

## BOOK I

↳ Rousseau  
Jean-Jacques  
Social Contract  
Book 1

My purpose is to consider if, in political society, there can be any legitimate and sure principle of government, taking men as they are and laws as they might be. In this inquiry I shall try always to bring together what right permits with what interest prescribes so that justice and utility are in no way divided.

I start without seeking to prove the importance of my subject. I may be asked whether I am a prince or a legislator that I should be writing about politics. I answer no: and indeed that is my reason for doing so. If I were a prince or a legislator I should not waste my time saying what ought to be done; I should do it or keep silent.

Born as I was the citizen of a free state and a member of its sovereign body, the very right to vote imposes on me the duty to instruct myself in public affairs, however little influence my voice may have in them. And whenever I reflect upon governments, I am happy to find that my studies always give me fresh reasons for admiring that of my own country.

### CHAPTER I

#### *The subject of Book I*

MAN was born free, and he is everywhere in chains. Those who think themselves the masters of others are indeed greater slaves than they. How did this transformation come about? I do not know. How can it be made legitimate? That question I believe I can answer.  
If I were to consider only force and the effects of force, I

should say: 'So long as a people is constrained to obey, and obeys, it does well; but as soon as it can shake off the yoke, and shakes it off, it does better; for since it regains its freedom by the same right as that which removed it, a people is either justified in taking back its freedom, or there is no justifying those who took it away.' But the social order is a sacred right which serves as a basis for all other rights. And as it is not a natural right, it must be one founded on covenants. The problem is to determine what those covenants are. But before we pass on to that question, I must substantiate what I have so far said.

## CHAPTER 2

*The First Societies*

THE oldest of all societies, and the only natural one, is that of the family; yet children remain tied to their father by nature only so long as they need him for their preservation. As soon as this need ends, the natural bond is dissolved. Once the children are freed from the obedience they owe their father, and the father is freed from his responsibilities towards them, both parties equally regain their independence. If they continue to remain united, it is no longer nature, but their own choice, which unites them; and the family as such is kept in being only by agreement.

This common liberty is a consequence of man's nature. Man's first law is to watch over his own preservation; his first care he owes to himself; and as soon as he reaches the age of reason, he becomes the only judge of the best means to preserve himself; he becomes his own master.

The family may therefore perhaps be seen as the first model of political societies: the head of the state bears the image of the father, the people the image of his children, and all, being

born free and equal, surrender their freedom only when they see advantage in doing so. The only difference is that in the family, a father's love for his children repays him for the care he bestows on them, while in the state, where the ruler can have no such feeling for his people, the pleasure of commanding must take the place of love.

Grotius denies that all human government is established for the benefit of the governed, and he cites the example of slavery. His characteristic method of reasoning is always to offer facts as a proof of right.\* It is possible to imagine a more logical method, but not one more favourable to tyrants.

According to Grotius, therefore, it is doubtful whether humanity belongs to a hundred men, or whether these hundred men belong to humanity, though he seems throughout his book to lean to the first of these views, which is also that of Hobbes. These authors show us the human race divided into herds of cattle, each with a master who preserves it only in order to devour its members.

Just as a shepherd possesses a nature superior to that of his flock, so do those shepherds of men, their rulers, have a nature superior to that of their people. Or so, we are told by Philo, the Emperor Caligula argued, concluding, reasonably enough on this same analogy, that kings were gods or alternatively that the people were animals.

The reasoning of Caligula coincides with that of Hobbes and Grotius. Indeed Aristotle, before any of them, said that men were not at all equal by nature, since some were born for slavery and others born to be masters.

Aristotle was right; but he mistook the effect for the cause. Anyone born in slavery is born for slavery — nothing is more

\* Learned researches on public law are often only the history of ancient abuses, and one is misled when one gives oneself the trouble of studying them too closely. *Traité manuscrit des intérêts de la France avec ses voisins* par M. L. M. d'A. This is exactly what Grotius does. [Rousseau's quotation is from the Marquis d'Argenson. *Trans.*]

## THE SOCIAL CONTRACT

certain. Slaves, in their bondage, lose everything, even the desire to be free. They love their servitude even as the companions of Ulysses loved their life as brutes.\* But if there are slaves by nature, it is only because there has been slavery against nature. Force made the first slaves; and their cowardice perpetuates their slavery.

