The Social Contract

JEAN-JACQUES ROUSSEAU

1712–1778

The Social Contract

Du contrat social

Translated from the French with AI (Claude) and edited



FORAGE
forage.com

The Social Contract · Jean-Jacques Rousseau (1712–1778)

Translated from the French with AI (Claude) and edited. Reading edition, Forage, September 2026. forage.com/rousseau/social-contract

French text: the first edition (Amsterdam, 1762), via French Wikisource (fr.wikisource.org/wiki/Du_contrat_social/Édition_1762). English: translated from the French with AI (Claude), then edited for accuracy and consistency. Not reviewed by a human specialist. Free to reuse under CC BY-SA 4.0. The small numbers set in the text are book and chapter. Where the original uses a term now considered offensive, a neutral term is shown in brackets instead.

The original text is in the public domain. This translation is free to share and adapt under the Creative Commons Attribution-ShareAlike 4.0 International license (CC BY-SA 4.0): creativecommons.org/licenses/by-sa/4.0

Set in Source Serif 4.

CONTENTS

Introduction vii

Book I 1

Foreword 1
Introduction 1
Chapter 1: Subject of this first book 2
Chapter 2: The first societies 3
Chapter 3: The right of the strongest 5
Chapter 4: Slavery 6
Chapter 5: That we must always go back to a first convention . 11
Chapter 6: The social pact 12
Chapter 7: The sovereign 14
Chapter 8: The civil state 16
Chapter 9: Real property 17

Book II 21

Chapter 1: That sovereignty is inalienable 21
Chapter 2: That sovereignty is indivisible 22
Chapter 3: Whether the general will can err 24
Chapter 4: The limits of the sovereign power 25
Chapter 5: The right of life and death 29
Chapter 6: Law 31
Chapter 7: The lawgiver 34
Chapter 8: The people 38
Chapter 9: The people, continued 40
Chapter 10: The people, continued 42
Chapter 11: The various systems of legislation 45
Chapter 12: The division of laws 48

Book III 51

Chapter 1: Government in general 51

Chapter 2: The principle that constitutes the various forms of government 56
Chapter 3: The division of governments 59
Chapter 4: Democracy 60
Chapter 5: Aristocracy 62
Chapter 6: Monarchy 65
Chapter 7: Mixed governments 70
Chapter 8: That not every form of government suits every country 71
Chapter 9: The signs of a good government 76
Chapter 10: The abuse of government and its tendency to degenerate 78
Chapter 11: The death of the body politic 82
Chapter 12: How the sovereign authority is maintained 83
Chapter 13: How the sovereign authority is maintained, continued 84
Chapter 14: How the sovereign authority is maintained, continued 86
Chapter 15: Deputies or representatives 87
Chapter 16: That the institution of government is not a contract 90
Chapter 17: The institution of government 92
Chapter 18: How to prevent usurpations by the government . . 93

Book IV 97
Chapter 1: That the general will is indestructible 97
Chapter 2: Voting 99
Chapter 3: Elections 102
Chapter 4: The Roman comitia 104
Chapter 5: The tribunate 115
Chapter 6: Dictatorship 117
Chapter 7: The censorship 120
Chapter 8: Civil religion 122
Chapter 9: Conclusion 134

INTRODUCTION

"Man is born free, and everywhere he is in chains." With that opening line, Jean-Jacques Rousseau set out in 1762 to find a form of association in which each person, while uniting with all, still obeys only himself and remains as free as before.

His answer is the social contract, and the idea at its heart, the general will: the will of the people as a whole for the common good, which alone can make laws legitimate. The book was banned in Paris and Geneva, and inspired the French Revolution.

It is short and divided into four books: the contract itself, sovereignty and law, government, and the institutions that keep a republic alive.

Book I

How man passes from the state of nature to the civil state, and the essential conditions of the pact

Ep. *— Let us declare fair terms of alliance. Aeneid XI.*[1]

FOREWORD

Rousseau explains that this treatise is salvaged from a larger, abandoned work.

Avert. This little treatise is taken from a larger work, undertaken long ago without taking stock of my powers, and long since abandoned. Of the various pieces that could have been drawn from what was done, this is the most substantial, and seemed to me the least unworthy of being offered to the public. The rest no longer exists.[2]

INTRODUCTION

Rousseau asks whether a legitimate rule of government can exist, taking men as they are.

1.0 I want to inquire whether, in the civil order, there can be some legitimate and reliable rule of administration, taking men as they are and laws as they might be. In this inquiry I shall always

1 In Latin in the original: Virgil, Aeneid 11.321–322, where King Latinus proposes peace terms to the Trojans.

2 The larger work was Rousseau's planned Political Institutions (Institutions politiques).

try to combine what right permits with what interest prescribes, so that justice and utility are never found divided.

I enter upon my subject without proving its importance. I will be asked whether I am a prince or a lawgiver, that I should write on politics. I answer that I am not, and that this is why I write on politics. If I were a prince or a lawgiver, I would not waste my time saying what ought to be done; I would do it, or keep silent.

Born a citizen of a free State, and a member of the sovereign, however feeble the influence my voice may have in public affairs, the right to vote on them is enough to impose on me the duty of informing myself about them. How happy I am, every time I reflect on governments, always to find in my inquiries new reasons to love that of my own country![3]

CHAPTER 1: SUBJECT OF THIS FIRST BOOK

Man is born free yet everywhere in chains; Rousseau asks what could make this legitimate.

1.1 Man is born free, and everywhere he is in chains. One man believes himself the master of others, and yet he is more of a slave than they are. How did this change come about? I do not know. What can make it legitimate? I believe I can answer that question.

If I considered only force and the effect that flows from it, I would say: as long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and does shake it off, it does even better. For in recovering its liberty by the same right that took it away, either the people is entitled to take it back, or no one was entitled to take it away. 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. The question is what those conventions are. Before coming to that, I must establish what I have just asserted.

3 Rousseau was born in 1712 in Geneva, then an independent city-republic, and styled himself "Citizen of Geneva."

CHAPTER 2: THE FIRST SOCIETIES

The family is the only natural society; political authority cannot be modeled on fatherhood.

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

This common liberty is a consequence of man's nature. His first law is to see to his own preservation; his first cares are those he owes to himself; and as soon as he reaches the age of reason, being the sole judge of the proper means of preserving himself, he thereby becomes his own master.

The family, then, is, if you like, the first model of political societies: the ruler is the image of the father, the people are the image of the children, and all, being born equal and free, alienate their liberty only for their own advantage. The whole difference is that in the family the father's love for his children repays him for the care he gives them, while in the State the pleasure of commanding takes the place of the love that the ruler does not have for his peoples.[4]

Grotius denies that all human power is established for the benefit of the governed, and he cites slavery as an example. His most constant way of reasoning is always to establish right by

4 To alienate: to transfer something one owns to another, by gift or sale; a legal term Rousseau defines in Chapter 4.

fact[5]. One could use a more consistent method, but not one more favorable to tyrants.[6]

It is therefore doubtful, according to Grotius, whether the human race belongs to a hundred or so men, or whether those hundred or so men belong to the human race; and throughout his book he seems to lean toward the first opinion. This is also the view of Hobbes. So here is the human species divided into herds of cattle, each with its chief, who guards it in order to devour it.[7]

Just as a herdsman is of a nature superior to that of his herd, so the shepherds of men, who are their rulers, are likewise of a nature superior to that of their peoples. So, according to Philo, the emperor Caligula reasoned, concluding rather neatly from this analogy that kings were gods, or that peoples were beasts.[8]

This Caligula's reasoning comes down to that of Hobbes and Grotius. Before any of them, Aristotle too had said that men are not naturally equal, but that some are born for slavery and others for domination.[9]

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 escape them; they love their servitude as the companions of

5 ROUSSEAU'S NOTE. "Learned research into public law is often nothing but the history of ancient abuses, and people have been misguidedly stubborn when they have taken the trouble to study them too closely." *Manuscript treatise on the interests of France in relation to her neighbors, by M. L. A. d'A.* That is precisely what Grotius did.

TRANSLATOR'S NOTE. The initials refer to the Marquis d'Argenson (1694–1757), French statesman, whose treatise on the government of France then circulated in manuscript.

6 Hugo Grotius (1583–1645), Dutch jurist, author of On the Law of War and Peace (1625).

7 Thomas Hobbes (1588–1679), English philosopher, author of Leviathan (1651).

8 Philo of Alexandria (c. 20 BC–c. AD 50), Jewish philosopher, tells this in his Embassy to Gaius; Caligula was Roman emperor AD 37–41.

9 Aristotle argues this in Book 1 of his Politics.

Ulysses loved their brutish state[10]. If there are slaves by nature, then, it is because there have been slaves against nature. Force made the first slaves; their cowardice has perpetuated them.[11]

I have said nothing of King Adam, or of Emperor Noah, father of three great monarchs who divided the universe among themselves, as did the children of Saturn, whom some have thought they recognized in them. I hope I will be given credit for this restraint; for, since I am directly descended from one of these princes, and perhaps from the eldest branch, who knows whether, if the titles were verified, I might not turn out to be the legitimate king of the human race?[12] Be that as it may, it cannot be denied that Adam was sovereign of the world, as Robinson was of his island, as long as he was its only inhabitant; and what was convenient about this empire was that the monarch, secure on his throne, had nothing to fear from rebellions, wars or conspirators.[13]

CHAPTER 3: THE RIGHT OF THE STRONGEST

Force cannot create right, so obedience is owed only to legitimate powers.

1.3 The strongest is never strong enough to be master forever unless he transforms his strength into right and obedience into duty. Hence the right of the strongest—a right taken ironically in appearance, and in reality established as a principle. But will no one ever explain this phrase to us? Force is a physical power; I do not see what morality can result from its effects. To yield to

10 ROUSSEAU'S NOTE. See a short treatise by Plutarch entitled *That Beasts Use Reason.*

TRANSLATOR'S NOTE. Plutarch (c. AD 46–c. 120), Greek writer; in this dialogue, also called Gryllus, one of the men Circe transformed refuses to become human again.

11 In Homer's Odyssey, the enchantress Circe turns Ulysses' (Odysseus') companions into swine.

12 A jab at Robert Filmer's Patriarcha (1680), which traced royal authority back to Adam. Noah's three sons were said to have divided the earth, as Saturn's sons Jupiter, Neptune and Pluto divided the world.

13 Robinson Crusoe, castaway hero of Daniel Defoe's novel (1719).

force is an act of necessity, not of will; at most it is an act of prudence. In what sense could it be a duty?

Let us suppose for a moment that this so-called right exists. I say that nothing comes of it but a mass of inexplicable nonsense. For as soon as it is force that makes right, the effect changes with the cause: every force that overcomes the first succeeds to its right. As soon as one can disobey with impunity, one can do so legitimately; and since the strongest is always right, all that matters is to make sure one is the strongest. Now what is a right that perishes when force ceases? If one must obey because of force, there is no need to obey out of duty; and if one is no longer forced to obey, one is no longer obliged to. It is clear, then, that this word "right" adds nothing to force; here it means nothing at all.

Obey the powers that be. If that means "yield to force," the precept is good but superfluous; I answer that it will never be violated. All power comes from God, I admit; but so does every disease. Does that mean it is forbidden to call the doctor? Suppose a robber takes me by surprise at the edge of a wood: not only must I hand over my purse by force, but even if I could keep it from him, am I obliged in conscience to give it? After all, the pistol he holds is also a power.[14]

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

CHAPTER 4: SLAVERY

No person or people can legitimately give up their liberty; a right of slavery is void.

1.4 Since no man has any natural authority over his fellow man, and since force produces no right, conventions remain as the basis of all legitimate authority among men.

If an individual, says Grotius, can alienate his liberty and make himself the slave of a master, why could a whole people

14 Echoing Paul's Letter to the Romans 13:1: there is no power but of God.

not alienate its own and make itself the subject of a king? There are many ambiguous words here that need explaining, but let us keep to the word *alienate.* To alienate is to give or to sell. Now a man who makes himself another's slave does not give himself; he sells himself, at the very least for his subsistence. But a people—what does it sell itself for? Far from a king providing his subjects with their subsistence, he draws his own only from them; and according to Rabelais, a king does not live on little.[15] So the subjects give their persons on condition that their property will be taken as well? I do not see what they have left to preserve.

It will be said that the despot assures his subjects of civil tranquility. Very well; but what do they gain by it, if the wars his ambition brings upon them, if his insatiable greed, if the harassment of his ministers, devastate them more than their own dissensions would? What do they gain, if this very tranquility is one of their miseries? People live tranquilly in dungeons too; is that enough to make them happy there? The Greeks shut up in the Cyclops' cave lived there tranquilly while waiting for their turn to be devoured.[16]

To say that a man gives himself for nothing is to say something absurd and inconceivable; such an act is illegitimate and void, for the sole reason that the one who does it is not in his right mind. To say the same of a whole people is to suppose a people of madmen; madness does not make right.

Even if each person could alienate himself, he cannot alienate his children; they are born men and free; their liberty belongs to them, and no one but they has the right to dispose of it. Before they reach the age of reason, the father may, in their name, stipulate conditions for their preservation and their well-being; but he cannot give them away irrevocably and unconditionally, for such a gift is contrary to the ends of nature and exceeds the rights of fatherhood. For an arbitrary government

15 François Rabelais (c. 1494–1553), French comic writer.

16 In Book 9 of Homer's Odyssey, the Cyclops Polyphemus traps Ulysses and his men in his cave and eats them one by one.

to be legitimate, then, the people in each generation would have to be free to accept or reject it; but then that government would no longer be arbitrary.

To renounce one's liberty is to renounce one's quality as a man, the rights of humanity, even one's duties. There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with man's nature; and to take away all liberty from one's will is to take away all morality from one's actions. Finally, it is an empty and contradictory convention that stipulates absolute authority on one side and unlimited obedience on the other. Is it not clear that one is committed to nothing toward a person from whom one has the right to demand everything? And does not this single condition, with no equivalent and no exchange, make the act void? For what right could my slave have against me, since everything he has belongs to me, and since, his right being mine, this right of mine against myself is a word without any meaning?

Grotius and the others find in war another origin for the so-called right of slavery. Since the victor, according to them, has the right to kill the vanquished, the latter can buy back his life at the cost of his liberty—a convention all the more legitimate because it benefits them both.

But it is clear that this so-called right to kill the vanquished in no way results from the state of war. For the very reason that men, living in their primitive independence, have no relationship among themselves stable enough to constitute either a state of peace or a state of war, they are not naturally enemies. It is the relationship between things, not between men, that constitutes war; and since the state of war cannot arise from simple personal relations, but only from real relations, private war, or war of man against man, cannot exist either in the state of nature, where there is no stable property, or in the social state, where everything is under the authority of the laws.[17]

Individual combats, duels and chance encounters are acts that do not constitute a state; and as for the private wars author-

ized by the Establishments of Louis IX, King of France, and suspended by the Peace of God, they are abuses of feudal government—as absurd a system as there ever was, contrary to the principles of natural right and to all good polity.[18]

War, then, is not a relation between man and man, but a relation between State and State, in which individuals are enemies only by accident—not as men, nor even as citizens, but as soldiers; not as members of their country, but as its defenders. Finally, each State can have as enemies only other States, and not men, since no true relation can be established between things of different natures.

This principle is even in keeping with the maxims established in every age and with the constant practice of all civilized peoples. Declarations of war are warnings less to the powers than to their subjects. The foreigner—whether king, private individual or people—who robs, kills or detains subjects without declaring war on their prince is not an enemy but a brigand. Even in the midst of war, a just prince may well seize everything in enemy country that belongs to the public, but he respects the persons and property of private individuals; he respects rights on which his own are founded. The aim of war being the destruction of the enemy State, one has the right to kill its defenders as long as they have weapons in hand; but as soon as they lay them down and surrender, they cease to be enemies or instruments of the enemy, become simply men once more, and one no longer has any right over their lives. Sometimes one can kill the State without killing a single one of its members. Now, war confers no right that is not necessary to its end. These principles are not those of Grotius; they are not founded on the authority of poets, but derive from the nature of things and are founded on reason.

