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BOOK I



I WANT TO INQUIRE whether there can be any legitimate and reliable rule of administration in the civil order, taking men as they are and laws as they can be. In this inquiry I will always try to join what right permits with what interest prescribes, so that justice and utility are not always at odds.

I begin my discussion without proving the importance of my subject. I will be asked whether I am a prince or lawgiver given that I am writing about politics. I reply that I am not, and that it is for this very reason that I write about politics. If I were a prince or a lawgiver, I would not waste my time saying what needs to be done; I would do it, or I would remain silent.

Born a citizen of a free state, and a member of the sovereign, the right to vote there is enough to impose on me the duty to learn about public affairs, regardless of how weak the influence of my voice on them may be. How happy I am, every time I meditate about governments, always to find in my research new reasons to love that of my country!

CHAPTER I

Subject of this First Book

Man is born free, and everywhere he is in chains.⁵ He who believes himself the master of others fails not to be a greater slave than they. How did this change

5. Two points regarding translation should be noted. First, "man" translates *homme*, which can mean either "man" (that is, a human being of the male sex) or "human being" (applying to both sexes). While it is tempting to translate *homme* as "human being," it is arguable that Rousseau's usage of the word is often not gender-neutral and so the word will be consistently translated as "man" (or "men" in the plural) throughout.

Second, the phrase "Man is born free . . ." (*L'homme est né libre . . .*) could also be translated in the past tense: "Man was born free. . . ." The grammatical structure in French is ambiguous, and Rousseau is perhaps intentionally ambiguous here. On the one hand, if he is using the past tense here, he may be pointing to his account in the *Discourse on Inequality* of the historical emergence of humans from the state of nature into society

come about? I do not know. What can make it legitimate? I do believe I can resolve that issue.

If I were to consider only force and the effect that derives from it, I would say: as long as a people is compelled to obey and does obey, it does well; as soon as it can shake off the yoke and does shake it off, it does even better. For in recovering its freedom by the same right used to rob it of its freedom, either the people is justified in taking it back or those who took it away from it were not justified in doing so. But the social order is a sacred right that serves as the basis for all the others. Yet this right does not come from nature; it is therefore founded on conventions.⁶ It is a question of knowing what these conventions are. Before coming to that, I should establish what I have just put forward.

CHAPTER 2

On the First Societies

The most ancient of all societies and the only natural one is that of the family. Still, children remain bound to the father only as long as they need him to preserve themselves. As soon as this need ceases, the natural bond dissolves. The children, exempt from the obedience they owed the father, and the father, exempt from the care he owed the children, all equally return to independence. If they continue to remain united, it is no longer so naturally but rather voluntarily, and the family itself is maintained only by convention.

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

The family is therefore, if you will, the first model of political societies. The leader⁷ is the image of the father, the people is the image of the children, and since all are born equal and free, they alienate their freedom only for the sake

and eventually into political associations. On the other hand, if he is using the present tense, perhaps thereby setting aside any historical account of this transformation, he is making a claim about the natural freedom of human beings in a moral or legal sense. In this light, compare John Locke, *Second Treatise of Government* (1690), 1.2.4: "To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is, a state of perfect freedom . . ." (emphasis supplied).

6. "Conventions" here and elsewhere in this work refers to formal agreements such as the social contract itself. Such agreements are also "conventional" in the sense of being non-natural.

7. "Leader" translates *chef*, which might also be translated "chief." The French term *chef* has a number of applications and can be used with regard to the "chief" or "head" of a political or business organization (hence the head of a restaurant kitchen is a "chef"). Although the English term "leader" has a somewhat more democratic connotation than the French term *chef*, especially in Rousseau's time, the term has been translated as "leader" when used with regard to politics.

of their utility. The entire difference is that in the family the father's love for his children rewards him for the care he provides them, whereas in the state the pleasure of commanding takes the place of this love, which the leader does not have for his peoples.