I have said nothing of the King Adam or of the Emperor Noah, father of the three great monarchs who shared out the universe between them, like the children of Saturn, with whom some authors have identified them. I hope my readers will be grateful for this moderation, for since I am directly descended from one of those princes, and perhaps in the eldest line, how do I know that if the deeds were checked, I might not find myself the legitimate king of the human race? However that may be, there is no gainsaying that Adam was the king of the world, as was Robinson Crusoe of his island, precisely because he was the sole inhabitant; and the great advantage of such an empire was that the monarch, secure upon his throne, had no occasion to fear rebellions, wars or conspirators.

### CHAPTER 3

#### *The Right of the Strongest*

THE strongest man 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 sounds like something intended ironically, but is actually laid down as a principle. But shall we never have this phrase explained? Force is a physical power; I do not see how its effects could produce morality. To yield to force is an act of necessity, not of will; it is at best an act of prudence. In what sense can it be a moral duty?

\* See a short treatise of Plutarch entitled: *That Animals use Reason*.

## BOOK I

Let us grant, for a moment, that this so-called right exists. I suggest it can only produce a tissue of bewildering nonsense; for once might is made to be right, cause and effect are reversed, and every force which overcomes another force inherits the right which belonged to the vanquished. As soon as man can disobey with impunity, his disobedience becomes legitimate; and as the strongest is always right, the only problem is how to become the strongest. But what can be the validity of a right which perishes with the force on which it rests? If force compels obedience, there is no need to invoke a duty to obey, and if force ceases to compel obedience, there is no longer any obligation. Thus the word 'right' adds nothing to what is said by 'force'; it is meaningless.

'Obey those in power.' If this means 'yield to force' the precept is sound, but superfluous; it will never, I suggest, be violated. All power comes from God, I agree; but so does every disease, and no one forbids us to summon a physician. If I am held up by a robber at the edge of a wood, force compels me to hand over my purse. But if I could somehow contrive to keep the purse from him, would I still be obliged in conscience to surrender it? After all, the pistol in the robber's hand is undoubtedly a *power*.

Surely it must be admitted, then, that might does not make right, and that the duty of obedience is owed only to legitimate powers. Thus we are constantly led back to my original question.

### CHAPTER 4

#### *Slavery*

SINCE no man has any natural authority over his fellows, and since force alone bestows no right, all legitimate authority among men must be based on covenants.

Grotius says: 'If an individual can alienate his freedom and become the slave of a master, why may not a whole people alienate its freedom and become the subject of a king?' In this remark there are several ambiguous words which call for explanation; but let us confine ourselves to one - to 'alienate'. To alienate is to give or sell. A man who becomes the slave of another does not give himself, he sells himself in return for at least a subsistence. But in return for what could a whole people be said to sell itself? A king, far from nourishing his subjects, draws his nourishment from them; and kings, according to Rabelais, need more than a little nourishment. Do subjects, then, give their persons to the king on condition that he will accept their property as well? If so, I fail to see what they have left to preserve.

It will be said that a despot gives his subjects the assurance of civil tranquillity. Very well, but what does it profit them, if those wars against other powers which result from a despot's ambition, if his insatiable greed, and the oppressive demands of his administration, cause more desolation than civil strife would cause? What do the people gain if their very condition of civil tranquillity is one of their hardships? There is peace in dungeons, but is that enough to make dungeons desirable? The Greeks lived in peace in the cave of Cyclops awaiting their turn to be devoured.

To speak of a man giving himself in return for nothing is to speak of what is absurd, unthinkable; such an action would be illegitimate, void, if only because no one who did it could be in his right mind. To say the same of a whole people is to conjure up a nation of lunatics; and right cannot rest on madness.