As for the right of conquest, it has no foundation other than the law of the strongest. If war does not give the victor the right

17 Real: in the legal sense, bearing on things (Latin res), especially land, rather than on persons.

to massacre the conquered peoples, this right, which he does not have, cannot be the foundation of a right to enslave 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 thus an iniquitous exchange to make him buy his life, over which one has no right, at the price of his liberty. In founding the right of life and death on the right of slavery, and the right of slavery on the right of life and death, is it not clear that one falls into a vicious circle?

Even supposing this terrible right to kill everyone, I say that a slave taken in war, or a conquered people, is bound to nothing at all toward the master, except to obey him as far as compelled to. In taking an equivalent for his life, the victor has done him no favor: instead of killing him to no purpose, he has killed him usefully. So far, then, from the victor having acquired over him any authority joined to force, the state of war continues between them as before; their very relationship is its effect, and the exercise of the right of war presupposes no peace treaty. They have made a convention—granted; but this convention, far from ending the state of war, presupposes that it continues.

Thus, from whatever angle one looks at things, the right of slavery is void—not only because it is illegitimate, but because it is absurd and means nothing. The words *slave* and *right* are contradictory; they exclude each other. Whether between one man and another, or between a man and a people, this speech will always be equally senseless: *I make a convention with you that is wholly at your expense and wholly to my profit, which I shall observe as long as I please, and which you shall observe as long as I please.*

18 Louis IX (Saint Louis, reigned 1226–1270), to whom a medieval French law code, the Establishments, was attributed. The Peace of God was a medieval Church movement to restrain private warfare.

CHAPTER 5: THAT WE MUST ALWAYS GO BACK TO A FIRST CONVENTION

A people must be formed by a prior convention before it can choose any ruler.

1.5 Even if I were to grant everything I have refuted so far, the supporters of despotism would be no further ahead. There will always be a great difference between subduing a multitude and governing a society. When scattered men, however many they may be, are successively enslaved to one man, I see there only a master and slaves; I do not see a people and its ruler. It is, if you like, an aggregation, but not an association; there is neither public good nor body politic there. That man, even if he had enslaved half the world, is still only a private individual; his interest, separate from that of the others, is still only a private interest. If this same man happens to perish, his empire, after him, is left scattered and without cohesion, as an oak falls apart and collapses into a heap of ashes after fire has consumed it.

A people, says Grotius, can give itself to a king. According to Grotius, then, a people is a people before giving itself to a king. This very gift is a civil act; it presupposes public deliberation. Before examining the act by which a people elects a king, therefore, it would be well to examine the act by which a 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, where—unless the election were unanimous—would be the obligation for the few to submit to the choice of the many? And where would a hundred who want a master get the right to vote on behalf of ten who do not? The law of majority voting is itself something established by convention, and presupposes unanimity at least once.

CHAPTER 6: THE SOCIAL PACT

The social pact unites each with all while leaving everyone as free as before.

1.6 I suppose men to have reached the point where the obstacles that hinder their preservation in the state of nature prevail, by their resistance, over the forces each individual can employ to maintain himself in that state. Then this primitive state can no longer subsist, and the human race would perish if it did not change its way of being.

Now since men cannot generate new forces, but only unite and direct those that exist, they no longer have any other means of preserving themselves than to form, by aggregation, a sum of forces that can prevail over the resistance, to set them to work by a single motive power, and to make them act in concert.

This sum of forces can arise only from the cooperation of many. But since each man's strength and liberty are the primary instruments of his preservation, how is he to pledge them without harming himself, and without neglecting the care he owes himself? This difficulty, brought back to my subject, can be stated in these terms.

"To find a form of association that will defend and protect, with the whole common force, the person and goods of each associate, and by which each one, while uniting with all, nevertheless obeys only himself and remains as free as before." This is the fundamental problem to which the social contract provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would render them empty and without effect; so that, although they may never have been formally stated, they are everywhere the same, everywhere tacitly accepted and recognized—until, the social pact being violated, each person then recovers his original rights and resumes his natural liberty, while losing the conventional liberty 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 community. 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 any interest in making it burdensome for the others.

Moreover, since the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything more to claim. For if individuals retained some rights, then, since there would be no common superior who could decide between them and the public, each, being his own judge on some point, would soon claim to be so on all; the state of nature would subsist, and the association would necessarily become tyrannical or empty.

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

If, then, we set aside from the social pact whatever is not of its essence, we shall find 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.*[19]

At once, in place of the individual person of each contracting party, this act of association produces a moral and collective body, composed of as many members as the assembly has votes, which receives from this same act its unity, its common *self*, its life and its will. This public person, formed in this way by the

19 The general will: Rousseau's central idea, the will of the body politic as a whole, directed at the common good.

union of all the others, once took the name of *City*[20], and now takes that of *Republic* or *body politic*; its members call it *State* when it is passive, *sovereign* when it is active, and *Power* when comparing it with others of its kind.[21] As for the associates, they collectively take the name of *people*, and individually are called *citizens*, as sharing in the sovereign authority, and *subjects*, as bound by the laws of the State. But these terms are often confused and taken one for the other; it is enough to know how to distinguish them when they are used with complete precision.

CHAPTER 7: THE SOVEREIGN

The sovereign cannot harm its members, and whoever refuses the general will is forced to be free.

1.7 We see from this formula that the act of association contains a reciprocal commitment between the public and private individuals, and that each individual, contracting, so to speak, with himself, finds himself committed in a twofold 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

20 ROUSSEAU'S NOTE. The true meaning of this word has been almost entirely effaced among the moderns; most take a town for a City, and a burgher for a citizen. They do not know that houses make the town, but citizens make the City. This same error once cost the Carthaginians dearly. I have not read that the title of *Cives* was ever given to the subjects of any prince, not even to the Macedonians in ancient times, nor in our day to the English, although they are closer to liberty than all the others. The French alone use the name *citizens* quite casually, because they have no true idea of it, as can be seen in their dictionaries; otherwise, in usurping it, they would be committing the crime of lèse-majesté. For them the name expresses a virtue and not a right. When Bodin tried to speak of our citizens and burghers, he made a gross blunder in taking the one for the other. M. d'Alembert did not make that mistake: in his article *Geneva* he rightly distinguished the four orders of men (even five, if one counts mere foreigners) who live in our city, only two of which make up the Republic. No other French author, to my knowledge, has understood the true meaning of the word *citizen.*

TRANSLATOR'S NOTE. Cives: Latin for "citizens."

TRANSLATOR'S NOTE. Lèse-majesté: the crime of offending the sovereign. Jean Bodin (1530–1596) wrote Six Books of the Republic; d'Alembert's article "Geneva" appeared in the Encyclopédie in 1757.

21 Moral here means created by agreement rather than physical, as a corporation is a legal person.

civil law that no one is bound by commitments made with himself cannot be applied here; for there is a great difference between obligating oneself toward oneself and toward a whole of which one is a part.

It should further be noted that public deliberation, which can obligate all the subjects toward the sovereign because of the two different relations in which each of them 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 on itself a law that it cannot break. Since it can consider itself only in one and the same relation, it is then in the position of a private individual contracting with himself; from which we see that there is not, and cannot be, any kind of fundamental law binding on the body of the people—not even the social contract. This does not mean that this body cannot perfectly well commit itself to others in matters that do not derogate from this contract; for with respect to foreigners it becomes a simple being, an individual.

But the body politic, or the sovereign, deriving its being solely from the sanctity of the contract, can never obligate itself, even toward others, to anything that derogates from this original act, such as alienating some portion of itself or submitting to another sovereign. To violate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.

As soon as this multitude is thus united in one body, one cannot injure one of the members without attacking the body, still less injure the body without the members feeling it. Thus duty and interest equally oblige the two contracting parties to help each other, and the same men must seek to combine, in this twofold relation, all the advantages that depend on it.

Now the sovereign, being formed solely of the individuals who compose it, has not and cannot have any interest contrary to theirs; consequently, the sovereign power has no need of a guarantee toward its subjects, because it is impossible for the body to want to harm all its members; and we shall see later that

it cannot harm any one of them in particular. The sovereign, by the mere fact that it exists, is always what it ought to be.

But the same is not true of the subjects in relation to the sovereign: despite the common interest, nothing would guarantee that they kept their commitments if the sovereign did not find ways to assure itself of their fidelity.

Indeed, each individual may, as a man, have a private will contrary to or different from the general will that he has as a citizen. His private interest may speak to him quite differently from the common interest; his absolute and naturally independent existence may lead him to regard what he owes to the common cause as a gratuitous contribution, the loss of which will harm others less than paying it burdens him; and, regarding the moral person that constitutes the State as a mere abstraction 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.

So that this social pact may not be an empty formula, then, it tacitly includes this commitment, which alone can give force to the others: that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing other than that he will be forced to be free; for such is the condition which, by giving each citizen to the fatherland, guarantees him against all personal dependence—the condition that makes up the ingenuity and the working of the political machine, and that alone makes civil commitments legitimate, which without it would be absurd, tyrannical and liable to the most enormous abuses.

CHAPTER 8: THE CIVIL STATE

Entering the civil state trades natural liberty for civil and moral liberty.

1.8 This passage 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 giving his actions the morality

they previously lacked. Only then, when the voice of duty takes the place of physical impulse and right the place of appetite, does man, who until then had considered only himself, find himself forced to act on other principles and to consult his reason before listening to his inclinations. Although in this state he deprives himself of several advantages he has from nature, he gains such great ones in return—his faculties are exercised and developed, his ideas broaden, his feelings are ennobled, his whole soul is elevated to such a degree—that, if the abuses of this new condition did not often degrade him below the one he has left, he ought to bless unceasingly the happy moment that tore him from it forever, and that made him, from a dull-witted and limited animal, an intelligent being and a man.

Let us reduce this whole balance to terms easy to compare. What man loses by the social contract is his natural liberty and an unlimited right to everything that tempts him and that he can reach; what he gains is civil liberty and the ownership of everything he possesses. To avoid being mistaken about these compensations, one must clearly distinguish natural liberty, which has no limits but the individual's strength, from civil liberty, which is limited by the general will; and possession, which is only the effect of force or the right of the first occupant, from ownership, which can be founded only on a positive title.

To what precedes, one could add to the gains of the civil state moral liberty, which alone makes man truly master of himself; for the impulse of appetite alone is slavery, and obedience to the law one has prescribed for oneself is liberty. But I have already said too much on this point, and the philosophical meaning of the word *liberty* is not my subject here.

CHAPTER 9: REAL PROPERTY

The community secures individual property, turning mere possession into lawful ownership.

1.9 Each member of the community gives himself to it at the moment it is formed, just as he then is—himself and all his

forces, of which the goods he possesses form a part. It is not that, by this act, possession changes its nature in changing hands and becomes property in the hands of the sovereign. But since the forces of the City are incomparably greater than those of an individual, public possession is also, in fact, stronger and more irrevocable, without being more legitimate—at least with respect to foreigners. For the State, with respect to its members, is master of all their goods through the social contract, which within the State serves as the basis of all rights; but with respect to other Powers, it is master only by the right of the first occupant, which it derives from individuals.

The right of the first occupant, although more real than that of the strongest, becomes a true right only after the right of property has been established. Every man naturally has a right to everything he needs; but the positive act that makes him the owner of some good excludes him from all the rest. His share having been assigned, he must confine himself to it, and he has no further right to what is held in common. That is why the right of the first occupant, so weak in the state of nature, commands the respect of every man in civil society. In this right one respects not so much what belongs to others as what does not belong to oneself.

In general, to authorize the right of the first occupant on any piece of land, the following conditions are required. First, that this land not yet be inhabited by anyone; second, that one occupy only the amount one needs to subsist; third, that one take possession of it not by an empty ceremony but by labor and cultivation, the only sign of ownership that, in the absence of legal titles, ought to be respected by others.

Indeed, to grant the right of the first occupant on the basis of need and labor—is that not to extend it as far as it can go? Can one fail to set limits to this right? Will it be enough to set foot on common land to claim at once to be its master? Will it be enough to have the strength to drive other men away from it for a moment in order to take from them the right ever to return? How can a man or a people seize an immense territory and

deprive the whole human race of it except by a punishable usurpation, since it takes from the rest of mankind the dwelling place and the food that nature gives them in common? When Núñez Balboa, standing on the shore, took possession of the South Sea and all of South America in the name of the crown of Castile, was that enough to dispossess all the inhabitants and exclude all the princes of the world? On that footing, such ceremonies were multiplied rather pointlessly, and the Catholic King had only to take possession of the whole universe at a stroke from his study, subject to cutting out of his empire afterward whatever had previously been possessed by other princes.[22]

One can understand how the lands of individuals, united and adjoining, become public territory, and how the right of sovereignty, extending from the subjects to the land they occupy, becomes at once real and personal; this places the possessors in greater dependence and makes their very forces the guarantees of their fidelity. This is an advantage that the ancient monarchs do not seem to have fully appreciated: calling themselves only Kings of the Persians, of the Scythians, of the Macedonians, they seemed to regard themselves as rulers of men rather than masters of the country. Those of today more cleverly call themselves Kings of France, of Spain, of England, and so on. By holding the land in this way, they are quite sure of holding its inhabitants.

What is remarkable about this alienation is that, far from despoiling individuals of their goods by accepting them, the community only assures them of their legitimate possession, changing usurpation into a true right and enjoyment into ownership. The possessors, then, being regarded as trustees of the public good, and their rights being respected by all the members of the State and upheld with all its forces against the foreigner, have, by a surrender advantageous to the public and still more to themselves, acquired, so to speak, all that they gave—a paradox easily explained by the distinction between the rights

22 Vasco Núñez de Balboa, Spanish explorer, claimed the Pacific (then called the South Sea) for Spain in 1513. “The Catholic King” was a title of the kings of Spain.

that the sovereign and the owner have over the same estate, as will be seen later.

It may also happen that men begin to unite before they possess anything, and that, afterward seizing a territory sufficient for all, they enjoy it in common or divide it among themselves, either equally or in proportions established by the sovereign. However this acquisition is made, the right each individual has over his own land is always subordinate to the right the community has over all; without this there would be neither solidity in the social bond nor real force in the exercise of sovereignty.

I shall end this chapter and this book with a remark that should serve as the basis of every social system: namely, that instead of destroying natural equality, the fundamental pact on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed among men, and that, though they may be unequal in strength or in talent, they all become equal by convention and by right[23].

23 ROUSSEAU'S NOTE. Under bad governments this equality is only apparent and illusory; it serves only to keep the poor man in his poverty and the rich man in his usurpation. In fact, laws are always useful to those who possess and harmful to those who have nothing; from which it follows that the social state is advantageous to men only insofar as they all have something and none of them has too much.

Book II

On legislation: sovereignty, the general will, law and the lawgiver

CHAPTER 1: THAT SOVEREIGNTY IS INALIENABLE

Sovereignty, the exercise of the general will, can never be transferred to anyone.

2.1 The first and most important consequence of the principles established above is that the general will alone can direct the forces of the State according to the end for which it was instituted, which is the common good. For if the opposition of private interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible. It is what these different interests have in common that forms the social bond; and if there were not some point on which all interests agree, no society could exist. Now it is solely on the basis of this common interest that society ought to be governed.

I say, then, that sovereignty, being nothing but the exercise of the general will, can never be alienated, and that the sovereign, which is only a collective being, can be represented only by itself. Power may well be transferred, but not will.

Indeed, while it is not impossible for a private will to agree with the general will on some point, it is at least impossible for that agreement to be lasting and constant; for the private will tends by its nature toward preferences, and the general will toward equality. It is even more impossible to have any guarantee of this agreement, even if it were always to exist; it would be the effect not of design but of chance. The sovereign may well say, "I now want what a certain man wants, or at least what he

says he wants"; but it cannot say, "Whatever this man wants tomorrow, I shall want too"—since it is absurd for the will to put itself in chains for the future, and since no will can consent to anything contrary to the good of the being that wills. If, then, the people simply promises to obey, it dissolves itself by that very act and loses its quality as a people. The moment there is a master, there is no longer a sovereign, and from then on the body politic is destroyed.

This is not to say that the orders of leaders cannot pass for general wills, so long as the sovereign, being free to oppose them, does not do so. In such a case, the consent of the people must be presumed from universal silence. This will be explained at greater length.

CHAPTER 2: THAT SOVEREIGNTY IS INDIVISIBLE

Sovereignty cannot be divided; its apparent parts are only applications of it.