Grotius denies that all human power is established for the benefit of those who are governed. He cites slavery as an example.⁸ His most persistent mode of reasoning is always to establish right by fact.* A more consistent method could be used, but not one more favorable to tyrants.

It is therefore doubtful, according to Grotius, whether the human race belongs to a hundred men, or whether those hundred men belong to the human race, and throughout his book he appears to incline to the former view. This is also Hobbes' opinion.¹⁰ So behold the human race divided into herds of cattle, each of which has its leader who tends it in order to devour it.

As a shepherd is of a superior nature to that of his herd, so shepherds of men—who are their leaders—are also of a nature superior to that of their peoples. So reasoned the Emperor Caligula, according to Philo's account, concluding rightly enough from this analogy that kings were gods or that peoples were beasts.¹¹

* "Learned research into public right is often merely the history of ancient abuses, and those who have taken the trouble to study it too closely have done so with a wrongheaded obstinence." *Treatise on the Interests of France with its Neighbors*, by M. le Marquis d'Argenson (printed by Rey in Amsterdam). This is precisely what Grotius has done.⁹

8. See Grotius, *The Rights of War and Peace* (1625), 1.3.8, vol. 1:260–61: "And here we must first reject their opinion, who will have the supreme power to be always, and without exception, in the people; so that they may restrain or punish their kings, as often as they abuse their power. What mischiefs this opinion has occasioned, and may yet occasion, if once the minds of people are fully possessed with it, every wise man sees. I shall refute it with these arguments. It is lawful for any man to engage himself as a slave to whom he pleases. . . . Why should not it therefore be as lawful for a people that are at their own disposal, to deliver themselves up to any one or more persons, and transfer the right of governing them upon him or them, without reserving any share of that right themselves?"

9. René-Louis de Voyer de Paulmy, marquis d'Argenson, *Considérations sur le gouvernement ancien et présent de la France* (Amsterdam, 1764). At the time of the original publication of the *Social Contract* in 1762, d'Argenson's work existed only in manuscript under the title Rousseau cites in the text. In the first edition of the *Social Contract* Rousseau indicated d'Argenson's name only by the initials "M. L. M. d'A." D'Argenson's *Considérations* was published in 1764 by Marc-Michel Rey, with the passage Rousseau quotes on p. 13.

10. See Hobbes, *Leviathan* (1651), chap. 17, pp. 109–10: "The attaining to this sovereign power is by two ways. One, by natural force, as when a man maketh his children to submit themselves and their children to his government, as being able to destroy them if they refuse, or by war subdueth his enemies to his will, giving them their lives on that condition. The other is when men agree amongst themselves to submit to some man, or assembly of men, voluntarily. . . ."

11. See Philo of Alexandria *On the Embassy to Caius* (or *Gaius*) 11.76: "for as the curators of the herds of other animals, namely cowherds, and goatherds, and shepherds, are neither oxen nor goats, nor sheep, but men who have received a more excellent portion, and a more admirable formation of mind and body; so in the same manner, said he, is it fitting that I who am the leader of the most excellent of all herds, namely, the race of mankind, should be considered as a being of a superior nature, and not merely human, but as one who has received a greater and more holy portion" (trans. Charles Duke Yonge [London: Bohm, 1854–90]).

Caligula's reasoning amounts to that of Hobbes and Grotius. Before any of them, Aristotle had also said that men are not naturally equal, but that some are born for slavery and others for domination.¹²

Aristotle was right, but he mistook the effect for the cause. Every man born in slavery is born for slavery—nothing is more certain. Slaves lose everything in their chains, even the desire to leave them. They love their servitude just as Ulysses' companions loved their brutishness.* If there are slaves by nature, then, it is because there have been slaves contrary to nature. Force made the first slaves, their cowardice perpetuated them.