Even if each individual could alienate himself, he cannot alienate his children. For they are born men; they are born free; their liberty belongs to them; no one but they themselves has the right to dispose of it. Before they reach the

years of discretion, their father may, in their name, make certain rules for their protection and their welfare, but he cannot give away their liberty irrevocably and unconditionally, for such a gift would be contrary to the ends of nature and an abuse of paternal right. Hence, an arbitrary government would be legitimate only if every new generation were able to accept or reject it, and in that case the government would cease to be arbitrary.

To renounce freedom is to renounce one's humanity, one's rights as a man and equally one's duties. There is no possible *quid pro quo* for one who renounces everything; indeed such renunciation is contrary to man's very nature; for if you take away all freedom of the will, you strip a man's actions of all moral significance. Finally, any covenant which stipulated absolute dominion for one party and absolute obedience for the other would be illogical and nugatory. Is it not evident that he who is entitled to demand everything owes nothing? And does not the single fact of there being no reciprocity, no mutual obligation, nullify the act? For what right can my slave have against me? If everything he has belongs to me, his right is *my* right, and it would be nonsense to speak of my having a right *against* myself.

Grotius and the rest claim to find in war another justification for the so-called right of slavery. They argue that the victor's having the right to kill the vanquished implies that the vanquished has the right to purchase his life at the expense of his liberty - a bargain thought to be the more legitimate because it is advantageous to both parties. But it is clear that this so-called right to kill the vanquished cannot be derived from the state of war. For this reason alone, that men living in their primitive condition of independence have no intercourse regular enough to constitute either a state of peace or a state of war; and men are not naturally enemies. It is conflicts over things, not quarrels between men

which constitute war, and the state of war cannot arise from mere personal relations, but only from property relations. Private wars between one man and another can exist neither in a state of nature, where there is no fixed property, nor in society, where everything is under the authority of law.

Private fights, duels, skirmishes, do not constitute any kind of state; and as for the private wars that were permitted by the ordinances of Louis IX, King of France, and suspended by the Peace of God, these were no more than an abuse of feudal government, an irrational system if there ever was one, and contrary both to natural justice and to all sound polity. War, then, is not a relation between men, but between states; in war individuals are enemies wholly by chance, not as men, not even as citizens,\* but only as soldiers; not as members of their country, but only as its defenders. In a word, a state can have as an enemy only another state, not men, because there can be no real relation between things possessing different intrinsic natures.

This principle conforms to the established rules of all times and to the constant practice of every political society. Declarations of war are warnings not so much to governments as to their subjects. The foreigner — whether he is a king, a private person or a whole people — who robs, kills or detains the

\* The Romans, who understood and respected the rights of war better than any other nation, carried their scruples on this subject so far that a citizen was forbidden to volunteer without engaging himself expressly against the enemy and against an enemy specifically named. When the legion in which the younger Cato fought his first campaign under Popilius was re-formed, the elder Cato wrote to Popilius saying that if he wished his son to continue to serve under him, he should administer a fresh military oath, on the grounds that his son's first oath was annulled, and that he could no longer bear arms against the enemy. Cato also wrote to his son warning him not to go into battle without first taking the oath.

I realize that the siege of Clusium and other incidents from Roman history may be quoted against me, but I am citing laws and customs. No nation has broken its own laws less frequently than the Romans, and no nation has ever had such excellent laws. [Footnote added in the Edition of 1782.]

subjects of another prince without first declaring war against that prince, is not an enemy but a brigand. Even in the midst of war, a just prince, seizing what he can of public property in the enemy's territory, nevertheless respects the persons and possessions of private individuals; he respects the principles on which his own rights are based. Since the aim of war is to subdue a hostile state, a combatant has the right to kill the defenders of that state while they are armed; but as soon as they lay down their arms and surrender, they cease to be either enemies or instruments of the enemy; they become simply men once more, and no one has any longer the right to take their lives. It is sometimes possible to destroy a state without killing a single one of its members, and war gives no right to inflict any more destruction than is necessary for victory. These principles were not invented by Grotius, nor are they founded on the authority of the poets; they are derived from the nature of things; they are based on reason.

