The Social Contract and Discourses*

Jean Jacques Rousseau

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Book I

Chapter 1- Subject of the First Book

Man is born free; and everywhere he is in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this change come about? I do not know. What can make it legitimate? That question I think I can answer.

If I took into account only force, and the effects derived from it, I should say: "As long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and shakes it off, it does still better; for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away." But the social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions. Before coming to that, I have to prove what I have just asserted.

Chapter 2- The First Societies

The most ancient of all societies, and the only one that is natural is the family: and even so the children remain attached to the father only so long as they need him for their preservation. As soon as this need ceases, the natural bond is dissolved. The children, released from the obedience they owed to the father, and the father, released from the care he owed his children,

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return equally to independence. If they remain united, they continue so no longer naturally, but voluntarily; and the family itself is then maintained only by convention.

This common liberty results from the nature of man. His first law is to provide for his own preservation, his first cares are those which he owes to himself; and, as soon as he reaches years of discretion, he is the sole judge of the proper means of preserving himself, and consequently becomes his own master.

The family then may be called the first model of political societies: the ruler corresponds to the father, and the people to the children; and all, being born free and equal, alienate their liberty only for their own advantage. The whole difference is that, in the family, the love of the father for his children repays him for the care he takes of them, while, in the State, the pleasure of commanding takes the place of the love which the chief cannot have for the peoples under him.

Grotius denies that all human power is established in favour of the governed, and quotes slavery as an example. His usual method of reasoning is constantly to establish right by fact.[1] It would be possible to employ a more logical method, but none could be more favourable to tyrants.

It is then, according to Grotius, doubtful whether the human race belongs to a hundred men, or that hundred men to the human race: and, throughout his book, he seems to incline to the former alternative, which is also the view of Hobbes. On this showing, the human species is divided into so many herds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them.

As a shepherd is of a nature superior to that of his flock, the shepherds of men, *i.e.* their rulers, are of a nature superior to that of the peoples under them. Thus, Philo tells us, the Emperor Caligula reasoned, concluding equally well either that kings were gods, or that men were beasts.

The reasoning of Caligula agrees with that of Hobbes and Grotius. Aristotle, before any of them, had said that men are by no means equal naturally, but that some are born for slavery, and others for dominion.

Aristotle was right; but he took the effect for the cause. Nothing can be more certain than that every man born in slavery is born for slavery. Slaves lose everything in their chains, even the desire of escaping from them: they love their servitude, as the comrades of Ulysses loved their brutish condition.[2] If then there are slaves by nature, it is because there have been slaves against nature. Force made the first slaves, and their cowardice perpetuated the condition.

I have said nothing of King Adam, or Emperor Noah, father of the three great monarchs who shared out the universe, like the children of Saturn, whom some scholars have recognised in

[1] "Learned inquiries into public right are often only the history of past abuses; and troubling to study them too deeply is a profitless infatuation" (Essay on the Interests of France in Relation to its Neighbours, by the Marquis d'Argenson). This is exactly what Grotius has done.

[2] See a short treatise of Plutarch's entitled "That Animals Reason."

them. I trust to getting due thanks for my moderation; for, being a direct descendant of one of these princes, perhaps of the eldest branch, how do I know that a verification of titles might not leave me the legitimate king of the human race? In any case, there can be no doubt that Adam was sovereign of the world, as Robinson Crusoe was of his island, as long as he was its only inhabitant; and this empire had the advantage that the monarch, safe on his throne, had no rebellions, wars, or conspirators to fear.

Chapter 3- The Right of the Strongest

The strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty. Hence the right of the strongest, which, though to all seeming meant ironically, is really laid down as a fundamental principle. But are we never to have an explanation of this phrase? Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will—at the most, an act of prudence. In what sense can it be a duty?

Suppose for a moment that this so-called "right" exists. I maintain that the sole result is a mass of inexplicable nonsense. For, if force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with impunity, disobedience is legitimate; and, the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails? If we must obey perforce, there is no need to obey because we ought; and if we are not forced to obey, we are under no obligation to do so. Clearly, the word "right" adds nothing to force: in this connection, it means absolutely nothing.

Obey the powers that be. If this means yield to force, it is a good precept, but superfluous: I can answer for its never being violated. All power comes from God, I admit; but so does all sickness: does that mean that we are forbidden to call in the doctor? A brigand surprises me at the edge of a wood: must I not merely surrender my purse on compulsion; but, even if I could withhold it, am I in conscience bound to give it up? For certainly the pistol he holds is also a power.

Let us then admit that force does not create right, and that we are obliged to obey only legitimate powers. In that case, my original question recurs.

Chapter 6: The Social Contract

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert.