2.2 For the same reason that sovereignty is inalienable, it is indivisible. For the will is either general[1] or it is not; it is the will of the people as a body, or only of a part of it. In the first case, this declared will is an act of sovereignty and makes law. In the second, it is only a private will, or an act of magistracy; at most it is a decree.

But our political theorists, unable to divide sovereignty in its principle, divide it in its object. They divide it into force and will; into legislative power and executive power; into rights of taxation, of justice and of war; into internal administration and the power of treating with foreign States. Sometimes they lump all these parts together, and sometimes they separate them. They make the sovereign a fantastic being, formed of pieces stuck together. It is as if they were putting a man together out of several bodies, one of which had eyes, another arms, another feet, and nothing more. The conjurers of Japan, it is said, cut a

1 ROUSSEAU'S NOTE. For a will to be general, it need not always be unanimous, but every vote must be counted; any formal exclusion breaks its generality.

child to pieces before the spectators' eyes; then, throwing all its limbs into the air one after another, they make the child fall back down alive and whole again. Such, more or less, are the sleight-of-hand tricks of our political theorists: after dismembering the social body with an illusion worthy of a fairground, they put the pieces back together no one knows how.

This error comes from not having formed precise notions of sovereign authority, and from taking for parts of that authority what were only emanations of it. Thus, for example, the act of declaring war and that of making peace have been regarded as acts of sovereignty, which they are not; for neither of these acts is a law, but only an application of the law—a particular act that determines the case to which the law applies. This will be clearly seen once the idea attached to the word *law* has been fixed.

If we followed the other divisions in the same way, we would find that whenever we think we see sovereignty divided, we are mistaken; that the rights taken for parts of this sovereignty are all subordinate to it, and always presuppose supreme wills which these rights merely carry out.

It is impossible to say how much obscurity this lack of precision has cast on the conclusions of writers on political right, when they have tried to judge the respective rights of kings and peoples by the principles they had laid down. Anyone can see in chapters III and IV of the first book of Grotius how that learned man and his translator Barbeyrac get entangled and tied up in their sophisms, for fear of saying too much or not enough for their purposes, and of offending the interests they had to reconcile.[2] Grotius, a refugee in France, discontented with his own country and wishing to pay court to Louis XIII, to whom his book is dedicated, spares nothing to strip the peoples of all their rights and to invest kings with them, with all possible art. That would certainly have been Barbeyrac's taste as well, since he dedicated his translation to King George I of England. But unfor-

2 Jean Barbeyrac (1674–1744) translated Grotius's *On the Law of War and Peace* (1625) into French, with extensive commentary.

tunately the expulsion of James II, which he calls an abdication, forced him to be guarded, to hedge and equivocate, so as not to make William a usurper. Had these two writers adopted the true principles, all the difficulties would have been removed, and they would always have been consistent; but they would sadly have told the truth, and would have paid court only to the people.[3] Now, truth does not lead to fortune, and the people hands out no embassies, no professorships, no pensions.

CHAPTER 3: WHETHER THE GENERAL WILL CAN ERR

The general will is always right, but factions can keep the people from declaring it.

2.3 It follows from what precedes that the general will is always right and always tends toward the public good; but it does not follow that the deliberations of the people always have the same rectitude. We always want our own good, but we do not always see it. The people is never corrupted, but it is often deceived, and only then does it seem to will what is bad.

There is often a great difference between the will of all and the general will. The latter looks only to the common interest; the former looks to private interest, and is only a sum of private wills. But take away from these same wills the pluses and minuses that cancel each other out[4], and the general will remains as the sum of the differences.

If, when an adequately informed people deliberates, the citizens had no communication with one another, the general will would always result from the great number of small differences, and the deliberation would always be good. But when factions form—partial associations at the expense of the large one—the

3 James II of England was deposed in 1688 and replaced by his daughter Mary and her husband, William III of Orange.

4 ROUSSEAU'S NOTE. *Each interest*, says the Marquis d'A., *has different principles. The agreement of two private interests is formed by opposition to that of a third.* He could have added that the agreement of all interests is formed by opposition to that of each. If there were no different interests, the common interest, which would never meet an obstacle, would scarcely be felt: everything would run by itself, and politics would cease to be an art.

will of each of these associations becomes general with respect to its members, and private with respect to the State. One can then say that there are no longer as many voters as there are men, but only as many as there are associations. The differences become less numerous and yield a less general result. Finally, when one of these associations is so large that it prevails over all the others, the result is no longer a sum of small differences but a single difference. Then there is no longer a general will, and the opinion that prevails is only a private opinion.

If the general will is to be clearly expressed, then, it is important that there be no partial society within the State, and that each citizen give only his own opinion[5]. Such was the unique and sublime institution of the great Lycurgus. And if there are partial societies, their number must be multiplied and their inequality prevented, as Solon, Numa and Servius did. These precautions are the only good ones for ensuring that the general will is always enlightened and that the people is not deceived.[6]

CHAPTER 4: THE LIMITS OF THE SOVEREIGN POWER

Sovereign power is absolute yet limited to general conventions that bind all equally.

2.4 If the State, or the City, is only a moral person whose life consists in the union of its members, and if the most important of its concerns is its own preservation, it must have a universal and compelling force to move and arrange each part in the manner best suited to the whole. Just as nature gives each man absolute power over all his limbs, the social pact gives the body

5 ROUSSEAU'S NOTE. *It is true,* says Machiavelli, *that some divisions harm republics and some help them. Those that are accompanied by sects and partisans do harm; those that are maintained without sects and partisans do good. Since, therefore, the founder of a republic cannot provide against there being enmities within it, he must at least provide against there being sects.* Florentine Histories, Book VII.

TRANSLATOR'S NOTE. In Italian in the original: Niccolò Machiavelli (1469–1527), Florentine Histories, Book VII.

6 Lycurgus was the legendary lawgiver of Sparta; Solon reformed the laws of Athens (early 6th century BC); Numa Pompilius and Servius Tullius were early kings of Rome credited with its institutions.

politic absolute power over all its members; and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.

But besides the public person, we have to consider the private persons who compose it, and whose life and liberty are naturally independent of it. The task, then, is to distinguish clearly between the respective rights of the citizens and of the sovereign[7], and between the duties the former must fulfill as subjects and the natural right they must enjoy as men.

It is agreed that whatever each person alienates by the social pact of his power, his goods and his liberty is only the part of all these whose use matters to the community; but it must also be agreed that the sovereign alone is judge of what matters.

Whatever services a citizen can render the State, he owes them as soon as the sovereign demands them. But the sovereign, for its part, cannot burden the subjects with any chain that is useless to the community; it cannot even will to do so. For under the law of reason nothing is done without a cause, any more than under the law of nature.

The commitments that bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for others without also working for oneself. Why is the general will always right, and why do all constantly will the happiness of each of them, if not because there is no one who does not take this word *each* to mean himself, and who does not think of himself when voting for all? This proves that equality of right, and the notion of justice it produces, derive from the preference each person gives himself, and consequently from the nature of man; that the general will, to be truly general, must be so in its object as well as in its essence; that it must come from all to apply to all; and that it loses its natural rectitude when it is directed toward some indi-

7 ROUSSEAU'S NOTE. Attentive readers, please do not rush to accuse me of contradiction here. I have not been able to avoid it in my terms, given the poverty of language; but wait.

vidual and determinate object, because then, judging what is foreign to us, we have no true principle of equity to guide us.

Indeed, as soon as it is a question of a fact or a particular right on a point that has not been settled by a general and prior convention, the matter becomes contentious. It is a lawsuit in which the interested private individuals are one party and the public the other, but in which I see neither the law that should be followed nor the judge who should pronounce. It would be ridiculous, then, to try to refer the matter to an express decision of the general will, which can only be the conclusion of one of the parties, and which is therefore, for the other, only an alien, private will, inclined on this occasion to injustice and liable to error. Thus, just as a private will cannot represent the general will, the general will in turn changes its nature when it has a particular object, and cannot, as general, pronounce on either a man or a fact. When the people of Athens, for example, appointed or dismissed its leaders, decreed honors to one and imposed penalties on another, and by a multitude of particular decrees exercised indiscriminately all the acts of government, the people then no longer had a general will properly so called; it was acting no longer as sovereign but as magistrate. This will seem contrary to common ideas, but I must be given time to set out my own.

From this it should be understood that what makes the will general is not so much the number of votes as the common interest that unites them. For in this institution each person necessarily submits to the conditions he imposes on others: an admirable harmony of interest and justice, which gives common deliberations a character of equity that is seen to vanish in the discussion of any particular matter, for lack of a common interest that unites and identifies the rule of the judge with that of the party.

From whichever side we trace things back to the principle, we always reach the same conclusion: namely, that the social pact establishes such equality among the citizens that they all commit themselves under the same conditions and must all

enjoy the same rights. Thus, by the nature of the pact, every act of sovereignty—that is, every authentic act of the general will—obligates or favors all citizens equally, so that the sovereign knows only the body of the nation and does not single out any of those who compose it. What, then, properly speaking, is an act of sovereignty? It is not a convention between a superior and an inferior, but a convention of the body with each of its members. It is a legitimate convention, because it is based on the social contract; equitable, because it is common to all; useful, because it can have no other object than the general good; and solid, because it is guaranteed by the public force and the supreme power. So long as subjects are subject only to such conventions, they obey no one, but only their own will; and to ask how far the respective rights of the sovereign and the citizens extend is to ask how far the citizens can commit themselves to themselves, each to all and all to each.

We see from this that the sovereign power, absolute, sacred and inviolable as it is, does not and cannot exceed the limits of general conventions, and that every man may fully dispose of whatever of his goods and his liberty these conventions have left him. So the sovereign never has the right to burden one subject more than another, because then the matter becomes particular, and its power is no longer competent.

Once these distinctions are admitted, it is so false that the social contract involves any genuine renunciation on the part of individuals that, as a result of this contract, their situation turns out to be really preferable to what it was before. Instead of an alienation, they have only made an advantageous exchange: of an uncertain and precarious mode of existence for a better and more secure one; of natural independence for liberty; of the power to harm others for their own security; and of their strength, which others could overcome, for a right that the social union makes invincible. Their very life, which they have dedicated to the State, is continually protected by it; and when they risk it in the State's defense, what are they doing but giving back what they have received from it? What are they doing that

they would not do more often, and with more danger, in the State of nature, when, fighting unavoidable battles, they would defend at the risk of their lives the very means of preserving them? All must fight for their country when needed, it is true; but then no one ever has to fight for himself. And do we not still gain by running, for what secures our safety, a part of the risks we would have to run for ourselves the moment that safety were taken from us?

CHAPTER 5: THE RIGHT OF LIFE AND DEATH

The State may ask citizens to risk their lives and may punish criminals as enemies.

2.5 How, it is asked, can individuals, who have no right to dispose of their own lives, transfer to the sovereign this same right which they do not have? The question seems difficult to answer only because it is badly posed. Every man has the right to risk his own life in order to preserve it. Has it ever been said that someone who throws himself out of a window to escape a fire is guilty of suicide? Has that crime ever even been imputed to someone who perishes in a storm whose danger he knew of when he set sail?

The social treaty has as its end the preservation of the contracting parties. Whoever wills the end also wills the means, and these means are inseparable from some risks, even some losses. Whoever wants to preserve his life at the expense of others must also give it up for them when necessary. Now, the citizen is no longer judge of the danger to which the law wills him to expose himself; and when the prince has said to him, "It is expedient for the State that you die," he must die. For it is only on this condition that he has lived in security until then, and his life is no longer merely a gift of nature, but a conditional gift of the State.[8]

The death penalty inflicted on criminals can be viewed in much the same light: it is in order not to become the victim of a

8 The prince: Rousseau's term for the executive power, or government, whatever its form—not necessarily a monarch. He defines it in Book III, chapter 1.

murderer that one consents to die if one becomes a murderer oneself. In this treaty, far from disposing of one's own life, one thinks only of safeguarding it, and it is not to be presumed that any of the contracting parties is then planning to get himself hanged.

Besides, every wrongdoer who attacks social right becomes by his crimes a rebel and a traitor to his country. By violating its laws he ceases to be a member of it, and even wages war on it. Then the preservation of the State is incompatible with his own; one of the two must perish; and when the guilty man is put to death, it is less as a citizen than as an enemy. The proceedings and the judgment are the proof and the declaration that he has broken the social treaty, and consequently that he is no longer a member of the State. Now, since he has acknowledged himself a member, at least by residing there, he must be cut off from the State either by exile, as a violator of the pact, or by death, as a public enemy. For such an enemy is not a moral person but a man, and in that case the right of war is to kill the vanquished.

But, it will be said, the condemnation of a criminal is a particular act. Agreed; and so this condemnation does not belong to the sovereign. It is a right the sovereign can confer without being able to exercise it itself. All my ideas hang together, but I cannot set them all out at once.

For the rest, frequent executions are always a sign of weakness or laziness in the government. There is no wicked man who could not be made good for something. We have the right to put to death, even as an example, only someone who cannot be allowed to live without danger.

As for the right to pardon, or to exempt a guilty person from the penalty laid down by the law and pronounced by the judge, it belongs only to the one who is above both judge and law—that is, to the sovereign. Even so, its right in this matter is not entirely clear, and the occasions for using it are very rare. In a well-governed State there are few punishments, not because many pardons are granted, but because there are few criminals; it is when the State is decaying that the multitude of crimes

ensures their impunity. Under the Roman Republic, neither the Senate nor the consuls ever attempted to grant pardons; even the people did not, though it sometimes revoked its own judgment. Frequent pardons announce that crimes will soon have no need of them, and everyone can see where that leads. But I feel my heart murmuring and holding back my pen. Let us leave these questions to be discussed by the just man who has never erred, and who never himself needed pardon.

CHAPTER 6: LAW

Law is the general will ruling on a general object, so a legitimate State is a republic.

2.6 By the social pact we have given the body politic existence and life; the task now is to give it movement and will through legislation. For the original act by which this body is formed and united does not yet determine anything of what it must do to preserve itself.

What is good and in conformity with order is so by the nature of things, independently of human conventions. All justice comes from God; he alone is its source. But if we knew how to receive it from so high, we would need neither government nor laws. No doubt there is a universal justice that emanates from reason alone; but to be accepted among us, this justice must be reciprocal. Considering things in human terms, the laws of justice, lacking any natural sanction, are futile among men. They only benefit the wicked and harm the just, when the just man observes them toward everyone and no one observes them toward him. Conventions and laws are therefore needed to join rights to duties and to bring justice back to its object. In the state of nature, where everything is common, I owe nothing to those to whom I have promised nothing; I recognize as belonging to others only what is of no use to me. It is not so in the civil state, where all rights are fixed by law.

But what, then, finally, is a law? As long as people are content to attach only metaphysical ideas to this word, they will go on

reasoning without understanding one another; and when they have said what a law of nature is, they will know no better what a law of the State is.

I have already said that there is no general will concerning a particular object. Indeed, this particular object is either within the State or outside it. If it is outside the State, a will that is foreign to it is not general with respect to it; and if the object is within the State, it is part of it. A relation is then formed between the whole and its part that makes them two separate beings: the part is one, and the whole minus that same part is the other. But the whole minus a part is not the whole, and as long as this relation lasts there is no longer a whole, but two unequal parts; from which it follows that the will of the one is no more general with respect to the other.

But when the whole people decrees for the whole people, it considers only itself; and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view, without any division of the whole. Then the matter on which it decrees is general, like the will that decrees. It is this act that I call a law.

When I say that the object of laws is always general, I mean that the law considers subjects as a body and actions in the abstract, never a man as an individual or a particular action. Thus the law may well decree that there shall be privileges, but it cannot grant them to anyone by name. The law can create several classes of citizens, and even specify the qualifications that will entitle people to belong to these classes, but it cannot name this or that person to be admitted to them. It can establish a royal government and a hereditary succession, but it cannot elect a king or name a royal family. In a word, no function that relates to an individual object belongs to the legislative power.

On this idea, we see at once that there is no longer any need to ask whose business it is to make laws, since they are acts of the general will; nor whether the prince is above the laws, since he is a member of the State; nor whether the law can be unjust, since no one is unjust toward himself; nor how one can be both

free and subject to the laws, since they are only records of our wills.