The right of conquest has no other foundation than the law of the strongest. And if war gives the conqueror no right to massacre a conquered people, no such right can be invoked to justify their enslavement. Men have the right to kill their enemies only when they cannot enslave them, so the right of enslaving cannot be derived from the right to kill. It would therefore be an iniquitous barter to make the vanquished purchase with their liberty the lives over which the victor has no legitimate claim. An argument basing the right over life and death on the right to enslave, and the right to enslave on the right over life and death, is an argument trapped in a vicious circle.

Even if we assumed that this terrible right of massacre did exist, then slaves of war, or a conquered people, would be under no obligation to obey their master any further than they were forced to do so. By taking an equivalent of his victim's life, the victor shows him no favour; instead of destroying

him unprofitably, he destroys him by exploiting him. Hence, far from the victor having acquired some further authority besides that of force over the vanquished, the state of war between them continues; their mutual relation is the effect of war, and the continuation of the rights of war implies that there has been no treaty of peace. An agreement has assuredly been made, but that agreement, far from ending the state of war, presupposes its continuation.

Thus, however we look at the question, the 'right' of slavery is seen to be void; void, not only because it cannot be justified, but also because it is nonsensical, because it has no meaning. The words 'slavery' and 'right' are contradictory, they cancel each other out. Whether as between one man and another, or between one man and a whole people, it would always be absurd to say: 'I hereby make a covenant with you which is wholly at your expence and wholly to my advantage; I will respect it so long as I please and you shall respect it so long as I wish.'

of the others, would never be more than a personal interest. When he died, the empire he left would be scattered for lack of any bond of union, even as an oak crumbles and falls into a heap of ashes when fire has consumed it.

'A people,' says Grotius, 'may give itself to a king.' Therefore, according to Grotius a people is *a people* even before the gift to the king is made. The gift itself is a civil act; it presupposes public deliberation. Hence, before considering the act by which a people submits to a king, we ought to scrutinize the act by which people become *a people*, for that act, being necessarily antecedent to the other, is the real foundation of society.

In fact, if there were no earlier agreement, how, unless the election were unanimous, could there be any obligation on the minority to accept the decision of the majority? What right have the hundred who want to have a master to vote on behalf of the ten who do not? The law of majority—voting itself rests on an agreement, and implies that there has been on at least one occasion unanimity.

## CHAPTER 5

*That We Must Always Go Back To an Original Covenant*

## CHAPTER 6

*The Social Pact*

EVEN if I were to concede all that I have so far refuted, the champions of despotism would be no better off. There will always be a great difference between subduing a multitude and ruling a society. If one man successively enslaved many separate individuals, no matter how numerous, he and they would never bear the aspect of anything but a master and his slaves, not at all that of a people and their ruler; an aggregation, perhaps, but certainly not an association, for they would neither have a common good nor be a body politic. Even if such a man were to enslave half the world, he would remain a private individual, and his interest, always distinct from that

I ASSUME that men reach a point where the obstacles to their preservation in a state of nature prove greater than the strength that each man has to preserve himself in that state. Beyond this point, the primitive condition cannot endure, for then the human race will perish if it does not change its mode of existence.

Since men cannot create new forces, but merely combine and control those which already exist, the only way in which they can preserve themselves is by uniting their separate powers in a combination strong enough to overcome any

resistance, uniting them so that their powers are directed by a single motive and act in concert.

Such a sum of forces can be produced only by the union of separate men, but as each man's own strength and liberty are the chief instruments of his preservation, how can he merge his with others' without putting himself in peril and neglecting the care he owes to himself? This difficulty, in terms of my present subject, may be expressed in these words:

'How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before.' This is the fundamental problem to which the social contract holds the solution.

The articles of this contract are so precisely determined by the nature of the act, that the slightest modification must render them null and void; they are such that, though perhaps never formally stated, they are everywhere the same, everywhere tacitly admitted and recognized; and if ever the social pact is violated, every man regains his original rights and, recovering his natural freedom, loses that civil freedom for which he exchanged it.