This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms—

"The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before." This is the fundamental problem of which the *Social Contract* provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognised, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favour of which he renounced it.

These clauses, properly understood, may be reduced to one—the total alienation of each associate, together with all his rights, to the whole community for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others.

Moreover, the alienation being without reserve, the union is as perfect as it can be, and no associate has anything more to demand: for, if the individuals retained certain rights, as there would be no common superior to decide between them and the public, each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical.

Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.

If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms—

"*Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.*"

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains

votes, and receiving from this act its unity, its common identity, its life and its will. This public person, so formed by the union of all other persons, formerly took the name of *city*,[3] and now takes that of *Republic* or *body politic*; it is called by its members *State* when passive, *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, and severally are called *citizens*, as sharing in the sovereign power, and *subjects*, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how to distinguish them when they are being used with precision.

Book III

Chapter 3- The Division of Governments

In the first place, the Sovereign may commit the charge of the government to the whole people or to the majority of the people, so that more citizens are magistrates than are mere private individuals. This form of government is called *democracy*.

Or it may restrict the government to a small number; so that there are more private citizens than magistrates; and this is named *aristocracy*.

Lastly, it may concentrate the whole government in the hands of a single magistrate from whom all others hold their power. This third form is the most usual, and is called *monarchy*, or royal government.

It should be remarked that all these forms, or at least the first two, admit of degree, and even of very wide differences; for democracy may include the whole people, or may be restricted to half. Aristocracy, in its turn, may be restricted indefinitely from half the people down to the smallest possible number. Even royalty is susceptible of a measure of distribution. Sparta always had two kings, as its constitution provided; and the Roman Empire saw as many as eight emperors at once, without it being possible to say that the Empire was split up. Thus there is a point at which each form of government passes into the next, and it becomes clear that, under three comprehensive denominations, government is really susceptible of as many diverse forms as the State has citizens.

[3]The real meaning of this word has been almost wholly lost in modern times; most people mistake a town for a city, and a townsman for a citizen. They do not know that houses make a town, but citizens a city. The same mistake long ago cost the Carthaginians dear. I have never read of the title of citizens being given to the subjects of any prince, not even the ancient Macedonians or the English of to-day, though they are nearer liberty than any one else. The French alone everywhere familiarly adopt the name of citizens, because, as can be seen from their dictionaries, they have no idea of its meaning; otherwise they would be guilty in usurping it, of the crime of lèse-majesté: among them, the name expresses a virtue, and not a right. When Bodin spoke of our citizens and townsmen, he fell into a bad blunder in taking the one class for the other. M. d'Alembert has avoided the error, and, in his article on Geneva, has clearly distinguished the four orders of men (or even five, counting mere foreigners) who dwell in our town, of which two only compose the Republic. No other French writer, to my knowledge, has understood the real meaning of the word citizen.

There are even more: for, as the government may also, in certain aspects, be subdivided into other parts, one administered in one fashion and one in another, the combination of the three forms may result in a multitude of mixed forms, each of which admits of multiplication by all the simple forms.

There has been at all times much dispute concerning the best form of government, without consideration of the fact that each is in some cases the best, and in others the worst.

If, in the different States, the number of supreme magistrates should be in inverse ratio to the number of citizens, it follows that, generally, democratic government suits small States, aristocratic government those of middle size, and monarchy great ones. This rule is immediately deducible from the principle laid down. But it is impossible to count the innumerable circumstances which may furnish exceptions.

Chapter 4- Democracy

He who makes the law knows better than any one else how it should be executed and interpreted. It seems then impossible to have a better constitution than that in which the executive and legislative powers are united; but this very fact renders the government in certain respects inadequate, because things which should be distinguished are confounded, and the prince and the Sovereign, being the same person, form, so to speak, no more than a government without government.

It is not good for him who makes the laws to execute them, or for the body of the people to turn its attention away from a general standpoint and devote it to particular objects. Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of the laws by the government is a less evil than the corruption of the legislator, which is the inevitable sequel to a particular standpoint. In such a case, the State being altered in substance, all reformation becomes impossible. A people that would never misuse governmental powers would never misuse independence; a people that would always govern well would not need to be governed.

If we take the term in the strict sense, there never has been a real democracy, and there never will be. It is against the natural order for the many to govern and the few to be governed. It is unimaginable that the people should remain continually assembled to devote their time to public affairs, and it is clear that they cannot set up commissions for that purpose without the form of administration being changed.

In fact, I can confidently lay down as a principle that, when the functions of government are shared by several tribunals, the less numerous sooner or later acquire the greatest authority, if only because they are in a position to expedite affairs, and power thus naturally comes into their hands.