I have said nothing about King Adam, nor about Emperor Noah, father of the three great monarchs who divided up the universe amongst themselves, as did Saturn's children, with whom they have been identified.¹⁴ I hope that this moderation of mine will be appreciated, for since I am directly descended from one of these princes, and perhaps from the eldest branch, how am I to know whether, upon the verification of titles, I might not find out that I am the legitimate king of the human race? Be that as it may, it cannot be denied that Adam was sovereign of the world just like Robinson was of his island, as long as he was its sole inhabitant.¹⁵ And what made this empire convenient was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.

CHAPTER 3

On the Right of the Stronger

The stronger is never strong enough to be forever the master unless he transforms his force into right and obedience into duty. Hence the right of the stronger—a right seemingly understood ironically, and in actuality established as a principle. But will this word ever be explained to us? Force is a

* See a short treatise by Plutarch entitled *That Animals Use Reason*.¹³

12. See Aristotle *Politics* 1.3–6.

13. This work is a brief dialogue between Ulysses and Circe, who had turned Ulysses' men into pigs (see Homer *Odyssey* 10), and then between Ulysses and Gryllus, in which they discuss whether animals use reason.

14. Rousseau alludes to the patriarchal theory most prominently associated with Sir Robert Filmer, who argued in his *Patriarcha* (composed in the 1630s or 1640s and published in 1680) that political authority is inherited through descent from Adam. John Locke wrote his *Two Treatises of Government* (1690), and especially the *First Treatise*, against Filmer's theory, as did Algernon Sidney in his *Discourses Concerning Government* (1698).

15. Rousseau refers to Robinson Crusoe from Daniel Defoe's *Robinson Crusoe* (1719).

physical power. I do not see what morality can result from its effects. To yield to force is an act of necessity, not of will; it is at most an act of prudence. In what sense could it be a duty?

Let us assume this alleged right for a moment. I say that only inexplicable gibberish results. For once force makes right, the effect changes along with the cause. Any force that overcomes the first one succeeds to its right. Once one can disobey with impunity, one can do so legitimately, and because the stronger is always right, it is merely a matter of making it so that one is the stronger. Yet what is a right that perishes when force ceases? If one must obey due to force, there is no need to obey due to duty, and if one is no longer forced to obey, one is no longer obligated to do so. It is clear, therefore, that this word "right" adds nothing to force. It means nothing at all here.

Obeys the powers that be.¹⁶ If this is supposed to mean, "yield to force," the precept is good, but superfluous. I say that it will never be violated. All power comes from God, I admit it; but all illness¹⁷ comes from him as well. Does this mean it is forbidden to call the doctor? A brigand takes me by surprise at the edge of a wood: must I not only give him my purse through force, but, even if I could withhold it, am I obligated in conscience to give it? For, after all, the pistol he is holding is also a power.

Let us agree, therefore, that force does not make right, and that one is obligated to obey only legitimate powers. Thus my original question still stands.

CHAPTER 4

On Slavery

Because no man has any natural authority over his fellow human,¹⁸ and because force produces no right, conventions remain as the only basis of all legitimate authority among men.

If a private individual, states Grotius, can alienate his freedom and enslave himself to a master, why can't a people alienate its freedom and subject itself to a king?¹⁹ There are quite a few equivocal words here that need explaining, but let us limit ourselves to the word *alienate*. To alienate is to give or to sell. Now, a man who makes himself a slave to another does not give himself,

16. See Romans 13:1.

17. "Illness" translates *mal*, which could also be translated "ill" or "evil."

18. "Fellow human" translates *semblable*. Although the term generally refers to one's fellow humans, it has the root sense of "like" or "similar" and so can also have the more extended sense of beings who are recognized as similar to oneself. See n. 21 (p. 54) of the *Discourse on Inequality*.

19. Grotius, *The Rights of War and Peace* (1625), 1.3.8. See n. 8 (p. 165) above.

he sells himself, at the very least for his subsistence. But a people: why does it sell itself? Far from a king furnishing his subjects with their subsistence, he derives his own from them alone, and according to Rabelais a king does not live cheaply.²⁰ Do the subjects therefore give their persons on the condition that their goods will be taken as well? I do not see what they have left to preserve.