These articles of association, rightly understood, are reducible to a single one, namely the total alienation by each associate of himself and all his rights to the whole community. Thus, in the first place, as every individual gives himself absolutely, the conditions are the same for all, and precisely because they are the same for all, it is in no one's interest to make the conditions onerous for others.

Secondly, since the alienation is unconditional, the union is as perfect as it can be, and no individual associate has any longer any rights to claim; for if rights were left to individuals, in the absence of any higher authority to judge between them and the public, each individual, being his own judge in some

causes, would soon demand to be his own judge in all; and in this way the state of nature would be kept in being, and the association inevitably become either tyrannical or void.

Finally, since each man gives himself to all, he gives himself to no one; and since there is no associate over whom he does not gain the same rights as others gain over him, each man recovers the equivalent of everything he loses, and in the bargain he acquires more power to preserve what he has.

If, then, we eliminate from the social pact everything that is not essential to it, we find it comes down to this: 'Each one of us puts into the community his person and all his powers under the supreme direction of the general will; and as a body, we incorporate every member as an invisible part of the whole.'

Immediately, in place of the individual person of each contracting party, this act of association creates an artificial and corporate body composed of as many members as there

are voters in the assembly, and by this same act that body acquires its unity, its common *ego*, its life and its will. The public person thus formed by the union of all other persons was once called the *city*,\* and is now known as the *republic* or the *body politic*. In its passive role it is called the *state*, when it

\* The real meaning of this word has been almost entirely lost in the modern world, when a town and a city are thought to be identical, and a citizen the same as a burgess. People forget that houses may make a town, while only citizens can make a city. The Carthaginians once paid dearly for this mistake. I have never read of the title *cives* being given to the subject of any prince, not even to the Macedonians in ancient times or the English today, in spite of their being closer to liberty than any other people. The French alone treat the same 'Citizen' with familiarity, and that is because they do not know what it means, as their Dictionnaires prove; if they did know, they would be guilty, in usurping it, of *lèse-majesté*; as it is, they use the word to designate social status and not legal right. When Bodin wanted to speak of citizens and burghers, he made the gross error of mistaking the one for the other. Monsieur d'Alembert avoids this mistake; and in his article on 'Geneva' he correctly distinguishes between the four orders of men (five, if aliens are included) which are found in our town, and of which only two compose the republic. No other French author to my knowledge has understood the real meaning of the word 'citizen'.

plays an active role it is the *sovereign*; and when it is compared to others of its own kind, it is a *power*. Those who are associated in it take collectively the name of *a people*, and call themselves individually *citizens*, in that they share in the sovereign power, and *subjects*, in that they put themselves under the laws of the state. However, these words are often confused, each being mistaken for another; but the essential thing is to know how to recognize them when they are used in their precise sense.

## CHAPTER 7

### *The Sovereign*

THIS formula shows that the act of association consists of a reciprocal commitment between society and the individual, so that each person, in making a contract, as it were, with himself, finds himself doubly committed, first, as a member of the sovereign body in relation to individuals, and secondly as a member of the state in relation to the sovereign. Here there can be no invoking the principle of civil law which says that no man is bound by a contract with himself, for there is a great difference between having an obligation to oneself and having an obligation to something of which one is a member. We must add that a public decision can impose an obligation on all the subjects towards the sovereign, by reason of the two aspects under which each can be seen, while, contrariwise, such decisions cannot impose an obligation on the sovereign towards itself; and hence it would be against the very nature of a political body for the sovereign to set over itself a law which it could not infringe. The sovereign, bearing only one single and identical aspect, is in the position of a private person making a contract with himself, which shows that there neither is, nor can be, any kind of fundamental law binding on the people as a body, not even the social contract

itself. This does not mean that the whole body cannot incur obligations to other nations, so long as those obligations do not infringe the contract; for in relation to foreign powers, the body politic is a simple entity, an individual.

