associate, together with all of his rights, to the entire community. For first of all, since each person gives himself whole and entire, the condition is equal for everyone; and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.

Moreover, since the alienation is made without reservation, the union is as perfect as possible, and no associate has anything further to demand. For if some rights remained with private individuals, in the absence of any common superior who could decide between them and the public, each person would eventually claim to be his own judge in all things, since he is on some point his own judge. The state of nature would subsist and the association would necessarily become tyrannical or hollow.

Finally, in giving himself to all, each person gives himself to no one. And since there is no associate over whom he does not acquire the same right that he would grant others over himself, he gains the equivalent of everything he loses, along with a greater amount of force to preserve what he has.

If, therefore, one eliminates from the social compact whatever is not essential to it, one will find that it is reducible to the following terms. Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole.

At once, in place of the individual person of each contracting party, this act of association produces a moral and collective body composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common self, its life and its will. This public person, formed thus by union of all the others formerly took the name city,⁴ and at present takes the name republic or body.

⁴ The true meaning of this word is almost entirely lost on modern men. Most of them mistake a town for a city and a townsman for a citizen. They do not know that houses make a town but citizens make a city. Once this mistake cost the Carthaginians dearly. I have not found in my read-

politic, which is called state by its members when it is passive, sovereign when it is active, power when compared to others like itself. As to the associates, they collectively take the name people; individually they are called citizens, insofar as participants in the sovereign authority, and subjects, insofar as they are subjected to the laws of the state. But these terms are often confused and mistaken for one another. It is enough to know how to distinguish them when they are used with absolute precision.

CHAPTER VII: On the Sovereign

This formula shows that the act of association includes a reciprocal commitment between the public and private individuals, and that each individual, contracting, as it were, with himself, finds himself under a twofold commitment: namely as a member of the sovereign to private individuals, and as a member of the state toward the sovereign. But the maxim of civil law that no one is held to commitments made to himself cannot be applied here, for there is a considerable difference between being obligated to oneself, or to a whole of which one is a part.

It must be further noted that the public deliberation that can obligate all the subjects to the sovereign, owing to the two different relationships in which each of them is viewed, cannot, for the opposite reason, obligate the sovereign to itself, and that consequently

ing that the title of citizen has ever been given to the subjects of a prince, not even in ancient times to the Macedonians or in our own time to the English, although they are closer to liberty than all the others. Only the French adopt this name citizen with complete familiarity, since they have no true idea of its meaning, as can be seen from their dictionaries. If this were not the case, they would become guilty of treason for using it. For them, this name expresses a virtue and not a right. When Bodin wanted to speak about our citizens and townsmen, he committed a terrible blunder when he mistook the one group for the other. M. d'Alembert was not in error, and in his article entitled Geneva he has carefully distinguished the four orders of men (even five, counting ordinary foreigners) who are in our towns, and of whom only two make up the republic. No other French author I am aware of has grasped the true meaning of the word citizen.

it is contrary to the nature of the body politic that the sovereign impose upon itself a law it could not break. Since the sovereign can be considered under but one single relationship, it is then in the position of a private individual contracting with himself. Whence it is apparent that there neither is nor can be any type of fundamental law that is obligatory for the people as a body, not even the social contract. This does not mean that the whole body cannot perfectly well commit itself to another body with respect to things that do not infringe on this contract. For in regard to the foreigner, it becomes a simple being, an individual.

However, since the body politic or the sovereign derives its being exclusively from the sanctity of the contract, it can never obligate itself, not even to another power, to do anything that derogates from the original act, such as alienating some portion of itself or submitting to another sovereign. Violation of the act whereby it exists would be self-annihilation, and whatever is nothing produces nothing.

As soon as this multitude is thus united in a body, one cannot harm one of the members without attacking the whole body. It is even less likely that the body can be harmed without the members feeling it. Thus duty and interest equally obligate the two parties to come to one another's aid, and the same men should seek to combine in this two-fold relationship all the advantages that result from it.

For since the sovereign is formed entirely from the private individuals who make it up, it neither has nor could have an interest contrary to theirs. Hence, the sovereign power has no need to offer a guarantee to its subjects, since it is impossible for a body to want to harm all of its members, and, as we will see later, it cannot harm any one of them in particular. The sovereign, by the mere fact that it exists, is always all that it should be.

But the same thing cannot be said of the subjects in relation to the sovereign, for which, despite their common interest, their commitments would be without substance if it did not find ways of being assured of their fidelity.

In fact, each individual can, as a man, have a private will contrary to or different from the general will that

he has as a citizen. His private interest can speak to him in an entirely different manner than the common interest. His absolute and naturally independent existence can cause him to envisage what he owes the common cause as a gratuitous contribution, the loss of which will be less harmful to others than its payment is burdensome to him. And in viewing the moral person which constitutes the state as a being of reason because it is not a man, he would enjoy the rights of a citizen without wanting to fulfill the duties of a subject, an injustice whose growth would bring about the ruin of the body politic.

Thus, in order for the social compact to avoid being an empty formula, it tacitly entails the commitment—which alone can give force to the others—that whoever refuses to obey the general will will be forced to do so by the entire body. This means merely that he will be forced to be free. For this is the sort of condition that, by giving each citizen to the homeland, guarantees him against all personal dependence—a condition that produces the skill and the performance of the political machine, and which alone bestows legitimacy upon civil commitments. Without it such commitments would be absurd, tyrannical and subject to the worst abuses.

CHAPTER VIII: On the Civil State

This passage from the state of nature to the civil state produces quite a remarkable change in man, for it substitutes justice for instinct in his behavior and gives his actions a moral quality they previously lacked. Only then, when the voice of duty replaces physical impulse and right replaces appetite, does man, who had hitherto taken only himself into account, find himself forced to act upon other principles and to consult his reason before listening to his inclinations. Although in this state he deprives himself of several of the advantages belonging to him in the state of nature, he regains such great ones. His faculties are exercised and developed, his ideas are broadened, his feelings are ennobled, his entire soul is elevated to such a height that, if the abuse of this new condition did not often lower his status to beneath the level he left, he ought constantly to bless the happy moment

that pulled him away from it forever and which transformed him from a stupid, limited animal into an intelligent being and a man.

Let us summarize this entire balance sheet so that the credits and debits are easily compared. What man loses through the social contract is his natural liberty and an unlimited right to everything that tempts him and that he can acquire. What he gains is civil liberty and the proprietary ownership of all he possesses. So as not to be in error in these compensations, it is necessary to draw a careful distinction between natural liberty (which is limited solely by the force of the individual involved) and civil liberty (which is limited by the general will), and between possession (which is merely the effect of the force or the right of the first occupant) and proprietary ownership (which is based solely on a positive title).

To the preceding acquisitions could be added the acquisition in the civil state of moral liberty, which alone makes man truly the master of himself. For to be driven by appetite alone is slavery, and obedience to the law one has prescribed for oneself is liberty. But I have already said too much on this subject, and the philosophical meaning of the word *liberty* is not my subject here.

CHAPTER IX: On the Real [i.e., Proprietary] Domain

Each member of the community gives himself to it at the instant of its constitution, just as he actually is, himself and all his forces, including all the goods in his possession. This is not to say that by this act possession changes its nature as it changes hands and becomes property in the hands of the sovereign. Rather, since the forces of the city are incomparably greater than those of a private individual, public possession is by that very fact stronger and more irrevocable, without being more legitimate, at least to strangers. For with regard to its members, the state is master of all their goods in virtue of the social contract, which serves in the state as the basis of all rights. But with regard to other powers, the state is master only in virtue of the right of the first occupant, which it derives from private individuals.