Besides, how many conditions that are difficult to unite does such a government presuppose! First, a very small State, where the people can readily be got together and where each citizen

can with ease know all the rest; secondly, great simplicity of manners, to prevent business from multiplying and raising thorny problems; next, a large measure of equality in rank and fortune, without which equality of rights and authority cannot long subsist; lastly, little or no luxury—for luxury either comes of riches or makes them necessary; it corrupts at once rich and poor, the rich by possession and the poor by covetousness; it sells the country to softness and vanity, and takes away from the State all its citizens, to make them slaves one to another, and one and all to public opinion.

This is why a famous writer has made virtue the fundamental principle of Republics; for all these conditions could not exist without virtue. But, for want of the necessary distinctions, that great thinker was often inexact, and sometimes obscure, and did not see that, the sovereign authority being everywhere the same, the same principle should be found in every well-constituted State, in a greater or less degree, it is true, according to the form of the government.

It may be added that there is no government so subject to civil wars and intestine agitations as democratic or popular government, because there is none which has so strong and continual a tendency to change to another form, or which demands more vigilance and courage for its maintenance as it is. Under such a constitution above all, the citizen should arm himself with strength and constancy, and say, every day of his life, what a virtuous Count Palatine[4] said in the Diet of Poland: Malo periculosam libertatem quam quietum servitium.

Were there a people of gods, their government would be democratic. So perfect a government is not for men.

Chapter 5- Aristocracy

We have here two quite distinct moral persons, the government and the Sovereign, and in consequence two general wills, one general in relation to all the citizens, the other only for the members of the administration. Thus, although the government may regulate its internal policy as it pleases, it can never speak to the people save in the name of the Sovereign, that is, of the people itself, a fact which must not be forgotten.

The first societies governed themselves aristocratically. The heads of families took counsel together on public affairs. The young bowed without question to the authority of experience. Hence such names as *priests, elders, senate*, and *gerontes*. The savages of North America govern themselves in this way even now, and their government is admirable.

But, in proportion as artificial inequality produced by institutions became predominant over natural inequality, riches or power[5] were put before age, and aristocracy became elective.

[4]The Palatine of Posen, father of the King of Poland, Duke of Lorraine. I prefer liberty with danger to peace with slavery.

[5]It is clear that the word optimates meant, among the ancients, not the best, but the most powerful.

Finally, the transmission of the father's power along with his goods to his children, by creating patrician families, made government hereditary, and there came to be senators of twenty.

There are then three sorts of aristocracy—natural, elective and hereditary. The first is only for simple peoples; the third is the worst of all governments; the second is the best, and is aristocracy properly so called.

Besides the advantage that lies in the distinction between the two powers, it presents that of its members being chosen; for, in popular government, all the citizens are born magistrates; but here magistracy is confined to a few, who become such only by election.[6] By this means uprightness, understanding, experience and all other claims to pre-eminence and public esteem become so many further guarantees of wise government.

Moreover, assemblies are more easily held, affairs better discussed and carried out with more order and diligence, and the credit of the State is better sustained abroad by venerable senators than by a multitude that is unknown or despised.

In a word, it is the best and most natural arrangement that the wisest should govern the many, when it is assured that they will govern for its profit, and not for their own. There is no need to multiply instruments, or get twenty thousand men to do what a hundred picked men can do even better, but it must not be forgotten mat corporate interest here begins to direct the public power less under the regulation of the general will, and that a further inevitable propensity takes away from the laws part of the executive power.

If we are to speak of what is individually desirable, neither should the State be so small, nor a people so simple and upright, that the execution of the laws follows immediately from the public will, as it does in a good democracy. Nor should the nation be so great that the rulers have to scatter in order to govern it and are able to play the Sovereign each in his own department, and, beginning by making themselves independent, end by becoming masters.

But if aristocracy does not demand all the virtues needed by popular government, it demands others which are peculiar to itself; for instance, moderation on the side of the rich and contentment on that of the poor; for it seems that thorough-going equality would be out of place, as it was not found even at Sparta.

Furthermore, if this form of government carries with it a certain inequality of fortune, this is justifiable in order that as a rule the administration of public affairs may be entrusted to those who are most able to give them their whole time, but not, as Aristotle maintains, in order that the rich may always be put first. On the contrary, it is of importance that an opposite choice should occasionally teach the people that the deserts of men offer claims to pre-eminence more important than those of riches.

[6] It is of great importance that the form of the election of magistrates should be regulated by law; for if it is left at the discretion of the prince, it is impossible to avoid falling into hereditary aristocracy, as the Republics of Venice and Berne actually did. The first of these has therefore long been a State dissolved; the second, however, is maintained by the extreme wisdom of the senate, and forms an honourable and highly dangerous exception.