However, since the body politic, or sovereign, owes its being to the sanctity of the contract alone, it cannot commit itself, even in treaties with foreign powers, to anything that would derogate from the original act of association; it could nor, for example, alienate a part of itself or submit to another sovereign. To violate the act which has given it existence would be to annihilate itself; and what is nothing can produce nothing.

As soon as the multitude is united thus in a single body, no one can injure any one of the members without attacking the whole, still less injure the whole without each member feeling it. Duty and self-interest thus equally oblige the two contracting parties to give each other mutual aid; and the same men should seek to bring together in this dual relationship, all the advantages that flow from it.

Now, as the sovereign is formed entirely of the individuals who compose it, it has not, nor could it have, any interest contrary to theirs; and so the sovereign has no need to give guarantees to the subjects, because it is impossible for a body to wish to hurt all of its members, and, as we shall see, it cannot hurt any particular member. The sovereign by the mere fact that it is, is always all that it ought to be.

But this is not true of the relation of subject to sovereign. Despite their common interest, subjects will not be bound by their commitment unless means are found to guarantee their fidelity.

For every individual as a man may have a private will contrary to, or different from, the general will that he has as a citizen. His private interest may speak with a very different voice from that of the public interest; his absolute and

naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution, the loss of which would be less painful for others than the payment is onerous for him; and fancying that the artificial person which constitutes the state is a mere fictitious entity (since it is not a man), he might seek to enjoy the rights of a citizen without doing the duties of a subject. The growth of this kind of injustice would bring about the ruin of the body politic.

Hence, in order that the social pact shall not be an empty formula, it is tacitly implied in that commitment — which alone can give force to all others — that whoever refuses to obey the general will shall be constrained to do so by the whole body, which means nothing other than that he shall be forced to be free; for this is the necessary condition which, by giving each citizen to the nation, secures him against all personal dependence, it is the condition which shapes both the design and the working of the political machine, and which alone bestows justice on civil contracts — without it, such contracts would be absurd, tyrannical and liable to the grossest abuse.

## CHAPTER 8 Civil Society

THE passing from the state of nature to the civil society produces a remarkable change in man; it puts justice as a rule of conduct in the place of instinct, and gives his actions the moral quality they previously lacked. It is only then, when the voice of duty has taken the place of physical impulse, and right that of desire, that man, who has hitherto thought only of himself, finds himself compelled to act on other principles, and to consult his reason rather than study his inclinations. And although in civil society man surrenders some of the advantages that belong to the state of nature, he gains in

return far greater ones; his faculties are so exercised and developed, his mind is so enlarged, his sentiments so ennobled, and his whole spirit so elevated that, if the abuse of his new condition did not in many cases lower him to something worse than what he had left, he should constantly bless the happy hour that lifted him for ever from the state of nature and from a stupid, limited animal made a creature of intelligence and a man.

Suppose we draw up a balance sheet, so that the losses and gains may be readily compared. What man loses by the social contract is his natural liberty and the absolute right to anything that tempts him and that he can take; what he gains by the social contract is civil liberty and the legal right of property in what he possesses. If we are to avoid mistakes in weighing the one side against the other, we must clearly distinguish between *natural liberty*, which has no limit but the physical power of the individual concerned, and *civil liberty*, which is limited by the general will; and we must distinguish also between possession, which is based only on force or 'the right of the first occupant', and *property*, which must rest on a legal title. We might also add that man acquires with civil society, moral freedom, which alone makes man the master of himself; for to be governed by appetite alone is slavery, while obedience to a law one prescribes to oneself is freedom. However, I have already said more than enough on this subject, and the philosophical meaning of the word 'freedom' is no part of my subject here.

## CHAPTER 9 Of Property

EVERY member of the community gives himself to it at the moment it is brought into being just as he is — he himself, with all his resources, including all his goods. This is not to

say that possession by this act changes its nature in changing hands and becomes property in the grasp of the sovereign; but rather, that as the resources of the nation are incomparably greater than those of an individual, public possession is in simple fact more secure and more irrevocable than private possession, without being any more legitimate — at any rate, in the eyes of foreigners; for the state, *vis-à-vis* its own members, becomes master of all their goods by virtue of the social contract, which serves, within the state, as the basis of all other rights; while *vis-à-vis* other nations, the state has only the 'right of the first occupant', which it derives from individuals.