The despot, it will be said, ensures civil tranquility for his subjects. Perhaps. But what do they gain from it if the wars his ambition brings on them, if his insatiable greed, if harassment by his administration cause them more distress than their own dissensions would have? What do they gain from it if this very tranquility is one of their woes? Life is tranquil in dungeons as well; is that enough to find them good? The Greeks closed up in the Cyclops's cave lived there tranquilly while awaiting their turn to be devoured.

To say a man gives himself gratuitously is to say something absurd and inconceivable. Such an act is illegitimate and null, if only because whoever does so is not in his right mind. To say the same thing of a whole people is to assume a people of madmen. Madness does not make right.

Even if each person could alienate himself, he could not alienate his children. They are born men and free. Their freedom belongs to them, and no one but they themselves has a right to dispose of it. Before they have attained the age of reason, the father can in their name stipulate the conditions for their preservation, for their well-being, but he cannot give them irrevocably and unconditionally, for such a gift is contrary to the ends of nature and exceeds the rights of paternity. For an arbitrary government to be legitimate, therefore, the people at each generation would have to be the master of accepting or rejecting it. But then this government would no longer be arbitrary.

To renounce one's freedom is to renounce one's quality as a man, the rights of humanity, even its duties. There is no possible compensation for someone who renounces everything. Such a renunciation is incompatible with man's nature, and to deprive his will of all freedom is to deprive his actions of all morality. Finally, a convention that stipulates absolute authority for one party and unlimited obedience for the other is vain and contradictory. Isn't it clear that one is in no way bound to someone from whom one has a right to demand everything, and that this condition alone—without any equivalence, without any reciprocity—entails the nullification of the act? For what right would my slave

have against me, because everything he has belongs to me and because, since his right is mine, this right of me against myself is a meaningless expression?

Grotius and the others derive another origin of the alleged right of slavery from war. Since the victor, according to them, has the right to kill the vanquished, the vanquished can buy back his life at the cost of his freedom—a convention all the more legitimate as it works to the profit of both.²¹

But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Men are not naturally enemies if only because when they live in their primitive independence they do not have a stable enough relationship among themselves to constitute either a state of peace or a state of war. It is the relationship between things and not between men that constitutes war, and since the state of war cannot arise from simple personal relations but only from property relations, private war, or war between one man and another, can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of the laws.

Individual combats, duels, occasional conflicts are acts that do not constitute a state; and as for private wars, authorized by the ordinances of Louis IX, King of France and suspended by the Peace of God,²² these are abuses of feudal government, an absurd system if there ever was one, contrary to the principles of natural right and to all good policy.

War is therefore not a relation between one man and another, but a relation between one state and another, in which private individuals are enemies only by accident—not as men, nor even as citizens,* but as soldiers; not as members of the fatherland,²³ but as its defenders. Finally, each state can have

* The Romans, who understood and respected the right of war better than any nation in the world, were so very scrupulous in this regard that a citizen was not allowed to serve as a volunteer without his having expressly enlisted against the enemy, and against that particular enemy by name. When a legion in which the younger Cato was serving for the first time under Popilius had been reorganized, Cato the Elder wrote to Popilius that if he wanted his son to continue serving under him, he would have to have him take a new military

21. Grotius, *The Rights of War and Peace* (1625), 1.3.8.

22. Louis IX of France eliminated various legal prohibitions against dueling in 1258. The "Peace of God," or *Pax Dei*, was a proclamation by the Church that granted immunity from violence to various classes of noncombatants.

23. "Fatherland" translates *patrie*. *Patrie* might also be translated "country," in the sense of the phrase "love of country," hence "patriotism." However, aside from the fact that "country" also translates *pays*, which does not have the strong political sense of *patrie*, Rousseau argues that modern peoples can have a "country" (*pays*) without having a true "fatherland" (*patrie*). Although the term "fatherland" in contemporary English often has a pejorative sense stemming from the nationalist movements and wars of the twentieth century, *patrie* will be translated as "fatherland" throughout.