We also see that, since the law unites universality of will with universality of object, what a man orders on his own authority, whoever he may be, is not a law. Even what the sovereign orders concerning a particular object is not a law either, but a decree; not an act of sovereignty, but of magistracy.

I therefore call a republic any State governed by laws, whatever its form of administration may be; for only then does the public interest govern, and only then is the public thing something real. Every legitimate government is republican[9]. I shall explain below what government is.[10]

Laws are, properly speaking, only the conditions of civil association. The people subject to the laws ought to be their author; it belongs only to those who are associating to set the conditions of their society. But how will they set them? Will it be by common accord, through a sudden inspiration? Does the body politic have an organ for declaring its will? Who will give it the foresight needed to frame its acts and publish them in advance, or how will it pronounce them at the moment of need? How could a blind multitude, which often does not know what it wants because it rarely knows what is good for it, carry out by itself so great and so difficult an undertaking as a system of legislation? Of itself the people always wills the good, but of itself it does not always see it. The general will is always right, but the judgment that guides it is not always enlightened. It must be made to see objects as they are, and sometimes as they ought to appear to it; it must be shown the good path it is seeking and protected from the seduction of private wills; places and times must be brought closer before its eyes; the attraction of

9 ROUSSEAU'S NOTE. By this word I do not mean only an aristocracy or a democracy, but in general any government guided by the general will, which is the law. To be legitimate, the government must not be confused with the sovereign, but must be its minister; then monarchy itself is a republic. This will become clearer in the next book.

10 "The public thing" translates *la chose publique*, the literal sense of the Latin *res publica*, "republic."

present and tangible advantages must be weighed against the danger of distant and hidden evils. Individuals see the good they reject; the public wills the good it does not see. All are equally in need of guides. The former must be obliged to conform their wills to their reason; the latter must be taught to know what it wants. Then from public enlightenment comes the union of understanding and will in the social body; from that, the exact cooperation of the parts; and finally, the greatest strength of the whole. This is where the need for a lawgiver comes from.

CHAPTER 7: THE LAWGIVER

A founder of genius must shape a people's laws without holding power himself.

2.7 To discover the best rules of society suited to nations, there would need to be a superior intelligence: one that saw all the passions of men and felt none of them; that had no relation to our nature and yet knew it thoroughly; whose happiness was independent of us and which was nevertheless willing to concern itself with ours; one, finally, that, securing for itself a distant glory in the course of time, could labor in one century and reap the enjoyment in another[11]. It would take gods to give laws to men.

The same reasoning that Caligula applied to fact, Plato applied to right, in defining the civil or royal man he seeks in his book on kingship. But if it is true that a great prince is a rare man, what of a great lawgiver? The former has only to follow the model that the latter must propose. The latter is the engineer who invents the machine; the former is only the workman who assembles it and makes it run. At the birth of societies, says Montesquieu, it is the leaders of republics who create the insti-

11 ROUSSEAU'S NOTE. A people becomes famous only when its legislation begins to decline. No one knows for how many centuries the institution of Lycurgus made the Spartans happy before they were talked about in the rest of Greece.

tution, and afterward it is the institution that forms the leaders of republics.[12]

Whoever dares to undertake the founding of a people must feel capable of changing human nature, so to speak: of transforming each individual, who by himself is a perfect and solitary whole, into part of a larger whole from which that individual receives, in a sense, his life and his being; of altering man's constitution in order to strengthen it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature. In a word, he must take from man his own powers in order to give him powers that are foreign to him, and that he cannot use without the help of others. The more these natural powers are dead and extinguished, the greater and more lasting are the acquired ones, and the more solid and perfect too is the institution. So if each citizen is nothing and can do nothing except through all the others, and if the power acquired by the whole is equal or superior to the sum of the natural powers of all the individuals, one can say that legislation has reached the highest point of perfection it can attain.

The lawgiver is in every respect an extraordinary man in the State. If he must be so by his genius, he is no less so by his office. It is not magistracy; it is not sovereignty. This office, which constitutes the republic, has no place in its constitution. It is a particular and superior function that has nothing in common with dominion over men. For if he who commands men must not command the laws, neither must he who commands the laws command men. Otherwise his laws, as the ministers of his passions, would often only perpetuate his injustices, and he could never prevent private aims from corrupting the sanctity of his work.

When Lycurgus gave laws to his homeland, he began by abdicating the kingship. It was the custom of most Greek cities to entrust the framing of their laws to foreigners. The modern

12 For Caligula's reasoning, see Book I, chapter 2. Plato's "book on kingship" is the *Statesman*; the Montesquieu passage is from his *Considerations on the Causes of the Greatness of the Romans* (1734), chapter 1.

republics of Italy often imitated this practice; the republic of Geneva did the same, and was the better for it[13]. Rome in its finest age saw all the crimes of tyranny reborn in its midst, and found itself on the point of perishing, for having united legislative authority and sovereign power in the same hands.

Yet the decemvirs themselves never arrogated the right to pass any law on their sole authority. *Nothing that we propose to you*, they told the people, *can become law without your consent. Romans, be yourselves the authors of the laws that are to make your happiness.*[14]

He who drafts the laws, then, has or should have no legislative right; and the people itself cannot, even if it wished, strip itself of this incommunicable right. For according to the fundamental pact, only the general will obligates individuals, and one can never be sure that a private will conforms to the general will until it has been submitted to the free votes of the people. I have said this already, but it is not useless to repeat it.

Thus we find together in the work of legislation two things that seem incompatible: an undertaking beyond human strength, and, to carry it out, an authority that is nothing.

Another difficulty deserves attention. Wise men who try to speak to the common people in their own language rather than the people's cannot make themselves understood. Now, there are a thousand kinds of ideas that cannot be translated into the language of the people. Views that are too general and objects that are too remote are equally beyond its reach. Each indi-

13 ROUSSEAU'S NOTE. Those who consider Calvin only as a theologian know little of the breadth of his genius. The drafting of our wise Edicts, in which he had a large part, does him as much honor as his *Institutes*. Whatever revolution time may bring about in our worship, so long as love of country and of liberty is not extinguished among us, the memory of this great man will never cease to be blessed there.

TRANSLATOR'S NOTE. John Calvin (1509–1564) helped draft Geneva's laws in 1541–43; his chief theological work is the *Institutes of the Christian Religion*. Rousseau was a citizen of Geneva.

14 The decemvirs were ten men given full powers in 451 BC to draw up Rome's laws (the Twelve Tables); their rule turned tyrannical. The quotation is adapted from Livy.

vidual, relishing no plan of government other than one that bears on his private interest, has difficulty perceiving the advantages he is to draw from the continual privations that good laws impose. For a nascent people to appreciate the sound maxims of politics and follow the fundamental rules of reason of state, the effect would have to become the cause: the social spirit, which is to be the product of the institution, would have to preside over the institution itself, and men would have to be, before the laws, what they are to become through them. Since the lawgiver, then, can use neither force nor reasoning, he must of necessity resort to an authority of a different order, one that can carry people along without violence and persuade without convincing.

This is what has in all ages forced the fathers of nations to resort to the intervention of heaven, and to credit the gods with their own wisdom, so that the peoples, subject to the laws of the State as to those of nature, and recognizing the same power in the formation of man and in that of the City, might obey freely and bear with docility the yoke of public happiness.

This sublime reason, which rises above the reach of ordinary men, is the one whose decisions the lawgiver places in the mouths of the immortals, in order to carry along by divine authority those whom human prudence could not move[15]. But it is not for every man to make the gods speak, or to be believed when he proclaims himself their interpreter. The lawgiver's great soul is the true miracle that must prove his mission. Any man can engrave tablets of stone, or buy an oracle, or pretend to a secret communication with some divinity, or train a bird to speak into his ear, or find other crude ways of imposing on the people. One who knows only that may even, by chance, gather a crowd of fools, but he will never found an empire, and his extra-

15 ROUSSEAU'S NOTE. *And truly*, says Machiavelli, *there was never anyone who introduced extraordinary laws among a people without having recourse to God, because otherwise they would not be accepted; for there are many good things, known to a prudent man, which do not in themselves have reasons evident enough to persuade others.* Discourses on Livy, Book I, chapter XI.

TRANSLATOR'S NOTE. In Italian in the original.

vagant work will soon perish with him. Empty tricks form a passing bond; only wisdom makes it lasting. The Jewish law, which still endures, and that of the child of Ishmael, which for ten centuries has ruled half the world, still proclaim today the great men who dictated them. And while proud philosophy or the blind spirit of faction sees in them only lucky impostors, the true statesman admires in their institutions that great and powerful genius which presides over lasting establishments.[16]

We must not conclude from all this, with Warburton, that politics and religion have a common object among us, but rather that at the origin of nations the one serves as an instrument of the other.[17]

CHAPTER 8: THE PEOPLE

Laws must suit a people's maturity; nations can be reformed only while young.

2.8 Just as an architect, before putting up a large building, observes and probes the ground to see whether it can bear the weight, so the wise founder does not begin by drafting laws that are good in themselves, but first examines whether the people for whom he intends them is fit to bear them. That is why Plato refused to give laws to the Arcadians and the Cyrenians, knowing that these two peoples were rich and could not tolerate equality. That is why Crete had good laws and bad men: Minos had disciplined only a people laden with vices.[18]

A thousand nations have shone on the earth that could never have tolerated good laws; and even those that could have had only a very short time for it in their whole existence. Peoples, like men, are teachable only in their youth; they become incorrigible as they grow old. Once customs are established and pre-

16 "The child of Ishmael" is Muhammad; Arab tradition traces its descent from Abraham's son Ishmael.

17 William Warburton (1698–1779), English bishop, author of *The Alliance between Church and State* (1736).

18 Minos was the legendary king and lawgiver of Crete. The story of Plato's refusal comes from ancient biographers such as Plutarch and Diogenes Laertius.

judices rooted, it is a dangerous and futile undertaking to try to reform them. The people cannot even bear to have its ills touched in order to cure them, like those foolish and faint-hearted patients who tremble at the sight of the doctor.

This is not to say that—just as certain illnesses unsettle men's minds and wipe out their memory of the past—there are not sometimes violent periods in the life of States when revolutions do to peoples what certain crises do to individuals: when horror of the past takes the place of forgetting, and when the State, set ablaze by civil wars, is reborn, so to speak, from its ashes and regains the vigor of youth as it escapes from the arms of death. Such was Sparta in the time of Lycurgus; such was Rome after the Tarquins; and such, in our own times, have been Holland and Switzerland after the expulsion of the tyrants.[19]

But such events are rare. They are exceptions, and the reason for them always lies in the particular constitution of the State concerned. They cannot even happen twice to the same people; for a people can make itself free so long as it is still at an early stage of development, but it can no longer do so once the civil spring is worn out. Then disorders may destroy it without revolutions being able to restore it, and as soon as its chains are broken it falls apart and exists no longer. From then on it needs a master, not a liberator. Free peoples, remember this maxim: liberty can be acquired, but it is never recovered.

For nations as for men, there is a time of maturity that must be awaited before they are subjected to laws; but a people's maturity is not always easy to recognize, and if one anticipates it, the work is ruined. One people is capable of discipline at birth; another is not so after ten centuries. The Russians will never be truly civilized, because they were civilized too soon. Peter had the genius of imitation; he did not have true genius, the kind that creates and makes everything out of nothing.

19 The Tarquins were the last kings of Rome, expelled around 509 BC. Holland threw off Spanish rule in the late 16th century; the Swiss cantons freed themselves from the Habsburgs from the 13th century on.

Some of the things he did were good; most were out of place.[20] He saw that his people was still at an early stage of development; he did not see that it was not ripe for civil order. He wanted to civilize it when all it needed was toughening. He wanted first to make Germans and Englishmen, when he should have begun by making Russians. He prevented his subjects from ever becoming what they might have been by persuading them that they were what they are not. This is how a French tutor trains his pupil to shine for a moment in childhood and then to amount to nothing. The Russian Empire will seek to subjugate Europe and will itself be subjugated. The Tartars, its subjects or neighbors, will become its masters and ours. This revolution seems to me certain.[21] All the kings of Europe are working in concert to hasten it.

CHAPTER 9: THE PEOPLE, CONTINUED

A State must be neither too large to govern well nor too small to defend itself.

2.9 Just as nature has set limits to the stature of a well-formed man, beyond which it produces only giants or dwarfs, so too, with regard to the best constitution of a State, there are bounds to the size it can have, so that it is neither too large to be well governed nor too small to maintain itself on its own. In every body politic there is a *maximum* of strength that it cannot exceed, and from which it often moves further away by growing larger. The more the social bond stretches, the looser it becomes; and in general a small State is proportionally stronger than a large one.

A thousand reasons prove this maxim. First, administration becomes more laborious over great distances, just as a weight becomes heavier at the end of a longer lever. It also becomes

20 Peter the Great, tsar of Russia (reigned 1682–1725), who set out to remake his country on Western European models.

21 The Tartars: the Turkic and Mongol peoples of the steppes of Central Asia and southern Russia.

more burdensome as the levels multiply. For each town first has its own administration, which the people pay for; each district has its own, again paid for by the people; then each province; then the great governorships, the satrapies, the viceroyalties, which cost ever more the higher one goes, and always at the expense of the unhappy people. Last comes the supreme administration, which crushes everything. So many added burdens continually drain the subjects. Far from being better governed by all these different ranks, they are governed much worse than if there were only one above them. Meanwhile scarcely any resources remain for emergencies, and when they must be drawn on, the State is always on the brink of ruin.

That is not all. Not only does the government have less vigor and speed in enforcing the laws, preventing oppression, correcting abuses, and forestalling seditious undertakings that may arise in distant places; but the people have less affection for their leaders, whom they never see, for their country, which to them is like the whole world, and for their fellow citizens, most of whom are strangers to them. The same laws cannot suit so many different provinces, which have different customs, live in contrasting climates, and cannot bear the same form of government. Different laws breed only disorder and confusion among peoples who, living under the same leaders and in constant contact, move into or marry into one another's territories and, being then subject to other customs, never know whether their inheritance is really theirs. Talents are buried, virtues unknown, vices unpunished, in this multitude of men unknown to one another, whom the seat of the supreme administration gathers in one place. The leaders, overwhelmed with business, see nothing for themselves; clerks govern the State. Finally, the measures needed to uphold the general authority—which so many distant officials seek to evade or to deceive—absorb all the public attention. None is left for the happiness of the people, and scarcely any for their defense in time of need. And so a body too large for its constitution sinks and perishes, crushed under its own weight.

On the other hand, the State must give itself a certain base in order to be solid, to withstand the shocks it is sure to experience and the efforts it will be forced to make to sustain itself. For all peoples have a kind of centrifugal force by which they continually act against one another and tend to expand at their neighbors' expense, like Descartes's vortices. Thus the weak are in danger of being swallowed up before long, and hardly any people can preserve itself except by entering with all the others into a kind of equilibrium that makes the pressure roughly equal everywhere.[22]

We see from this that there are reasons for expanding and reasons for contracting, and it is not the least of the statesman's talents to find, between the two, the proportion most favorable to the preservation of the State. In general one may say that the former, being merely external and relative, should be subordinated to the latter, which are internal and absolute. A sound and strong constitution is the first thing to seek, and one should rely more on the vigor born of good government than on the resources a large territory supplies.

Moreover, there have been States so constituted that the need for conquest was part of their very constitution, and that, to maintain themselves, they were forced to expand without end. Perhaps they congratulated themselves greatly on this happy necessity, which nevertheless showed them, along with the limit of their greatness, the inevitable moment of their fall.

CHAPTER 10: THE PEOPLE, CONTINUED

A people is fit for laws when territory and population are balanced and peace prevails.

2.10 A body politic can be measured in two ways: by the extent of its territory and by the number of its people. Between these two measures there is a fitting ratio that gives the State its true size. It is men who make the State, and it is the land that feeds men.

22 René Descartes (1596–1650) explained the motion of the planets by vast whirlpools, or vortices, of matter filling space.

This ratio, then, is that the land should suffice to maintain its inhabitants, and that there should be as many inhabitants as the land can feed. It is in this proportion that the *maximum* of strength of a given number of people is found. For if there is too much land, guarding it is burdensome, cultivation inadequate, and the produce surplus; this is the immediate cause of defensive wars. If there is not enough, the State finds itself at its neighbors' mercy for what it lacks; this is the immediate cause of offensive wars. Any people whose position leaves it only the choice between trade and war is weak in itself. It depends on its neighbors; it depends on events; its existence is always uncertain and short. Either it subjugates others and changes its situation, or it is subjugated and is nothing. It can keep itself free only by being very small or very large.

