

PLEASE READ BEFORE PRINTING!

PRINTING AND VIEWING ELECTRONIC RESERVES



Printing tips:

- To reduce printing errors, **check the “Print as Image” box**, under the “Advanced” printing options.
- To print, **select the “printer” button** on the Acrobat Reader toolbar. **DO NOT print using “File>Print...”** in the browser menu.
- If an article has multiple parts, print out only **one part at a time**.
- If you experience difficulty printing, come to the Reserve desk at the Main or Science Library. Please provide the location, the course and document being accessed, the time, and a description of the problem or error message.
- For patrons off campus, please email or call with the information above:

Main Library: mainresv@uga.edu or 706-542-3256 Science Library: sciresv@uga.edu or 706-542-4535



Viewing tips:

- **The image may take a moment to load.** Please scroll down or use the page down arrow keys to begin viewing this document.
- Use the **“zoom”** function to increase the size and legibility of the document on the screen. The “zoom” function is accessed by selecting the **“magnifying glass”** button on the Acrobat Reader toolbar.

NOTICE CONCERNING COPYRIGHT

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproduction of copyrighted material.

Section 107, the “Fair Use” clause of this law, states that under certain conditions one may reproduce copyrighted material for criticism, comment, teaching and classroom use, scholarship, or research without violating the copyright of this material. Such use must be non-commercial in nature and must not impact the market for or value of the copyrighted work.

Electronic Reserves materials are connected to an instructor’s reserve list. By accessing this password protected document, you are verifying that you are enrolled in this course and are using this document for coursework.

The complete text of the U.S. copyright law is on Reserve at both the Main Library and Science Library Reserve Desks.

CHAPTER 12

How Sovereign Authority Is Maintained

Since the sovereign has no force other than the legislative power, it acts only through the laws, and since the laws are simply the authentic acts of the general will, the sovereign can act only when the people is assembled. "The people assembled!" it will be said, "What a chimera!" This is a chimera today, but it was not so two thousand years ago. Have men changed their nature?

The limits of the possible in moral matters are less narrow than we think. It is our weaknesses, our vices, our prejudices that contract them. Base souls do not believe in great men; vile slaves smile mockingly at the word freedom.

Let us consider what can be done by what has been done. I will not speak of the ancient republics of Greece, but the Roman Republic was, it seems to me, a large state and the city of Rome a large city. The last census accorded Rome four hundred thousand citizens bearing arms, and the last enumeration of the Empire more than four million citizens, not counting subjects, foreigners, women, children, slaves.

What difficulty is there that might not be imagined about frequently assembling the immense populace of that capital and its environs? Yet few weeks went by without the Roman people being assembled, and even several times. Not only did it exercise the rights of sovereignty, but a portion of those of government as well. It dealt with some business, it judged some cases, and at the public square this entire people was magistrate nearly as often as citizen.

By going back to the earliest times of nations, one would find that most ancient governments, even monarchical ones such as those of the Macedonians and Franks, had similar councils. Be that as it may, this single indisputable fact answers all the difficulties: the inference from what exists to what is possible appears sound to me.

CHAPTER 13

Continued

It is not enough for the assembled people to have once and for all settled the state's constitution by giving sanction to a body of laws. It is not enough for it to have established a perpetual government or to have provided, once and for all, for the election of magistrates. Aside from extraordinary assemblies which unforeseen circumstances might demand, there must be regular and periodic ones that nothing can abolish or prorogue, so that on the designated day the

people is legitimately convened by the law without needing any further formal convocation.

But except for these assemblies, lawful by their date alone, any assembly of the people that has not been convened by the magistrates appointed for that purpose and in accordance with the prescribed forms ought to be held to be illegitimate and everything done there as null and void because the order to assemble itself ought to emanate from the law.

As for the frequency of the meeting of legitimate assemblies, this depends on so many considerations that precise rules cannot be given on that point. It can only be said that in general the more force the government has, the more frequently ought the sovereign assert itself.

This, I will be told, may be good for a single town,⁸² but what is to be done when the state includes several of them? Is the sovereign authority to be shared, or should it rather be concentrated in a single town and all the rest subjected to it?

I reply that neither should be done. First, the sovereign authority is simple and single, and it cannot be divided without destroying it. In the second place, a town no more than a nation can be legitimately subjected to another, because the essence of the body politic consists in the agreement between obedience and freedom, and because the words *subject* and *sovereign* are identical correlatives whose concept is combined in the single word "citizen."