20. François Rabelais's work *Gargantua and Pantagruel* (published c. 1532–64) tells the extravagant stories of two giant kings, lampooning various religious and political institutions of his time.

as enemies only other states and not men, inasmuch as no true relationship can be established between things of different natures.

This principle even conforms to the established maxims of all ages and to the constant practice of all civilized peoples. Declarations of war are less warnings to those in power than to their subjects. A foreigner—whether king, or individual, or people—who robs, kills, or detains subjects without declaring war on their prince is not an enemy, he is a brigand. Even in the midst of war, a just prince may well take possession of everything in enemy territory that belongs to the public, but he respects the person and goods of private individuals. He respects the rights on which his own are founded. Since the aim of war is the destruction of the enemy state, one has a right to kill its defenders as long as they bear arms. But as soon as they lay down their arms and surrender, since they thereby cease to be enemies or the enemy's instruments, they once again become simply men and one no longer has a right over their lives. Sometimes a state can be killed without killing a single one of its members. Yet war gives no right that is not necessary to its aim. These principles are not those of Grotius; they are not founded on the authority of poets; rather, they derive from the nature of things, and are founded on reason.

With regard to the right of conquest, it has no other foundation than the law of the stronger. If war does not give the victor the right to massacre the vanquished peoples, this right he does not have cannot be the foundation of that of enslaving them. One has the right to kill the enemy only when one cannot make him a slave. The right to make him a slave therefore does not come from the right to kill him. It is therefore an iniquitous exchange to make him buy his life, over which he does not have any right, at the cost of his freedom. 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, isn't it clear that one falls into a vicious circle?

Even assuming this terrible right to kill everyone, I say that a slave made

oath because, the first one being annulled, he could no longer bear arms against the enemy. And the same Cato wrote to his son to be careful not to appear in battle without having taken this new oath.²⁴ I know that the siege of Clusium and other specific facts could be raised in objection to me, but, as for me, I cite laws, practices. The Romans are the people who least often transgressed their laws, and they are the only one who had such fine ones.

24. The story is taken from Cicero *On Duties* 1.11.36. The "younger Cato" in question here is not the better-known "Cato the Younger," the Roman statesman who lived during the period of the fall of the Roman Republic, but rather the son of Marcus Porcius Cato or "Cato the Elder" (234–149 BC), the famously upright Roman statesman and censor.

such through war, or a conquered people, is in no way committed to his master, except to obey him insofar as he is forced to do so. In taking the equivalent of his life, the victor has not spared it. Instead of killing him uselessly, he has killed him usefully. Far from having acquired over him any authority joined to force, therefore, the state of war persists between them as it did beforehand, their relation itself is its effect, and the customs of the right of war presuppose that there has not been any peace treaty. They have made a convention. Perhaps. But this convention, far from destroying the state of war, presupposes its continuation.

Thus, from whatever vantage point one looks at things, the right of slavery is null and void, not only 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 said with reference to one man and another, or one man and a people, the following speech will always be equally absurd: *I am making an agreement²⁵ with you entirely at your expense and entirely to my benefit, which I will observe so long as I please and which you will observe so long as I please.*

CHAPTER 5

That It Is Always Necessary to Go Back to a First Convention

Even if I were to grant everything I have refuted so far, the champions of despotism would be no better off for it. There will always be a great difference between subjecting a multitude and leading a society. If scattered men, regardless of how many of them there may be, were successively enslaved to a single person, I see there nothing 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 public good nor body politic. That man, even if he had enslaved half the world, is still merely a private individual. His interest, being separate from that of the others, is still merely a private interest. If this same man happens to die, his empire is left behind scattered and without a bond, like an oak tree that dissolves and collapses into a heap of ashes after fire has consumed it.