No fixed ratio can be calculated between the extent of land and the number of men that are sufficient for each other. This is both because of the differences in the qualities of the land—in its degrees of fertility, the nature of its products, the influence of climate—and because of those observed in the temperaments of the men who inhabit it, some of whom consume little in a fertile country, others a great deal on barren soil. One must also take into account the greater or lesser fertility of the women, how favorable the country may be to population, and how far the lawgiver may hope to promote it by his institutions. He should therefore base his judgment not on what he sees but on what he foresees, and dwell less on the current state of the population than on the level it should naturally reach. Finally, there are a thousand cases in which the particular features of a place require or allow one to take in more land than seems necessary. Thus one will spread out a good deal in mountainous country, where the natural products—woods and pastures—require less labor; where experience shows that women are more fertile than in the plains; and where a large sloping surface gives only a small horizontal base, which is all that counts for vegetation. By contrast, one can draw in close by the sea, even among rocks and nearly barren sands. For there fishing can largely make up

for the products of the land; men must live closer together to repel pirates; and it is besides easier to relieve the country, by means of colonies, of the inhabitants with whom it is overburdened.

To these conditions for founding a people must be added one that cannot take the place of any other, but without which all the rest are useless: the people must enjoy abundance and peace. For the time when a State is being organized is, like the time when a battalion is being formed, the moment when the body is least able to resist and easiest to destroy. There would be better resistance in total disorder than in a moment of ferment, when each is taken up with his own rank and not with the danger. Should a war, a famine or a sedition break out in this time of crisis, the State will inevitably be overthrown.

Not that many governments have not been established during such storms; but then it is these very governments that destroy the State. Usurpers always bring about or choose these times of turmoil to pass, under cover of public fear, destructive laws that the people would never adopt in cold blood. The choice of the moment of founding is one of the surest signs by which one can tell the work of the lawgiver from that of the tyrant.

What people, then, is fit for legislation? One that, already bound by some union of origin, interest or convention, has not yet borne the true yoke of laws; one that has no deeply rooted customs or superstitions; one that does not fear being overwhelmed by a sudden invasion, and that, without entering into its neighbors' quarrels, can resist each of them on its own or enlist the help of one to repel the other; one in which every member can be known to all, and where no one is forced to lay on a man a greater burden than a man can bear; one that can do without other peoples and that every other people can do

without[23]; one that is neither rich nor poor and can be self-sufficient; finally, one that combines the firmness of an ancient people with the docility of a new one. What makes the work of legislation hard is less what must be built than what must be destroyed; and what makes success so rare is the impossibility of finding the simplicity of nature joined to the needs of society. All these conditions, it is true, are rarely found together. That is why one sees few well-constituted States.

There is still one country in Europe capable of receiving laws: the island of Corsica. The courage and constancy with which this brave people has managed to recover and defend its liberty would well deserve that some wise man should teach it how to preserve it. I have a certain presentiment that one day this little island will astonish Europe.[24]

CHAPTER 11: THE VARIOUS SYSTEMS OF LEGISLATION

Every legislation should aim at liberty and equality, adapted to local circumstances.

2.11 If we ask precisely what the greatest good of all consists in—the good that ought to be the end of every system of legislation—we shall find that it comes down to these two principal objects: *liberty* and *equality*. Liberty, because every private dependence is so much strength taken from the body of the State; equality, because liberty cannot survive without it.

I have already said what civil liberty is. As for equality, this word must not be taken to mean that degrees of power and

23 ROUSSEAU'S NOTE. If, of two neighboring peoples, one could not do without the other, the situation would be very hard for the first and very dangerous for the second. Any wise nation in such a case will quickly strive to free the other from this dependence. The Republic of Tlaxcala, enclosed within the Empire of Mexico, preferred to go without salt rather than buy it from the Mexicans, or even accept it from them free of charge. The wise Tlaxcalans saw the trap hidden beneath this generosity. They kept themselves free, and this small State, shut in within that great Empire, was in the end the instrument of its ruin.

TRANSLATOR'S NOTE. Tlaxcala, a city-state never conquered by the Aztecs, allied with Hernán Cortés in 1519–1521 and helped him destroy the Aztec Empire.

wealth should be exactly the same. It means that power should stop short of all violence and never be exercised except by virtue of rank and the laws; and that, as for wealth, no citizen should be rich enough to be able to buy another, and none so poor as to be forced to sell himself. This presupposes, on the part of the great, moderation in property and influence, and on the part of the humble, moderation in avarice and covetousness[25].

This equality, they say, is a speculative fantasy that cannot exist in practice. But if abuse is inevitable, does it follow that we should not at least regulate it? It is precisely because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it.

But these general objects of every good institution must be modified in each country by the relations that arise both from the local situation and from the character of the inhabitants; and it is on the basis of these relations that each people must be assigned its own particular system of institutions—the best, not perhaps in itself, but for the State for which it is intended. For example, is the soil poor and barren, or the country too cramped for its inhabitants? Turn to industry and the crafts, whose products you will exchange for the foodstuffs you lack. Do you, on the contrary, occupy rich plains and fertile hillsides? With good land, are you short of inhabitants? Devote all your care to agriculture, which multiplies men, and drive out the crafts, which would only finish depopulating the country by

24 Corsica rose against Genoese rule in 1729 and, under Pasquale Paoli, governed itself from 1755. Rousseau was later invited to draft a constitution for it.

25 ROUSSEAU'S NOTE. Do you want, then, to give the State firmness? Bring the extremes as close together as possible: tolerate neither the very rich nor beggars. These two conditions, naturally inseparable, are equally fatal to the common good; from the one come the abettors of tyranny, and from the other the tyrants. It is always between them that public liberty is traded: the one buys it and the other sells it.

crowding its few inhabitants into a few spots of the territory[26]. Do you occupy long and convenient coastlines? Cover the sea with ships, cultivate trade and navigation; you will have a brilliant and short existence. Does the sea wash nothing on your shores but almost inaccessible rocks? Remain a simple people of fish-eaters; you will live more peacefully, better perhaps, and certainly more happily. In a word, besides the maxims common to all, each people contains within itself some cause that orders them in a particular way and makes its legislation suited to it alone. Thus in former times the Hebrews, and more recently the Arabs, had religion as their principal object; the Athenians, letters; Carthage and Tyre, commerce; Rhodes, seafaring; Sparta, war; and Rome, virtue. The author of *The Spirit of the Laws* has shown, with a host of examples, by what art the lawgiver directs the institution toward each of these objects.[27]

What makes the constitution of a State truly solid and lasting is when what is fitting is so well observed that natural relations and the laws always coincide on the same points, and the laws do no more, so to speak, than secure, accompany and correct the natural relations. But if the lawgiver, mistaking his object, adopts a principle different from the one that arises from the nature of things—if the one tends toward servitude and the other toward liberty, the one toward wealth and the other toward population, the one toward peace and the other toward conquest—then the laws will be seen to weaken imperceptibly and the constitution to deteriorate, and the State will never cease to be in turmoil until it is destroyed or changed and invincible nature has regained its sway.

26 ROUSSEAU'S NOTE. Any branch of foreign trade, says M. d'A., spreads hardly anything but a false benefit through a kingdom in general. It may enrich a few individuals, even a few towns, but the nation as a whole gains nothing by it, and the people are no better off.

27 Montesquieu (1689–1755), whose *The Spirit of the Laws* (1748) studied how laws must fit each nation's climate, situation and character.

CHAPTER 12: THE DIVISION OF LAWS

Laws are political, civil or criminal, and above all rooted in morals and opinion.

2.12 To order the whole, or to give the best possible form to the commonwealth, there are various relations to consider. First, the action of the whole body acting upon itself—that is, the relation of the whole to the whole, or of the sovereign to the State; and this relation is made up of the relations of the intermediate terms, as we shall see later.

The laws that regulate this relation are called political laws; they are also called fundamental laws, not without some reason if these laws are wise. For if there is only one good way of ordering each State, the people that has found it should hold to it. But if the established order is bad, why should laws that prevent it from being good be regarded as fundamental? Besides, in any case, a people is always the master of changing its laws, even the best of them; for if it pleases it to harm itself, who has the right to prevent it?

The second relation is that of the members to one another or to the body as a whole; and this relation should be as small as possible in the first respect and as large as possible in the second, so that each citizen is perfectly independent of all the others and excessively dependent on the City. This is always achieved by the same means, for it is only the strength of the State that makes the liberty of its members. It is from this second relation that civil laws arise.

A third kind of relation between man and the law may be considered, namely that of disobedience to punishment. This gives rise to the establishment of criminal laws, which at bottom are less a particular kind of law than the sanction of all the others.

To these three kinds of law is added a fourth, the most important of all: one that is engraved neither in marble nor in bronze, but in the hearts of the citizens; that forms the true constitution of the State; that gains new strength every day; that,

when other laws grow old or die out, revives them or takes their place, keeps a people in the spirit of its founding, and imperceptibly substitutes the force of habit for that of authority. I am speaking of morals, of customs, and above all of opinion—a part unknown to our political thinkers, but on which the success of all the others depends; a part with which the great lawgiver concerns himself in secret, while he seems to confine himself to particular regulations. These are only the temporary frame of the arch, of which morals, slower to arise, finally form the unshakable keystone.

Among these various classes, political laws, which constitute the form of government, are the only one relevant to my subject.

Book III

On political laws, that is, the form of government

3.0 Before speaking of the various forms of government, let us try to fix the precise meaning of this word, which has not yet been very well explained.

CHAPTER 1: GOVERNMENT IN GENERAL

Government is an intermediate body executing the laws between sovereign and subjects.

3.1 I warn the reader that this chapter must be read carefully, and that I do not know the art of being clear to anyone who will not pay attention.

Every free action has two causes that combine to produce it: one moral, namely the will that determines the act; the other physical, namely the power that carries it out. When I walk toward an object, I must first want to go there, and second, my feet must carry me there. Let a paralyzed man want to run and an agile man not want to: both will stay where they are. The body politic has the same motive forces. In it too we distinguish force and will—the latter under the name of *legislative power*, the former under the name of *executive power*. Nothing is done, or should be done, in it without the two acting together.

We have seen that legislative power belongs to the people and can belong to it alone. It is easy to see, on the other hand, from the principles established above, that executive power cannot belong to the people as a whole in its capacity as lawgiver or sovereign. For this power consists only of particular acts, which

are not within the province of the law, nor consequently within that of the sovereign, all of whose acts can only be laws.

The public force therefore needs an agent of its own to unite it and set it to work according to the directions of the general will; to serve as a link between the State and the sovereign; and to do in some sense for the public person what the union of soul and body does in man. This is the reason for government in the State—wrongly confused with the sovereign, of which it is only the minister.

What, then, is the government? An intermediate body established between the subjects and the sovereign for their mutual communication, charged with executing the laws and maintaining liberty, both civil and political.

The members of this body are called magistrates or *kings*, that is, *governors*, and the body as a whole bears the name of *prince*[1]. Thus those who claim that the act by which a people submits to leaders is not a contract are entirely right. It is absolutely nothing but a commission, an employment in which, as mere officers of the sovereign, they exercise in its name the power it has entrusted to them—a power it can limit, modify and take back whenever it pleases, since the alienation of such a right is incompatible with the nature of the social body and contrary to the purpose of the association.

I therefore call *government*, or supreme administration, the legitimate exercise of executive power, and prince or magistrate the man or body charged with that administration.

It is in the government that the intermediate forces are found whose relations make up the relation of the whole to the whole, or of the sovereign to the State. This last relation can be represented as that between the extremes of a continued proportion, whose mean proportional is the government. The government receives from the sovereign the orders it gives to the people; and

1 ROUSSEAU'S NOTE. Thus in Venice the College is given the title of *Most Serene Prince*, even when the Doge is not present.

TRANSLATOR'S NOTE. The College was Venice's chief executive council; the Doge was the Republic's elected head of state.

for the State to be in good equilibrium, there must, all things considered, be equality between the product or power of the government taken in itself and the product or power of the citizens, who are sovereign on the one hand and subjects on the other.[2]

Moreover, none of the three terms can be altered without instantly breaking the proportion. If the sovereign wants to govern, or the magistrate wants to make laws, or the subjects refuse to obey, disorder replaces rule, force and will no longer act in concert, and the State, dissolved, falls into despotism or anarchy. Finally, just as there is only one mean proportional for each ratio, so there is only one good government possible in a State. But since a thousand events can change a people's relations, different governments may be good not only for different peoples but also for the same people at different times.

To try to give some idea of the various relations that may hold between these two extremes, I shall take as an example the number of the people, as a relation that is easier to express.

Suppose the State is composed of ten thousand citizens. The sovereign can be considered only collectively and as a body, but each private person, in his capacity as subject, is considered as an individual. Thus the sovereign is to the subject as ten thousand is to one; that is, each member of the State has as his share only one ten-thousandth of the sovereign authority, although he is wholly subject to it. If the people is composed of a hundred thousand men, the condition of the subjects does not change, and each bears the whole dominion of the laws just the same, while his vote, reduced to one hundred-thousandth, has ten times less influence in drafting them. Thus, the subject always remaining one, the ratio of the sovereign increases in proportion to the number of citizens. From which it follows that the larger the State grows, the more liberty diminishes.

When I say that the ratio increases, I mean that it moves further from equality. Thus the greater the ratio in the geometers'

2 A continued proportion is a series such as A : B = B : C, in which B is the "mean proportional"; here, sovereign : government = government : people.

sense, the less relation there is in the ordinary sense. In the first sense, the ratio, considered in terms of quantity, is measured by its quotient; in the second, considered in terms of identity, it is judged by likeness.[3]

Now the less private wills relate to the general will—that is, morals to laws—the more the repressive force must increase. Therefore the government, to be good, must be relatively stronger as the people grows more numerous.

On the other hand, since the growth of the State gives the trustees of public authority more temptations and more means to abuse their power, the more force the government must have to restrain the people, the more force the sovereign must have in its turn to restrain the government. I am speaking here not of absolute force but of the relative force of the various parts of the State.

It follows from this double relation that the continued proportion between the sovereign, the prince and the people is not an arbitrary idea but a necessary consequence of the nature of the body politic. It follows further that, since one of the extremes—namely the people as subject—is fixed and represented by unity, whenever the doubled ratio increases or decreases, the simple ratio increases or decreases likewise, and that consequently the middle term is changed. This shows that there is no single, absolute constitution of government, but that there may be as many governments differing in nature as there are States differing in size.[4]

If, to ridicule this system, someone were to say that, by my account, to find this mean proportional and form the body of the government one need only take the square root of the number of the people, I would reply that I use this number here only as an example; that the relations I am speaking of are measured not only by the number of men, but in general by the amount of

3 Rousseau plays on *rapport*, which means both a mathematical ratio and a relation or likeness; his word for the quotient is *exposant*, the 18th-century term for it.
4 The "doubled ratio" (sovereign to people) is the square of the "simple ratio" (sovereign to government), since the government is the mean term between them.

action, which results from the combination of a multitude of causes; and that, moreover, if I borrow geometrical terms for a moment to express myself in fewer words, I am nonetheless well aware that geometrical precision has no place in moral quantities.

The government is on a small scale what the body politic that contains it is on a large scale. It is a moral person endowed with certain faculties, active like the sovereign, passive like the State, and it can be broken down into other similar relations. From this there consequently arises a new proportion, and yet another within this one, according to the order of the courts, until one reaches an indivisible middle term—that is, a single chief or supreme magistrate—who can be pictured in the middle of this progression as the unit between the series of fractions and that of whole numbers.

Without getting entangled in this multiplication of terms, let us be content to regard the government as a new body within the State, distinct from the people and from the sovereign, and intermediate between them.

There is this essential difference between these two bodies: the State exists by itself, whereas the government exists only through the sovereign. Thus the ruling will of the prince is not, or should not be, anything but the general will or the law; its force is only the public force concentrated in it. As soon as it tries to derive some absolute and independent act from itself, the bond that holds the whole together begins to loosen. If, finally, the prince should come to have a private will more active than that of the sovereign, and should use the public force in its hands to obey this private will, so that there were, so to speak, two sovereigns, one by right and the other in fact, then at that instant the social union would vanish and the body politic would be dissolved.