I further reply that it is always an evil to unite several towns into a single city, and that anyone wanting to create this union should not flatter himself with having avoided the natural drawbacks. The abuses of large states must not be urged as an objection against someone who wants only small ones. But how are small states to be given enough force to resist large ones? Just like the Greek towns in times past resisted the Great King, and more recently just like Holland and Switzerland resisted the House of Austria.⁸³

Nonetheless, if the state cannot be limited to proper bounds, one resource still remains. It is to not allow a capital, to have the seat of government alter-

82. "Town" translates *ville*, which could also be translated "city." In this context, however, Rousseau will also use the term *cit *, which has been translated "city." See I.6 and n. 27 to p. 173.

83. I.e., through confederation. The Greek city-states allied under the leadership of Athens and Sparta and successfully resisted the Persians ("the Great King") during the fifth century BC. The Dutch provinces under the leadership of Holland successfully revolted against Habsburg rule ("the House of Austria") during the latter part of the sixteenth and beginning of the seventeenth centuries. The Swiss Confederation expanded and consolidated its power through victories over the Habsburgs during the fifteenth century.

nately located in each town, and also to convene the country's estates in each of them by turn.

Populate the territory evenly, extend the same rights throughout, spread abundance and life throughout it—this is how the state will become simultaneously the strongest and the best governed as possible. Remember that the walls of towns are only built with the wreckage of farmhouses. In every palace I see rise in the capital, I believe I see an entire countryside reduced to hovels.

CHAPTER 14

Continued

The moment the people is legitimately assembled as a sovereign body, the entire jurisdiction of the government ceases, the executive power is suspended, and the person of the humblest citizen is as sacred and inviolable as that of the first magistrate, because where the represented is present, there is no longer a representative. Most of the tumults which arose in Rome in the comitia came from having been ignorant of that rule or having neglected it. Then the consuls were only the presiding officers of the people, the tribunes mere speakers,* the senate was nothing at all.

These intervals of suspension, during which the prince recognizes or should recognize the presence of a superior, have always been threatening to it, and these assemblies of the people, which are the aegis of the body politic and the curb on government, have in all times been an object of dread for leaders. As such, they never spare efforts, or objections, or difficulties, or promises to deter the citizens from having them. When the latter are greedy, cowardly, pusillanimous, more enamored with tranquility than freedom, they do not hold out for long against the redoubled efforts of the government. This is how, with the force of resistance constantly increasing, the sovereign authority ultimately vanishes, and how most cities fall and perish before their time.

But an intermediate power is sometimes introduced between sovereign authority and government which has to be discussed.

CHAPTER 15

On Deputies or Representatives

As soon as public service ceases to be the principal business of citizens, and as soon as they prefer to serve with their pocketbooks rather than with their per-

* Approximately in the sense given to this term in the English Parliament. The similarity between these functions would have led to conflict between the consuls and the tribunes, even had all jurisdiction been suspended.

sons, the state is already close to its ruin. Must they march into battle? They pay troops and stay home. Must they attend the council? They name deputies and stay home. By dint of laziness and money they eventually have soldiers to enslave the fatherland and representatives to sell it.

It is the hustle and bustle of commerce and the arts, it is the avid interest in gain, it is the softness and love of comforts, that transform personal services into money. One gives up a portion of one's profit to increase it at one's leisure. Give money, and soon you will have chains. This word *finance* is a slave's word; it is unknown in the city. In a truly free state the citizens do everything with their hands and nothing with money. Far from paying to exempt themselves from their duties, they would pay to fulfill them themselves. I am quite far from commonly held notions. I believe that *corvées* are less contrary to freedom than taxes.

The better constituted the state, the more public affairs prevail over private ones in the citizens' minds. There are even far fewer private affairs, because, since the sum of the common happiness contributes a more considerable share of the happiness to each individual, he needs to seek less of it through his own pursuits. In a well-run city each person flies to the assemblies. Under a bad government no one likes to take a step to go to them, because no one takes an interest in what is done there, because they foresee that the general will won't predominate there, and, finally, because domestic concerns are all-consuming. Good laws lead to making better ones, bad laws bring about worse ones. As soon as someone says, *What do I care?* about the affairs of state, the state should be regarded as lost.

The cooling of the love of the fatherland, the activity of private interest, the immensity of states, conquests, the abuse of the government have led people to devise the measure of using deputies or representatives of the people in the nation's assemblies. This is what people in certain countries dare to call the Third Estate. Thus, the particular interest of two orders is assigned first and second place, and the public interest only the third.