A people, states Grotius, can give itself to a king.²⁶ According to Grotius, then, a people is a people before giving itself to a king. This very gift is a civil act; it presupposes a public deliberation. Before examining the act by which a people elects a king, therefore, it would be good to examine the act by which a

25. "Agreement" here translates *convention*, which is elsewhere translated "convention."

26. Grotius, *The Rights of War and Peace* (1625), 1.3.8.

people is a people. For this act, being necessarily prior to the other, is the true foundation of society.

Indeed, if there were no prior convention, unless the election were unanimous, wherein lies the obligation for the minority to submit itself to the choice of the majority, and where do one hundred people who want a master get the right to vote on behalf of ten who do not want one? The law of majority rule is itself established by convention and presupposes unanimity at least once.

CHAPTER 6

On the Social Compact

I assume that men have reached that point where the obstacles that interfere with their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state. Then that primitive state can no longer persist, and the human race would perish if it did not change its manner of being.

Now, as men cannot engender new forces, but merely unite and direct those that exist, they have no other means for preserving themselves than to form, by aggregation, a sum of forces that might prevail over the resistance, to set them in motion by a single impetus, and to make them act in concert.

This sum of forces can arise only from the cooperation of many. But since each man's force and freedom are the primary instruments of his self-preservation, how can he commit them without harming himself and without neglecting the care he owes himself? This difficulty, as it pertains to my subject, can be expressed in the following terms:

"How to find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each, uniting with all, nonetheless obeys only himself and remains as free as before?" Such is the fundamental problem to which the social contract provides the solution.

The clauses of this contract are so completely determined by the nature of the act that the slightest modification would render them null and void. As a result, although they may never have been formally enunciated, they are everywhere the same, everywhere tacitly acknowledged and recognized; they are such until that point when, the social compact having been violated, each person recovers his first rights and regains his natural freedom while losing the conventional freedom for which he renounced it.

These clauses, properly understood, all come down to a single one, namely the total alienation of each associate with all his rights to the whole commu-

nity. For, in the first place, since each gives himself entirely, the condition is equal for all, and since the condition is equal for all, no one has an interest in making it burdensome for the others.

Moreover, since the alienation is made without reservation, the union is as complete as it can be and no associate has anything further to claim. For if any rights were left to private individuals, as there would be no common superior that could judge between them and the public, each person, being his own judge concerning some issue, would soon claim to be so concerning all of them: the state of nature would persist and the association would necessarily become tyrannical or vain.

Finally, since each gives himself to all, he gives himself to no one, and as there is no associate over whom he does not acquire the same right that he grants him over himself, he gains the equivalent of everything he loses and more force to preserve what he has.

If, then, everything that is not of the essence of the social compact is set aside, it will be found that it comes down 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 as a body we receive each member as an indivisible part of the whole.*

Instantly, in place of the particular person of each contracting party, this act of association produces a moral and collective body made up 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 thus formed by the union of all the others formerly took the name *city*,* and now takes that

* The true meaning of this word has almost entirely vanished among the moderns. Most of them mistake a town for a city and a bourgeois for a citizen.²⁷ They do not know that houses make the town but that citizens make the city. This same error once cost the Carthaginians dearly. I have not read anywhere that the subjects of a prince have ever been given the title *cives*, not even the Macedonians in ancient times nor, in our days, the English, even though they are closer to freedom than all the others. The French alone colloquially use this name *citizens* because they have no genuine idea of its meaning, as can be seen from their dictionaries. Otherwise, they would be committing the crime of high treason in usurping it: for them, this name expresses a virtue and not a right. When Bodin wanted to speak of our citizens and bourgeois, he made a gross blunder by mistaking the one for the other.²⁸ M. d'Alembert did not make such a mistake, and in his article *Genève* he has correctly distinguished the four orders of men (even five, counting simple foreigners) in our town, and only two of which make up the republic.²⁹ No other French author that I know of has understood the true meaning of the word *citizen*.