Yet for the body of the government to have an existence, a real life, that distinguishes it from the body of the State; for all its members to be able to act in concert and fulfill the purpose for which it was instituted, it needs a particular *self*, a sensibility

common to its members, a force and a will of its own that tend toward its preservation. This particular existence presupposes assemblies, councils, a power to deliberate and to decide, and rights, titles and privileges that belong exclusively to the prince and that make the magistrate's position more honorable in proportion as it is more onerous. The difficulties lie in how to arrange this subordinate whole within the whole, so that it does not impair the general constitution while strengthening its own; so that it always distinguishes its particular force, meant for its own preservation, from the public force, meant for the preservation of the State; and, in a word, so that it is always ready to sacrifice the government to the people and not the people to the government.

Moreover, although the artificial body of the government is the work of another artificial body, and has in some sense only a borrowed and subordinate life, this does not prevent it from acting with more or less vigor or speed, or from enjoying, so to speak, more or less robust health. Finally, without departing directly from the purpose of its institution, it can stray from it to a greater or lesser degree, depending on how it is constituted.

It is from all these differences that the various relations arise that the government must have with the body of the State, according to the accidental and particular relations by which that same State is modified. For often the government that is best in itself will become the most defective, if its relations are not adjusted to the flaws of the body politic to which it belongs.

CHAPTER 2: THE PRINCIPLE THAT CONSTITUTES THE VARIOUS FORMS OF GOVERNMENT

The more magistrates there are, the weaker the government becomes.

3.2 To set out the general cause of these differences, we must here distinguish the prince from the government, as I earlier distinguished the State from the sovereign.

The body of the magistrate may be composed of a greater or smaller number of members. We have said that the ratio of the

sovereign to the subjects was greater the more numerous the people; and by an evident analogy we can say the same of the government with respect to the magistrates.

Now the total force of the government, being always that of the State, does not vary. From which it follows that the more of this force it uses on its own members, the less remains to it for acting on the whole people.

Therefore, the more numerous the magistrates, the weaker the government. As this maxim is fundamental, let us take pains to clarify it further.

We can distinguish in the person of the magistrate three essentially different wills. First, the individual's own will, which tends only to his private advantage. Second, the common will of the magistrates, which relates solely to the advantage of the prince, and which may be called the corporate will; it is general with respect to the government, and particular with respect to the State, of which the government is a part. Third, the will of the people, or the sovereign will, which is general both with respect to the State considered as the whole and with respect to the government considered as part of the whole.

In a perfect legislation, the private or individual will should be null, the corporate will proper to the government very subordinate, and consequently the general or sovereign will always dominant and the sole rule of all the others.

According to the natural order, on the contrary, these different wills become more active the more concentrated they are. Thus the general will is always the weakest, the corporate will ranks second, and the private will first of all; so that in the government each member is first himself, then a magistrate, and then a citizen—a gradation directly opposed to the one the social order requires.

This being established, let the whole government be in the hands of a single man. Here the private will and the corporate will are perfectly united, and consequently the latter is at the highest degree of intensity it can have. Now, since the use of force depends on the degree of will, and since the absolute force

of the government does not vary, it follows that the most active of governments is that of a single man.

Suppose, on the contrary, that we unite the government with the legislative authority; let us make the sovereign the prince, and all the citizens so many magistrates. Then the corporate will, merged with the general will, will have no more activity than it, and will leave the private will in its full strength. Thus the government, still with the same absolute force, will be at its *minimum* of relative force or activity.

These relations are incontestable, and other considerations serve to confirm them further. We see, for example, that each magistrate is more active within his body than each citizen within his, and that consequently the private will has much more influence in the acts of the government than in those of the sovereign. For each magistrate is almost always charged with some function of government, whereas each citizen, taken singly, has no function of sovereignty. Besides, the more the State expands, the more its real force increases, though not in proportion to its extent. But if the State remains the same, the magistrates may multiply as they will: the government gains no greater real force, because this force is that of the State, whose measure is always the same. Thus the relative force or activity of the government diminishes, without its absolute or real force being able to increase.

It is also certain that business is dispatched more slowly as more people are charged with it; that by giving too much to prudence one gives too little to fortune; that opportunities are let slip; and that by dint of deliberating one often loses the fruit of deliberation.

I have just proved that government grows slack as the magistrates multiply, and I proved earlier that the more numerous the people, the more the repressive force must increase. From which it follows that the ratio of the magistrates to the government must be the inverse of the ratio of the subjects to the sovereign. That is to say, the larger the State grows, the more the

government must contract, so that the number of leaders decreases in proportion as the people increases.

For the rest, I am speaking here only of the relative force of the government, and not of its rectitude. For, on the contrary, the more numerous the magistrate, the closer the corporate will comes to the general will; whereas under a single magistrate that same corporate will is, as I have said, only a private will. Thus one loses on one side what one may gain on the other, and the art of the lawgiver is to know how to fix the point at which the force and the will of the government, always in reciprocal proportion, combine in the ratio most advantageous to the State.

CHAPTER 3: THE DIVISION OF GOVERNMENTS

Governments are classed as democracy, aristocracy or monarchy by the number who rule.

3.3 In the previous chapter we saw why the various kinds or forms of government are distinguished by the number of members who compose them; it remains to see in this one how that division is made.

The sovereign may, in the first place, entrust the government to the whole people or to the greater part of the people, so that there are more citizen-magistrates than ordinary private citizens. This form of government is given the name *democracy*.

Or else it may confine the government to the hands of a small number, so that there are more ordinary citizens than magistrates; and this form bears the name *aristocracy*.

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

It should be noted that all these forms, or at least the first two, admit of more or less, and even have quite a wide latitude. For democracy can embrace the whole people or shrink to as little as half. Aristocracy in its turn can shrink from half the people down to the smallest number, without fixed limit. Even kingship

admits of some sharing. Sparta, by its constitution, always had two kings; and the Roman Empire was seen to have as many as eight emperors at once, without anyone being able to say that the Empire was divided.[5] Thus there is a point at which each form of government merges into the next, and we see that, under only three names, government is really capable of as many different forms as the State has citizens.

There is more. Since this same government can in certain respects be subdivided into other parts, one administered in one way and another in another, the combination of these three forms can yield a multitude of mixed forms, each of which can be multiplied by all the simple forms.

In every age there has been much dispute over the best form of government, without considering that each of them is the best in some cases and the worst in others.

If in different States the number of supreme magistrates should be in inverse ratio to the number of citizens, it follows that, in general, democratic government suits small States, aristocratic government middle-sized ones, and monarchical government large ones. This rule follows directly from the principle; but how can one count the multitude of circumstances that may furnish exceptions?

CHAPTER 4: DEMOCRACY

True democracy suits only a people of gods; it has never existed and never will.

3.4 He who makes the law knows better than anyone how it ought to be executed and interpreted. It seems, then, that there could be no better constitution than one in which the executive power is joined to the legislative. But this is the very thing that makes such a government inadequate in certain respects: things that ought to be kept distinct are not, and since the prince and the

5 Sparta was ruled jointly by two hereditary kings from separate royal houses. In the early 4th century AD, as the Tetrarchy broke down, several men claimed the imperial title at the same time.

sovereign are one and the same person, they form, so to speak, only a government without a government.

It is not good for the one who makes the laws to execute them, nor for the body of the people to turn its attention away from general views and give it to particular objects. Nothing is more dangerous than the influence of private interests in public affairs; and the government's abuse of the laws is a lesser evil than the corruption of the lawgiver, which is the unfailing result of particular views. For then the State is altered in its very substance, and all reform becomes impossible. A people that would never abuse government would never abuse independence either; a people that would always govern well would have no need to be governed.

Taking the term in its strict sense, there has never been a true democracy, and there never will be. It is against the natural order for the greater number to govern and the smaller to be governed. One cannot imagine the people remaining constantly assembled to attend to public affairs, and it is easy to see that it could not set up commissions for that purpose without the form of administration changing.

Indeed, I think I can lay it down as a principle that when the functions of government are shared among several bodies, the least numerous acquire sooner or later the greatest authority, if only because of the ease with which they dispatch business, which naturally brings it to them.

Besides, how many things hard to bring together does this government presuppose! First, a very small State, where the people can easily be assembled and where each citizen can easily know all the others. Second, a great simplicity of morals, which forestalls a multitude of business and thorny discussions. Next, a large measure of equality in rank and fortune, without which equality could not long subsist in rights and authority. Finally, little or no luxury. For luxury is either the effect of riches or makes them necessary; it corrupts rich and poor alike, the one by possession, the other by covetousness; it sells the

fatherland to softness and vanity; it takes all its citizens from the State to enslave them to one another, and all of them to opinion.

That is why a celebrated author made virtue the principle of the republic; for all these conditions could not subsist without virtue. But for want of making the necessary distinctions, this fine genius often lacked precision, and sometimes clarity; and he did not see that, since sovereign authority is everywhere the same, the same principle must hold in every well-constituted State—more or less, it is true, according to the form of government.[6]

Let us add that no government is so prone to civil wars and internal unrest as democratic or popular government, because none tends so strongly and so continually to change its form, or demands more vigilance and courage to be kept in its own. It is above all under this constitution that the citizen must arm himself with strength and constancy, and say every day of his life, in the depths of his heart, what a virtuous Palatine[7] said in the Diet of Poland: *I prefer liberty with danger to peace with servitude.*[8]

If there were a people of gods, it would govern itself democratically. So perfect a government is not suited to men.

CHAPTER 5: ARISTOCRACY

Elective aristocracy is the best government when the wisest rule for the common good.

3.5 Here we have two very distinct moral persons, namely the government and the sovereign, and consequently two general wills: one with respect to all the citizens, the other only for the members of the administration. Thus, although the government

6 Montesquieu, who in *The Spirit of the Laws* (1748) makes virtue the principle of democratic republics.

7 ROUSSEAU'S NOTE. The Palatine of Poznań, father of the King of Poland, Duke of Lorraine.

TRANSLATOR'S NOTE. Rafał Leszczyński, father of Stanisław Leszczyński, twice King of Poland and later Duke of Lorraine.

8 In Latin in the original. A Palatine (voivode) governed a Polish province; the Diet was Poland's parliament.

may regulate its internal order as it pleases, it can never speak to the people except in the name of the sovereign—that is, in the name of the people itself. This must never be forgotten.

The first societies governed themselves aristocratically. The heads of families deliberated among themselves on public affairs; the young yielded readily to the authority of experience. Hence the names *priests*, *elders*, *senate*, *gerontes*. The native peoples of North America still govern themselves this way in our own day, and are very well governed.[9]

But as inequality of institution prevailed over natural inequality, wealth or power[10] came to be preferred to age, and aristocracy became elective. Finally, power, handed down with property from father to children, made families patrician and so made the government hereditary; and senators of twenty were to be seen.

There are, then, three kinds of aristocracy: natural, elective, and hereditary. The first is suited only to simple peoples; the third is the worst of all governments. The second is the best: it is aristocracy properly so called.

Besides the advantage of keeping the two powers distinct, it has that of choosing its members. For in popular government all citizens are born magistrates, whereas this one limits them to a small number, and they become magistrates only by election[11]—a means by which integrity, enlightenment, experience and all

9 All four words originally mean "old men": "priest" comes from Greek *presbyteros*, "senate" from Latin *senex*, and *gerontes* is Greek for elders.

10 ROUSSEAU'S NOTE. It is clear that the word *optimates* among the ancients does not mean the best, but the most powerful.

TRANSLATOR'S NOTE. *Optimates*, literally "the best men," was the name of the senatorial party in the late Roman Republic.

11 ROUSSEAU'S NOTE. It is very important to regulate by law the form in which magistrates are elected; for if it is left to the will of the prince, one cannot avoid falling into hereditary aristocracy, as happened to the republics of *Venice* and *Bern*. And so the first has long been a State in dissolution, while the second maintains itself through the extreme wisdom of its senate: a most honorable and most dangerous exception.

TRANSLATOR'S NOTE. Both were republics governed by closed circles of patrician families.

the other grounds for preference and public esteem become so many new guarantees of being wisely governed.

Moreover, assemblies are held more conveniently; business is better discussed and dispatched with more order and diligence; and the State's credit abroad is better upheld by venerable senators than by an unknown or despised multitude.

In a word, it is the best and most natural order for the wisest to govern the multitude, when one is sure they will govern it for its benefit and not for their own. There is no need to multiply the machinery in vain, or to do with twenty thousand men what a hundred chosen men can do even better. But it must be noted that corporate interest here begins to direct the public force less by the rule of the general will, and that another inevitable tendency takes from the laws a part of the executive power.

As for the particular conditions it requires, it needs neither a State so small, nor a people so simple and upright, that the execution of the laws follows immediately from the public will, as in a good democracy. Nor does it need so large a nation that the chiefs scattered to govern it can each play the sovereign in his own department, and begin by making themselves independent so as to end by becoming the masters.

But if aristocracy demands somewhat fewer virtues than popular government, it also demands others peculiar to itself, such as moderation in the rich and contentment in the poor; for it seems that strict equality would be out of place in it. It was not observed even in Sparta.

For the rest, if this form allows a certain inequality of fortune, that is so that, in general, the administration of public affairs may be entrusted to those best able to give all their time to it—but not, as Aristotle claims, so that the rich may always be preferred. On the contrary, it matters that an opposite choice should sometimes teach the people that there are grounds for preference in men's merit more important than wealth.[12]

12 Aristotle discusses the place of wealth in aristocracies and oligarchies in his *Politics*.

CHAPTER 6: MONARCHY

Monarchy is the most vigorous government but the one most prone to private interest.

3.6 Up to now we have considered the prince as a moral and collective person, united by the force of the laws, and the trustee of executive power in the State. We must now consider this power united in the hands of a natural person, a real man, who alone has the right to dispose of it according to the laws. This is what is called a monarch or a king.

Quite unlike the other administrations, where a collective being represents an individual, in this one an individual represents a collective being; so that the moral unity that constitutes the prince is at the same time a physical unity, in which all the faculties that the law combines in the other with so much effort are found naturally combined.

Thus the will of the people and the will of the prince, the public force of the State and the particular force of the government, all answer to the same mainspring; all the levers of the machine are in the same hand; everything moves toward the same goal; there are no opposing movements to cancel one another out; and one cannot imagine any kind of constitution in which less effort produces greater action. Archimedes, sitting calmly on the shore and effortlessly drawing a great ship afloat, represents for me a skillful monarch governing his vast States from his study, and setting everything in motion while appearing motionless.[13]

But if no government has more vigor, there is none in which the private will holds greater sway and more easily dominates the others. Everything moves toward the same goal, it is true; but that goal is not public happiness, and the very strength of the administration constantly works to the detriment of the State.

13 Plutarch tells how Archimedes, with a system of pulleys, single-handedly drew a laden ship to show King Hiero of Syracuse what machines could do.

Kings want to be absolute, and from afar people cry out to them that the best way to be so is to make themselves loved by their peoples. This maxim is very fine, and even very true in certain respects. Unfortunately, it will always be laughed at in courts. The power that comes from the people's love is no doubt the greatest; but it is precarious and conditional, and princes will never be content with it. The best kings want to be able to be wicked if they please, without ceasing to be masters. A political preacher may tell them all he likes that, since the people's strength is theirs, their greatest interest is for the people to be flourishing, numerous and formidable: they know very well that this is not true. Their personal interest is, first, that the people be weak and wretched, and never able to resist them. I admit that, supposing the subjects always perfectly submissive, the prince's interest would then be for the people to be powerful, so that this power, being his own, would make him formidable to his neighbors. But since this interest is only secondary and subordinate, and since the two suppositions are incompatible, it is natural for princes always to prefer the maxim that is most immediately useful to them. This is what Samuel forcefully put before the Hebrews; it is what Machiavelli has shown plainly. While pretending to give lessons to kings, he gave great ones to peoples.[14] Machiavelli's *Prince* is the book of republicans.