Sovereignty cannot be represented for the same reason that it cannot be alienated. It consists of its essence in the general will, and the will cannot be represented. Either it is the same or it is different—there is no middle ground. The people's deputies therefore are not, nor can they be, its representatives. They are merely its agents. They cannot conclude anything definitively. Any law the people has not ratified in person is null and void. It is not a law. The English people thinks it is free; it is greatly mistaken. It is so only during the election of members of Parliament; as soon as they are elected, it is a slave, it

is nothing. Given the use it makes of its freedom in the brief moments it has it, it certainly deserves losing it.

The idea of representatives is modern. It comes to us from feudal government—from that iniquitous and absurd government in which the human species is degraded and in which the name of man is dishonored. Among the ancient republics and even among monarchies, never did the people have representatives. That very word was unknown. It is quite striking that in Rome, where the tribunes were so sacred, no one even imagined that they might usurp the functions of the people, and that, amidst such a great multitude, they never attempted to pass a single plebiscite on their authority alone. Yet the trouble the crowd sometimes caused may be judged by what happened at the time of the Gracchi, when a portion of the citizens voted from the rooftops.⁸⁴

Where right and freedom are everything, inconveniences are nothing. Among this wise people everything was given its proper due. It allowed its lictors to do what its tribunes would not have dared to do. It did not fear that its lictors would want to represent it.

In order to explain how the tribunes sometimes did represent it, however, it is enough to understand how the government represents the sovereign. Since law is nothing but the declaration of the general will, it is clear that the people cannot be represented in its legislative power, but it can and must be represented in its executive power, which is nothing but force applied to law. This makes it clear that, on proper examination, very few nations would be found to have laws. Be that as it may, it is certain that the tribunes, since they did not possess any portion of the executive power, could never represent the Roman people by the rights of their office, but only by usurping those of the senate.

Among the Greeks, everything the people had to do it did by itself. It was constantly assembled in the public square. It inhabited a mild climate, it was not greedy, slaves did its work, its chief business was its freedom. No longer having the same advantages, how are the same rights to be preserved? Your harsher climates give you more needs,* six months of the year the public place is unbearable, your muted languages cannot be heard in the open, you give more thought to your gain than to your freedom, and you fear slavery much less than poverty.

* In cold countries, to adopt the luxury and softness of the peoples of the Orient is to want to give oneself their chains. It is to submit to them even more necessarily than they do.

84. The two Gracchi brothers, Tiberius and Gaius, were tribunes of the second century BC who attempted to pass legislation that would have redistributed land from the patricians to the plebeians.

What! Freedom can be maintained only with the help of servitude? Perhaps. The two extremes meet. Everything that is not in nature has its inconveniences, and civil society more than all the rest. There are certain unfortunate situations in which one cannot preserve one's freedom except at the expense of someone else's and in which the citizen can be perfectly free only if the slave is utterly enslaved. Such was the situation of Sparta. As for you, modern peoples, you do not have slaves, but you yourselves are slaves. You pay for their freedom with your own. Boast as you may of this choice; I find in it more cowardice than humanity.

I do not mean by all this that it is necessary to have slaves or that the right of slavery is legitimate, since I have proved the contrary. I simply state the reasons why modern peoples who believe themselves to be free have representatives, and why ancient peoples did not have them. Be that as it may, the moment a people gives itself representatives, it is no longer free. It no longer exists.

All things considered, I do not see that it is henceforward possible among us for the sovereign to preserve the exercise of its rights unless the city is very small. But if it is very small, won't it be subjugated? No. I will show below* how the external power of a great people can be combined with ease of administration and the proper ordering of a small state.

CHAPTER 16

That the Institution of the Government Is Not a Contract

Once the legislative power is well established, it is a matter of likewise establishing the executive power. For this latter power, which operates only through particular acts, since it is not of the essence of the former, is naturally separate from it. If it were possible for the sovereign, considered as such, to have the executive power, right and fact would be so confounded that it would no longer be possible to tell what is and what is not the law, and the body politic, thereby denatured, would soon fall prey to the violence against which it was instituted.

Since the citizens are all equal through the social contract, what all ought to do may be prescribed by all, whereas no one has the right to require another to do something that he does not himself do. Now, it is precisely this right, indispensable for making the body politic live and move, that the sovereign gives to the prince by instituting the government.

* This is what I had proposed to do in the sequel to this work, when, in dealing with foreign relations, I would have come to federations. This subject is entirely new and its principles have yet to be established.