The 'right of the first occupant', although more real than the 'right of the strongest', does not become a true right until the institution of property. Every man has a natural right to what he needs; but the positive act which makes a man the proprietor of any estate excludes him from everything else. His share having once been settled, he must confine himself to it, and he has no further right against the community. Thus we see how 'the right of the first occupant', weak as it is in the state of nature, compels in political society the respect of all men. What this right makes one aware of is less what belongs to others than what does *not* belong to oneself.

As a general rule, to justify the right of the first occupant to any piece of land whatever, the following conditions must obtain: first, that the land shall not already be inhabited by anyone else; secondly, that the claimant occupies no more than he needs for subsistence; thirdly, that he takes possession, not by an idle ceremony, but by actually working and cultivating the soil — the only sign of ownership which need be respected by other people in the absence of a legal title.

It can, indeed, be said that tying 'the right of the first occupant' to need and work is stretching it as far as it will go. Can one really avoid setting limits on the right? Is it enough

to put one's feet on a piece of common land in order to claim it at once as one's own? Is it enough to have the power to keep other men off for one moment in order to deprive them of the right ever to return? How could a man or a people seize a vast territory and keep out the rest of the human race except by a criminal usurpation — since the action would rob the rest of mankind of the shelter and the food that nature has given them all in common? When Nunez Balboa stood on the shore and took possession of the southern seas and of South America in the name of the crown of Castille, was that enough to dispossess all the inhabitants and to exclude all the other princes of the world? If so, such idle ceremonies would have had no end; and the Catholic King might without leaving his royal chamber have taken possession of the whole universe, only excepting afterwards those parts of his empire already belonging to other princes.

We can see how the lands of private persons, when they are united and contiguous, become public territory; and how the right of sovereignty, extending from the subjects to the soil they occupy, covers both property and persons; it makes the owners all the more dependent, and turns their own strength into the guarantee of their fidelity. This advantage seems to have eluded the ancient monarchs, who, in calling themselves simply the King of the Persians or the Scythians or the Macedonians, appear to have regarded themselves rather as rulers of men than as masters of their countries. Monarchs of the present day call themselves more shrewdly the King of France, or of Spain, or of England and so on; in holding thus the land, they are very sure of holding the inhabitants.

What is unique about the alienation entailed by the social contract is that the community in accepting the goods of an individual is far from depriving him of them; on the contrary it simply assures him of their lawful possession; it changes usurpation into valid right and mere enjoyment into legal

ownership. Since every owner is regarded as a trustee of the public property, his rights are respected by every other member of the state, and protected with its collective force against foreigners; men have, by a surrender which is advantageous to the public and still more to themselves, acquired, so to speak, all that they have given up — a paradox which is easily explained by the distinction between the rights which the sovereign has and which the owner has over the same property, as will be seen later.

It may also happen that men begin to unite before they possess anything, and spreading over a territory large enough for them all, proceed to enjoy it in common, or, alternatively, divide it among themselves either equally or in shares determined by the sovereign. In whatever manner this acquisition is made, the right of any individual over his own estate is always subordinate to the right of the community over everything; for without this there would be neither strength in the social bond nor effective force in the exercise of sovereignty.

I shall end this chapter — and Book I — with an observation which might serve as a basis for the whole social system: namely, that the social pact, far from destroying natural equality, substitutes, on the contrary, a moral and lawful equality for whatever physical inequality that nature may have imposed on mankind; so that however unequal in strength and intelligence, men become equal by covenant and by right.\*

\* Under a bad government, this equality is only an appearance and an illusion; it serves only to keep the poor in their wretchedness and sustain the rich in their usurpation. In truth, laws are always useful to those with possessions and harmful to those who have nothing; from which it follows that the social state is advantageous to men only when all possess something and none has too much.