27. "Town" translates *ville*, which could also be translated "city," and "city" translates *cité*. Rousseau's point here about the true meaning of a city and a citizen would be lost if *ville* were translated "city," and so *ville* has therefore been translated as "town" in this context.

28. See Jean Bodin, *Six Books of the Commonwealth* (1576), 1.6.

29. See Jean le Rond d'Alembert's article "Genève" in the *Encyclopédie* (1757), vol. 7.

of *republic* or of *body politic*, which is called *state* by its members when it is passive, *sovereign* when it is active, *power* when comparing it to similar bodies. With regard to the associates, they collectively take the name *people*, and individually they are called *citizens* as participants in the sovereign authority, and *subjects* as subject to the laws of the state. But these terms are often confused and are mistaken for one another. It is enough to know how to distinguish them when they are used with complete precision.

CHAPTER 7

On the Sovereign

This formulation shows that the act of association encompasses a reciprocal commitment of the public with private individuals, and that each individual, in contracting with himself finds himself, so to speak, engaged in a double relation: namely, as a member of the sovereign toward private individuals, and as a member of the state toward the sovereign. But the maxim of civil right that no one is bound to commitments toward himself cannot be applied in this case, for there is a great difference between being obligated toward oneself and toward a whole of which one is a part.

It must be noted as well that public deliberation, which can obligate all the subjects toward the sovereign—due to the two different relations in terms of which each of the subjects is considered—cannot, for the opposite reason, obligate the sovereign toward itself, and that, consequently, it is contrary to the nature of the body politic for the sovereign to impose a law on itself it cannot break. Since the sovereign can consider itself only under one and the same relation, it is then in the situation of a private individual contracting with himself. It is clear from this that there is not—nor can there be—any type of fundamental law that is obligatory for the body of the people, not even the social contract. This does not mean that this body could not perfectly well enter into a commitment with others regarding anything that does not go against this contract. For with regard to a foreigner, it becomes a simple being, an individual.

But since the body politic or the sovereign derives its being solely from the sanctity of the contract, it can never obligate itself, even toward another, with regard to anything that goes against that original act, such as alienating any part of itself or subjecting itself to another sovereign. To violate the act by which it exists would be to annihilate itself, and whatever is nothing produces nothing.

As soon as this multitude is thus united in one body, none of its members can be harmed without attacking the body, and still less can the body be harmed

without its members feeling the effects. Thus duty and interest alike obligate the two contracting parties to help one another, and these same men should endeavor to combine in this double relation all the advantages which depend on it.

Now, since the sovereign is formed solely of the private individuals who make it up, it does not have—and cannot have—any interest contrary to theirs. Consequently, the sovereign power has no need of a guarantor toward the subjects, because it is impossible for the body to want to harm all its members, and we will see below that it cannot harm any of them individually. The sovereign, by the very fact of what it is, is always all that it ought to be.

But this is not so for the subjects in relation to the sovereign: despite their common interest, nothing would vouch for the subjects' commitments unless the sovereign found some means to be assured of their fidelity.

Indeed, each individual can, as a man, have a particular will contrary to or differing from the general will he has as a citizen. His particular interest can speak to him entirely differently than the common interest. His absolute and naturally independent existence can lead him to view what he owes to 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 considering the moral person that constitutes the state merely as a being produced by reason because it is not a man, he would enjoy the rights of a citizen without being willing to fulfill the duties of a subject—an injustice whose spread would cause the ruin of the body politic.

Therefore, in order for the social compact not to be an empty formality, it tacitly encompasses the following commitment, which alone can give force to the rest: that whoever refuses to obey the general will be constrained to do so by the whole body, which means nothing else but that he will be forced to be free. For such is the condition that, by giving each citizen to the fatherland, guarantees him against all personal dependence—a condition that makes for the ingenuity and the functioning of the political machine and that alone makes legitimate civil engagements which would otherwise be absurd, tyrannical, and liable to the most enormous abuses.

CHAPTER 8

On the Civil State

This transition from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct and by giving his actions the morality they previously lacked. Only then, when