We found, from general relations, that monarchy is suited only to large States, and we find it again by examining monarchy in itself. The more numerous the public administration, the more the ratio of prince to subjects diminishes and approaches equality, so that in democracy this ratio is one, or equality itself. The same ratio increases as the government contracts, and it reaches its *maximum* when the government is in the hands of one man. Then there is too great a distance between prince and people, and the State lacks cohesion. To create it, intermediate orders are therefore needed: princes,

14 In 1 Samuel 8, the prophet Samuel warns the Israelites of everything a king will take from them. Niccolò Machiavelli (1469–1527) was the Florentine author of *The Prince*.

grandees and nobility are needed to fill them. Now none of this suits a small State, which is ruined by all these ranks.

But if it is difficult for a large State to be well governed, it is much more difficult for it to be well governed by one man; and everyone knows what happens when the king appoints deputies.

An essential and unavoidable defect, which will always place monarchical government below republican, is that in the latter the public voice almost never raises to the highest places any but enlightened and capable men, who fill them with honor; whereas those who rise in monarchies are most often nothing but petty meddlers, petty rogues, petty intriguers, whose petty talents—the kind that win great places at court—serve only to show the public their incompetence as soon as they have got there. The people are far less often mistaken in this choice than the prince; and a man of real merit is almost as rare in a ministry as a fool at the head of a republican government. And so, when by some happy chance one of those men born to govern takes the helm of affairs in a monarchy almost sunk by this crowd of fine managers, everyone is quite surprised at the resources he finds, and it marks an epoch in the country.

For a monarchical State to be well governed, its size or extent would have to be matched to the abilities of the one who governs. It is easier to conquer than to rule. With a long enough lever one can move the world with a finger; but to hold it up takes the shoulders of Hercules. If a State is at all large, the prince is almost always too small.[15] When, on the contrary, the State happens to be too small for its ruler—which is very rare—it is still badly governed, because the ruler, always pursuing the grandeur of his designs, forgets the interests of his peoples, and makes them no less unhappy by abusing the talents he has in excess than a limited ruler does through lacking the talents he is missing. A kingdom would have to expand or contract, so to speak, with each reign, according to the prince's capacity; whereas, since the talents of a senate have more fixed measures,

15 Archimedes boasted that, given a lever and a place to stand, he could move the earth. In myth, Hercules briefly held up the heavens in place of Atlas.

the State can have constant boundaries and the administration go on no less well.

The most obvious drawback of government by one man is the lack of that continuous succession which, in the other two, forms an unbroken link. When a king dies, another is needed; elections leave dangerous intervals; they are stormy; and unless the citizens have a disinterestedness and integrity that this government hardly allows, intrigue and corruption creep in. It is difficult for the man to whom the State has sold itself not to sell it in his turn, and not to recoup from the weak the money the powerful have extorted from him. Sooner or later everything becomes venal under such an administration, and the peace then enjoyed under kings is worse than the disorder of interregnums.

What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of succession has been established that forestalls all dispute at the death of kings. That is to say, by substituting the drawbacks of regencies for those of elections, apparent tranquility has been preferred to wise administration, and men have chosen to risk having children, monsters or incompetents as rulers rather than having to dispute over the choice of good kings. They have not considered that, by exposing themselves in this way to the risks of the alternative, they put nearly all the odds against themselves. It was a very sensible reply that the younger Dionysius gave when his father, reproaching him for a shameful act, said, "Did I set you that example?"[16] "Ah," replied the son, "your father was not a king!"

Everything conspires to deprive of justice and reason a man brought up to command others. Great pains are taken, so we are told, to teach young princes the art of reigning; it does not appear that this education does them any good. It would be better to begin by teaching them the art of obeying. The greatest kings celebrated by history were not brought up to reign; it is a

16 Dionysius II succeeded his father, Dionysius I, as tyrant of Syracuse in the 4th century BC; Plutarch records the exchange.

science one never possesses less than after having learned it too much, and one acquires it better by obeying than by commanding. *For the most useful and quickest way of telling good measures from bad is to consider what you would have wished, or not wished, under another prince*[17].[18]

One consequence of this lack of coherence is the instability of royal government, which, guided now by one plan and now by another according to the character of the prince who reigns or of those who reign for him, cannot long have a fixed object or a consistent course of conduct. This variation keeps the State forever drifting from maxim to maxim and from project to project—which does not happen in the other governments, where the prince is always the same. So we see that in general, if there is more cunning in a court, there is more wisdom in a senate, and that republics pursue their ends with more constant and better-sustained views; whereas every revolution in the ministry produces one in the State, the maxim common to all ministers, and to nearly all kings, being to do the opposite of their predecessor in everything.

From this same incoherence we also derive the solution to a sophism very familiar to royalist political writers. It consists not only in comparing civil government to domestic government and the prince to the father of a family—an error already refuted—but also in liberally granting this magistrate all the virtues he would need, and always supposing that the prince is what he ought to be. On that supposition royal government is plainly preferable to any other, because it is incontestably the strongest, and to be the best as well it lacks only a corporate will more in keeping with the general will.

But if, according to Plato[19], the king by nature is so rare a figure, how often will nature and fortune combine to crown him? And if a royal education necessarily corrupts those who receive

17 ROUSSEAU'S NOTE. Tacitus, *Histories*, Book I.

18 In Latin in the original: Tacitus, Histories 1.16.

19 ROUSSEAU'S NOTE. *In the Statesman.*

TRANSLATOR'S NOTE. Rousseau cites Plato's dialogue by its Latin title, *Civilis*.

it, what are we to hope from a line of men brought up to reign? It is surely self-deception, then, to confuse royal government with the government of a good king. To see what this government is in itself, we must consider it under limited or wicked princes; for they will either come to the throne that way, or the throne will make them so.

These difficulties have not escaped our authors, but they are not troubled by them. The remedy, they say, is to obey without a murmur. God sends bad kings in his wrath, and they must be borne as punishments from Heaven. This is edifying talk, no doubt; but I wonder whether it would not be better suited to the pulpit than to a book on politics. What are we to say of a doctor who promises miracles, and whose whole art is to exhort his patient to be patient? We know well enough that a bad government must be endured when one has it; the question would be how to find a good one.

CHAPTER 7: MIXED GOVERNMENTS

No government is simple; mixed forms can balance the executive's strength.

3.7 Strictly speaking, there is no such thing as a simple government. A single ruler must have subordinate magistrates; a popular government must have a head. Thus in the division of executive power there is always a gradation from the greater number to the lesser, with this difference: sometimes the greater number depends on the smaller, and sometimes the smaller on the greater.

Sometimes there is an equal division: either when the constituent parts are mutually dependent, as in the government of England; or when the authority of each part is independent but imperfect, as in Poland. This latter form is bad, because there is no unity in the government, and the State lacks cohesion.

Which is better, simple government or mixed government? It is a question much debated among political writers, and it calls

for the same answer I gave earlier about every form of government.

Simple government is the best in itself, for the very reason that it is simple. But when the executive power does not depend enough on the legislative—that is, when the ratio of prince to sovereign is greater than that of people to prince—this want of proportion must be remedied by dividing the government. For then all its parts have no less authority over the subjects, while their division makes them, all together, less strong against the sovereign.

The same drawback can also be prevented by establishing intermediate magistrates who, leaving the government whole, serve only to balance the two powers and uphold their respective rights. Then the government is not mixed; it is tempered.

The opposite drawback can be remedied by similar means: when the government is too slack, bodies can be set up to concentrate it. This is done in all democracies. In the first case the government is divided in order to weaken it, and in the second in order to strengthen it; for the *maxima* of strength and of weakness are both found in simple governments, whereas mixed forms give a middling strength.

CHAPTER 8: THAT NOT EVERY FORM OF GOVERNMENT SUITS EVERY COUNTRY

Climate and wealth determine which form of government suits each country.

3.8 Since liberty is not a fruit of every climate, it is not within the reach of every people. The more one reflects on this principle established by Montesquieu, the more one feels its truth; the more it is contested, the more occasion is given to establish it by new proofs.[20]

In every government in the world, the public person consumes and produces nothing. Where, then, does the substance it

20 Montesquieu develops the influence of climate on laws and liberty in Books 14–18 of *The Spirit of the Laws*.

consumes come from? From the labor of its members. It is the surplus of private individuals that produces the necessities of the public. From which it follows that the civil state can subsist only so long as men's labor yields more than they need.

Now this surplus is not the same in every country in the world. In many it is considerable, in others moderate, in others nil, in others negative. This ratio depends on the fertility of the climate, on the kind of labor the land requires, on the nature of its products, on the strength of its inhabitants, on the greater or lesser consumption they need, and on several other similar ratios of which it is composed.

On the other hand, not all governments are of the same nature; some are more devouring than others, and the differences rest on this other principle: the farther public contributions move from their source, the more burdensome they are. It is not by the amount of taxes that this burden should be measured, but by the distance they must travel to return to the hands they came from. When this circulation is quick and well established, it does not matter whether one pays little or much; the people are always rich, and the finances always go well. On the contrary, however little the people give, when that little never comes back to them, they soon exhaust themselves by constant giving; the State is never rich, and the people are always destitute.

It follows from this that the greater the distance between the people and the government, the more burdensome taxes become. Thus in democracy the people are least burdened; in aristocracy they are burdened more; in monarchy they bear the greatest weight. Monarchy, then, suits only wealthy nations; aristocracy suits States of middling wealth as well as middling size; democracy suits small, poor States.

Indeed, the more one reflects on it, the more one finds in this the difference between free States and monarchical ones. In the former, everything is used for the common good; in the latter, public and private forces are reciprocal, and the one grows by the weakening of the other. In short, instead of governing sub-

jects in order to make them happy, despotism makes them wretched in order to govern them.

Here, then, in each climate, are natural causes by which one can determine the form of government toward which the force of the climate draws it, and even say what kind of inhabitants it should have. Unrewarding and barren places, where the yield is not worth the labor, must remain uncultivated and deserted, or be peopled only by peoples at the earliest stage of society. Places where men's labor yields exactly what is necessary must be inhabited by peoples at an early stage of development; any polity would be impossible there. Places where the excess of yield over labor is moderate suit free peoples. Those where abundant and fertile soil gives a large yield for little labor call for monarchical government, so that the prince's luxury may consume the excess of the subjects' surplus; for it is better for this excess to be absorbed by the government than squandered by private individuals.[21] There are exceptions, I know; but these very exceptions confirm the rule, in that sooner or later they produce revolutions that bring things back into the order of nature.

Let us always distinguish general laws from the particular causes that can modify their effect. Even if the whole south were covered with republics and the whole north with despotic States, it would be no less true that, through the effect of climate, despotism suits hot countries, a rudimentary social state cold countries, and good polity the intermediate regions. I also see that, while granting the principle, people may dispute its application: they may say there are very fertile cold countries and very unrewarding southern ones. But this difficulty is one only for those who do not examine the matter in all its relations. One must, as I have already said, take into account those of labor, strength, consumption, and so on.

Suppose that, of two equal plots of land, one yields five and the other ten. If the inhabitants of the first consume four and

21 Rousseau uses the period's terms for stages of society (rendered neutrally here): hunting and gathering, bare subsistence, and settled political life.

those of the second nine, the excess of the first product will be 1/5 and that of the second 1/10. Since the ratio of these two excesses is thus the inverse of that of the products, the land that produces only five will yield a surplus double that of the land that produces ten.

But it is not a question of a double product, and I do not think anyone would dare to set the fertility of cold countries in general even on a par with that of hot countries. Still, let us suppose this equality; let us, if you like, weigh England against Sicily, and Poland against Egypt. Farther south we would have Africa and the Indies; farther north we would have nothing at all. For this equality of product, what difference is there in cultivation? In Sicily one need only scratch the earth; in England, what labor it takes to plow it! Now, where more hands are needed to give the same product, the surplus must necessarily be smaller.

Consider, besides, that the same number of men consume much less in hot countries. The climate requires people there to be sober in order to stay healthy: Europeans who try to live there as they do at home all die of dysentery and indigestion. *We are,* says Chardin, carnivorous beasts, wolves, compared with the Asians. Some attribute the sobriety of the Persians to their country's being less cultivated; I believe, on the contrary, that their country abounds less in foodstuffs because the inhabitants need less of them.[22] If their frugality, *he continues,* were an effect of the country's scarcity, only the poor would eat little, whereas it is everyone generally; and people would eat more or less in each province according to the fertility of the land, whereas the same sobriety is found throughout the kingdom. They pride themselves greatly on their way of living, saying that one need only look at their complexion to see how much better it is than that of the Christians. And indeed the Persians' complexion is even; they have fine, delicate, smooth skin, whereas the complexion of the Armenians, their subjects, who live in the

22 Jean Chardin (1643–1713), French jeweler and traveler whose account of his travels in Persia was widely read.

European manner, is rough and blotchy, and their bodies are stout and heavy.

The closer one comes to the equator, the more frugally peoples live. They eat almost no meat; rice, maize, couscous, millet and cassava are their ordinary food. In the Indies there are millions of men whose food does not cost a sou a day. Even in Europe we see marked differences in appetite between the peoples of the north and those of the south. A Spaniard will live for a week on a German's dinner. In countries where men are more voracious, luxury too turns toward things that are consumed. In England it shows itself on a table loaded with meats; in Italy you are treated to sugar and flowers.

The luxury of clothing shows similar differences. In climates where the changes of season are sudden and violent, people have better and simpler clothes; in those where one dresses only for adornment, brilliance is sought more than usefulness, and clothes themselves are a luxury. In Naples you will see men strolling every day on the Posillipo in gilded jackets and no stockings. It is the same with buildings: everything is given to magnificence when one has nothing to fear from the weather. In Paris and London people want to be housed warmly and comfortably.[23] In Madrid they have superb salons, but no windows that shut, and they sleep in rat holes.

Food is much more substantial and succulent in hot countries; this is a third difference, which cannot fail to affect the second. Why do they eat so many vegetables in Italy? Because they are good, nourishing and of excellent flavor. In France, where they are fed on nothing but water, they are not nourishing, and count for almost nothing at table. Yet they take up no less land, and cost at least as much labor to grow. It is a proven fact that the wheat of Barbary, though otherwise inferior to that of France, yields much more flour, and that French wheat in turn yields more than the wheat of the north.[24] From this one may infer that a similar gradation is generally observed in the

23 Posillipo: a hill and seaside promenade on the west side of Naples.
24 Barbary: the coast of North Africa west of Egypt.

same direction, from the equator to the pole. Now, is it not a plain disadvantage to have, in an equal product, a smaller quantity of food?

To all these different considerations I can add one that flows from them and strengthens them: hot countries need fewer inhabitants than cold countries, and could feed more of them. This produces a double surplus, always to the advantage of despotism. The larger the area occupied by the same number of inhabitants, the more difficult revolts become, because people cannot act in concert either quickly or secretly, and it is always easy for the government to uncover their plans and cut their communications. But the closer together a numerous people lives, the less the government can usurp from the sovereign: the leaders deliberate as safely in their rooms as the prince in his council, and the crowd gathers in the squares as quickly as the troops in their quarters. The advantage of a tyrannical government, then, lies in acting at great distances. With the help of the fulcrums it provides for itself, its force increases with distance, like that of levers[25]. The force of the people, on the contrary, acts only when concentrated; it evaporates and is lost as it spreads, like the effect of gunpowder scattered on the ground, which catches fire only grain by grain. The least populated countries are thus the best suited to tyranny: wild beasts reign only in deserts.

CHAPTER 9: THE SIGNS OF A GOOD GOVERNMENT

The surest sign of good government is a growing population.

3.9 When, then, one asks in absolute terms which is the best government, one asks a question as insoluble as it is indeterminate;

25 ROUSSEAU'S NOTE. This does not contradict what I said earlier (Book II, Chapter IX) about the drawbacks of large States; for there it was a question of the government's authority over its members, and here it is a question of its force against the subjects. Its scattered members serve it as fulcrums for acting at a distance on the people, but it has no fulcrum for acting directly on its members themselves. Thus in the one case the length of the lever is the cause of its weakness, and in the other of its strength.

or, if you like, it has as many good solutions as there are possible combinations in the absolute and relative positions of peoples.

But if one asked by what sign one can know whether a given people is well or badly governed, that would be another matter, and this question of fact could be resolved.