## BOOK II

## CHAPTER I

*That Sovereignty is Inalienable*

THE first and most important consequence of the principles so far established is that the general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve — the common good; for if conflict between private interests has made the setting up of civil societies necessary, harmony between those same interests has made it possible. It is what is common to those different interests which yields the social bond; if there were no point on which separate interests coincided, then society could not conceivably exist. And it is precisely on the basis of this common interest that society must be governed.

My argument, then, is that sovereignty, being nothing other than the exercise of the general will, can never be alienated; and that the sovereign, which is simply a collective being, cannot be represented by anyone but itself — power may be delegated, but the will cannot be.

For indeed while it is not impossible for a private will to coincide with the general will on some point or other, it is impossible for such a coincidence to be regular and enduring; for the private will inclines by its very nature towards partiality, and the general will towards equality. It is even more inconceivable that there could be a guarantee of harmony between the private and the general will, even if it were to continue always, for such lasting harmony would be the result of chance and not of design. The sovereign might say: 'What I want at present is precisely what this man wants, or at least what he says he wants'; but no sovereign could say:

'What this man is going to want tomorrow I too shall want', for it is absurd that anyone should wish to bind himself for the future, and it is a contradiction in terms to say that any human being should wish to consent to something that is the reverse of his own good. If a people promises simply and solely to obey, it dissolves itself by that very pledge; it ceases to be a people; for once there is a master, there is no longer a sovereign, and the body politic is therefore annihilated. This is not to say that the commands of leaders may not pass for the general will if the sovereign, while free to oppose them, does not do so. In such a case the silence of the people permits the assumption that the people consents. This will be explained more fully in a later chapter.

## CHAPTER 2

### *That Sovereignty is Indivisible*

Just as sovereignty is inalienable, it is for the same reason indivisible; for either the will is general\* or it is not; either it is the will of the body of the people, or merely that of a part. In the first case, a declaration of will is an act of sovereignty and constitutes law; in the second case, it is only a declaration of a particular will or an act of administration, it is at best a mere decree.

Nevertheless, our political theorists, unable to divide the principle of sovereignty, divide it in its purpose; they divide it into power and will, divide it, that is, into executive and legislative, into the rights of levying taxation, administering justice and making war, into domestic jurisdiction and the power to deal with foreign governments. Sometimes our theorists confuse all the parts and sometimes they separate

\* For the will to be general, it does not always have to be unanimous; but all the votes must be counted. Any formal exclusion destroys its universality.

them. They make the sovereign a creature of fantasy, a patch-work of separate pieces, rather as if they were to construct a man of several bodies — one with eyes, one with legs, the other with feet and nothing else. It is said that Japanese mountebanks can cut up a child under the eyes of spectators, throw the different parts into the air, and then make the child come down, alive and all of a piece. This is more or less the trick that our political theorists perform — after dismembering the social body with a sleight of hand worthy of the fairground, they put the pieces together again anyhow.

The mistake comes from having no precise notion of what sovereign authority is, and from taking mere manifestations of authority for parts of the authority itself. For instance, the acts of declaring war and making peace have been regarded as acts of sovereignty, which they are not; for neither of these acts constitutes a *law*, but only an application of law, a particular act which determines how the law shall be interpreted — and all this will be obvious as soon as I have defined the idea which attaches to the word 'law'.

If we were to scrutinize in the same way the other supposed divisions of sovereignty, we should find that whenever we thought that sovereignty was divided, we had been mistaken, for the rights which are taken to be part of that sovereignty prove in fact to be subordinate to it, and presuppose the existence of a supreme will which they merely serve to put into effect.

This want of precision has obfuscated immeasurably the conclusions of our legal theorists when they have come to apply their own principles to determine the respective rights of kings and of peoples. Every reader of the third and fourth chapters of the first book of Grotius can see how that learned man and his translator, Barbeyrac, are trapped in their own sophisms, frightened of saying either too much or alternatively too little (according to their prejudices) and so