Yet it is not resolved, because everyone wants to resolve it in his own way. Subjects extol public tranquility, citizens the liberty of individuals; one prefers security of possessions, the other security of persons; one would have the best government be the most severe, the other maintains it is the mildest; this one wants crimes punished, that one wants them prevented; one thinks it fine to be feared by one's neighbors, the other would rather be unknown to them; one is content when money circulates, the other demands that the people have bread. Even if agreement were reached on these points and others like them, would we be any further along? Since moral qualities lack any precise measure, even if we agreed on the sign, how could we agree on the assessment?

For my part, I am always astonished that so simple a sign is overlooked, or that people have the bad faith not to admit it. What is the end of political association? It is the preservation and prosperity of its members. And what is the surest sign that they are preserving themselves and prospering? It is their number and their population. Do not go looking elsewhere, then, for this much-disputed sign. All other things being equal, the government under which, without outside means, without naturalizations, without colonies, the citizens increase and multiply the most is unfailingly the best; the one under which a people

dwindles and wastes away is the worst. Calculators, it is now your business: count, measure, compare[26].

CHAPTER 10: THE ABUSE OF GOVERNMENT AND ITS TENDENCY TO DEGENERATE

Every government tends to contract and to usurp sovereignty, leading to the State's dissolution.

3.10 Just as the private will acts ceaselessly against the general will, so the government makes a continual effort against sover-

26 ROUSSEAU'S NOTE. The same principle should be used to judge which centuries deserve preference for the prosperity of the human race. Too much admiration has gone to those in which letters and the arts were seen to flourish, without penetrating the secret aim of their cultivation, without considering its baleful effect: *and among the inexperienced this was called civilization, when it was part of their servitude.* Shall we never see, behind the maxims in books, the crude self-interest that makes their authors speak? No—whatever they may say, when a country loses its population despite its brilliance, it is not true that all is well; and it is not enough for a poet to have an income of a hundred thousand livres for his century to be the best of all. We should look less at the apparent calm and the tranquility of the rulers than at the well-being of whole nations, and above all of the most populous States. A hailstorm lays waste a few districts, but it rarely causes famine. Riots and civil wars greatly alarm the rulers, but they are not the real misfortunes of peoples, who may even enjoy some respite while it is being disputed who will tyrannize over them. It is from their permanent condition that their real prosperity or calamities arise. When everything remains crushed under the yoke, that is when everything wastes away; that is when the rulers, destroying them at their leisure, *make a desert and call it peace.* When the intrigues of the great nobles were agitating the kingdom of France, and the Coadjutor of Paris carried a dagger in his pocket to the Parlement, this did not prevent the French people from living happily and in great numbers, in decent and free comfort. Greece once flourished in the midst of the cruelest wars; blood flowed in torrents there, and the whole country was covered with people. It seemed, says Machiavelli, that in the midst of murders, proscriptions and civil wars, our Republic only grew more powerful; the virtue of its citizens, their morals and their independence did more to strengthen it than all its dissensions did to weaken it. A little agitation gives vigor to souls, and what truly makes the species prosper is not so much peace as liberty.

TRANSLATOR'S NOTE. The italicized sentence renders a Latin quotation from Tacitus, Agricola 21, on the Romans' civilizing of the Britons.

TRANSLATOR'S NOTE. "Make a desert and call it peace" translates Tacitus, Agricola 30. The Coadjutor is Paul de Gondi, later Cardinal de Retz, a leader of the Fronde, the aristocratic revolt against the crown (1648–1653).

TRANSLATOR'S NOTE. Rousseau paraphrases the preface to Machiavelli's Florentine Histories; "our Republic" is Florence.

eignty. The more this effort grows, the more the constitution deteriorates; and since there is here no other corporate will to resist the will of the prince and so balance it, sooner or later the prince must at last oppress the sovereign and break the social treaty. This is the inherent and inevitable flaw which, from the very birth of the body politic, tends relentlessly to destroy it, just as old age and death at last destroy the body of a man.

There are two general ways in which a government degenerates: namely, when it contracts, or when the State dissolves.

The government contracts when it passes from the many to the few—that is, from democracy to aristocracy, and from aristo-

cracy to monarchy. This is its natural inclination[27]. If it went backward from the few to the many, one could say that it slackens; but this reverse progression is impossible.

Indeed, a government never changes its form except when its worn-out spring leaves it too weak to preserve its own. Now if it slackened still further by expanding, its force would become

27 ROUSSEAU'S NOTE. The slow formation and progress of the Republic of Venice in its lagoons offers a notable example of this succession; and it is quite astonishing that after more than twelve hundred years the Venetians seem to be still only at the second stage, which began with the *Serrar di Consiglio* in 1198. As for the ancient doges with whom they are reproached, whatever the *squitinio della libertà veneta* may say, it is proven that they were never their sovereigns. People will not fail to raise the objection of the Roman Republic, which, it will be said, followed exactly the opposite progression, passing from monarchy to aristocracy, and from aristocracy to democracy. I am very far from thinking so. The first establishment of Romulus was a mixed government, which quickly degenerated into despotism. For particular reasons, the State perished before its time, as one sees a newborn die before reaching manhood. The expulsion of the Tarquins was the true date of the Republic's birth. But it did not at first take a stable form, because only half the work was done by not abolishing the patriciate. For in this way hereditary aristocracy, which is the worst of legitimate administrations, remained in conflict with democracy, and the form of government, always uncertain and wavering, was settled—as Machiavelli has proven—only with the establishment of the tribunes. Only then was there a true government and a genuine democracy. Indeed, the people were then not only sovereign but also magistrate and judge; the Senate was only a subordinate tribunal, serving to temper or concentrate the government; and the consuls themselves, though patricians, though chief magistrates, though absolute generals in war, were at Rome only the presiding officers of the people. From then on, the government too was seen to take its natural course and to tend strongly toward aristocracy. As the patriciate abolished itself as if of its own accord, aristocracy no longer lay in the body of patricians, as it does at Venice and Genoa, but in the body of the Senate, composed of patricians and plebeians, and even in the body of the tribunes when they began to usurp an active power. For words change nothing about things; and when the people have leaders who govern for them, whatever name those leaders bear, it is always an aristocracy. From the abuse of aristocracy were born the civil wars and the Triumvirate. Sulla, Julius Caesar and Augustus became in fact true monarchs; and finally, under the despotism of Tiberius, the State was dissolved. Roman history, then, does not refute my principle; it confirms it.

TRANSLATOR'S NOTE. The *Serrar di Consiglio* ("closing of the Council") restricted Venice's Great Council to established families; it is usually dated 1297. The *Squitinio della libertà veneta* ("Examination of Venetian liberty," 1612) was an anonymous tract disputing Venice's claim to original independence.

TRANSLATOR'S NOTE. The tribunes of the plebs were officials elected to protect the common people against the patrician magistrates.

altogether null, and it would survive even less. The spring must therefore be wound up and tightened as it gives way; otherwise the State it supports would fall into ruin.

The dissolution of the State can come about in two ways.

First, when the prince no longer administers the State according to the laws and usurps the sovereign power. Then a remarkable change takes place: it is not the government but the State that contracts. I mean that the great State dissolves, and another is formed within it, composed solely of the members of the government, which is nothing more to the rest of the people than its master and its tyrant. So the moment the government usurps sovereignty, the social pact is broken, and all the ordinary citizens, restored by right to their natural liberty, are forced but not obligated to obey.

The same thing also happens when the members of the government separately usurp the power they ought to exercise only as a body. This is no lesser violation of the laws, and it produces still greater disorder. Then there are, so to speak, as many princes as magistrates, and the State, no less divided than the government, perishes or changes its form.

When the State dissolves, the abuse of government, whatever it may be, takes the common name of *anarchy*. To distinguish: democracy degenerates into *ochlocracy*, aristocracy into *oligarchy*. I would add that monarchy degenerates into *tyranny*, but this last word is ambiguous and needs explanation.[28]

In the common sense, a tyrant is a king who governs with violence and without regard for justice and the laws. In the precise sense, a tyrant is a private individual who arrogates royal authority to himself without having any right to it. That is how the Greeks understood the word "tyrant": they applied it indifferently to good and bad princes whose authority was not legit-

28 Ochlocracy is rule by the mob (Greek *ochlos*, "crowd").

imate[29]. Thus *tyrant* and *usurper* are two perfectly synonymous words.

To give different names to different things, I call the usurper of royal authority a *tyrant*, and the usurper of sovereign power a *despot*. The tyrant is one who thrusts himself in, against the laws, to govern according to the laws; the despot is one who sets himself above the laws themselves. Thus the tyrant may not be a despot, but the despot is always a tyrant.

CHAPTER 11: THE DEATH OF THE BODY POLITIC

The body politic dies like a human body, but good constitutions postpone the end.

3.11 Such is the natural and inevitable tendency of even the best-constituted governments. If Sparta and Rome perished, what State can hope to last forever? If we wish to form a lasting establishment, then, let us not dream of making it eternal. To succeed, we must not attempt the impossible, nor flatter ourselves that we can give the work of men a solidity that human things do not allow.

The body politic, like the human body, begins to die from the moment of its birth and carries within itself the causes of its destruction. But each may have a constitution more or less robust, and fit to preserve it for a longer or shorter time. The constitution of man is the work of nature; that of the State is the work of art. It does not depend on men to prolong their lives; it does depend on them to prolong the life of the State as far as

29 ROUSSEAU'S NOTE. *For all are both considered and called tyrants who hold perpetual power in a city that has enjoyed liberty.* Cornelius Nepos, Miltiades. It is true that Aristotle, *Nicomachean Ethics*, Book VIII, chapter 10, distinguishes the tyrant from the king in that the former governs for his own advantage and the latter solely for the advantage of his subjects. But besides the fact that Greek authors in general took the word "tyrant" in another sense, as appears above all from Xenophon's *Hiero*, it would follow from Aristotle's distinction that since the beginning of the world not a single king has yet existed.

TRANSLATOR'S NOTE. The italicized sentence translates Rousseau's Latin quotation from the Roman biographer Cornelius Nepos. Xenophon's *Hiero* is a dialogue on the life of a tyrant.

possible, by giving it the best constitution it can have. The best-constituted State will come to an end, but later than another, if no unforeseen accident brings about its ruin before its time.

The principle of political life lies in the sovereign authority. The legislative power is the heart of the State; the executive power is its brain, which sets all the parts in motion. The brain may fall into paralysis and the individual still live. A man may lose his faculties and live on; but as soon as the heart has ceased its functions, the animal is dead.

It is not through the laws that the State subsists; it is through the legislative power. Yesterday's law does not bind today; but tacit consent is presumed from silence, and the sovereign is deemed to confirm continually the laws it does not repeal when it could do so. Whatever it has once declared that it wills, it wills always, unless it revokes it.

Why, then, is so much respect paid to ancient laws? For this very reason. We must believe that nothing but the excellence of those ancient acts of will could have preserved them so long; if the sovereign had not constantly recognized them as beneficial, it would have revoked them a thousand times. That is why, far from weakening, the laws continually acquire new strength in every well-constituted State; the prejudice in favor of antiquity makes them more venerable every day. Whereas wherever laws grow weaker as they grow old, this proves that there is no longer any legislative power, and that the State is no longer alive.

CHAPTER 12: HOW THE SOVEREIGN AUTHORITY IS MAINTAINED

The sovereign acts only when the people is assembled, as ancient Rome shows is possible.

3.12 The sovereign, having no force other than the legislative power, acts only through laws; and since laws are nothing but authentic acts of the general will, the sovereign can act only when the people are assembled. The people assembled, you will say—what a fantasy! It is a fantasy today, but it was not one 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 narrow them. Base souls do not believe in great men; vile slaves smile mockingly at the word liberty.

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 great State, and the city of Rome a great city. The last census gave Rome four hundred thousand citizens bearing arms, and the last count of the Empire more than four million citizens, not counting subjects, foreigners, women, children and slaves.

What difficulty would one not imagine in frequently assembling the immense population of that capital and its surroundings? Yet few weeks passed without the Roman people being assembled, and even several times. Not only did they exercise the rights of sovereignty, but also a part of those of government. They dealt with certain business and judged certain cases, and this whole people was, in the public square, almost as often magistrate as citizen.

If we went back to the earliest times of nations, we would find that most ancient governments, even monarchical ones such as those of the Macedonians and the Franks, had similar councils. Be that as it may, this single incontestable fact answers every difficulty: the inference from the actual to the possible seems to me sound.

CHAPTER 13: HOW THE SOVEREIGN AUTHORITY IS MAINTAINED, CONTINUED

The people must meet in fixed, periodic assemblies that no government can cancel.

3.13 It is not enough for the assembled people to have once settled the constitution of the State by sanctioning a body of laws; it is not enough for them to have established a perpetual government, or to have provided once and for all for the election of magistrates. Besides the extraordinary assemblies that unforeseen events may require, there must be fixed and periodic ones

that nothing can abolish or postpone, so that on the appointed day the people are lawfully convened by the law itself, with no need for any other formal summons.

But apart from 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 according to the prescribed forms, must be held illegitimate, and everything done in it null—because the very order to assemble must emanate from the law.

As for how frequently lawful assemblies should recur, that depends on so many considerations that no precise rules can be given. One can only say in general that the more force the government has, the more often the sovereign ought to show itself.

This, you will tell me, may be fine for a single city; but what is to be done when the State includes several? Shall the sovereign authority be divided, or should it be concentrated in a single city, with all the rest made subject to it?

I answer that one should do neither. First, the sovereign authority is simple and one, and it cannot be divided without being destroyed. Second, a city, no more than a nation, can legitimately be subject to another, because the essence of the body politic lies in the harmony of obedience and liberty, and the words *subject* and *sovereign* are identical correlatives whose idea is united in the single word "citizen."

I answer further that it is always an evil to unite several towns into a single City, and that anyone wishing to make such a union should not flatter himself that he can avoid its natural drawbacks. The abuses of large States should not be held up as an objection to someone who wants only small ones. But how can small States be given enough strength to resist large ones? As the Greek cities once resisted the Great King, and as, more recently, Holland and Switzerland resisted the House of Austria.[30]

If, however, the State cannot be reduced to proper limits, one resource still remains: to allow no capital in it, to seat the gov-

30 The Great King was the Greeks' name for the king of Persia.

ernment in each town in turn, and likewise to assemble the Estates of the country in each one by turns.

Populate the territory evenly, extend the same rights everywhere, spread abundance and life throughout it: that is how the State will become at once the strongest and the best governed possible. Remember that the walls of towns are built only from the wreckage of houses in the countryside. With every palace I see rising in the capital, I think I see a whole countryside reduced to hovels.

CHAPTER 14: HOW THE SOVEREIGN AUTHORITY IS MAINTAINED, CONTINUED

When the people assemble as sovereign, all government authority is suspended.

3.14 The moment the people are lawfully assembled as a sovereign body, all 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 any representative. Most of the tumults that arose in Rome in the comitia came from ignoring or neglecting this rule. The consuls were then only the presiding officers of the people, the tribunes mere Speakers[31], and the Senate nothing at all.[32]

These intervals of suspension, in which the prince recognizes, or must recognize, an actual superior, have always been fearsome to it; and these assemblies of the people, which are the shield of the body politic and the curb on the government, have at all times been the horror of rulers. So they never spare efforts, objections, obstacles or promises to put the citizens off them. When the citizens are greedy, cowardly, fainthearted, fonder of repose than of liberty, they do not hold out long against the redoubled efforts of the government. It is thus that,

31 ROUSSEAU'S NOTE. Roughly in the sense given to that title in the English Parliament. The similarity of these offices would have set the consuls and tribunes in conflict, even if all jurisdiction had been suspended.

32 The comitia were the formal voting assemblies of the Roman people.

as the resisting force grows without cease, the sovereign authority finally vanishes, and most cities fall and perish before their time.

But between sovereign authority and arbitrary government there sometimes arises an intermediate power, of which we must now speak.

CHAPTER 15: DEPUTIES OR REPRESENTATIVES

Sovereignty cannot be represented, so a people that elects representatives is no longer free.

3.15 As soon as public service ceases to be the citizens' chief business, and they would rather serve with their purses than with their persons, the State is already close to ruin. Is there a battle to march to? They pay troops and stay at home. Is there a council to attend? They appoint deputies and stay at home. Through laziness and money they end up with soldiers to enslave their country and representatives to sell it.

It is the bustle of commerce and the arts, the greedy pursuit of gain, softness and the love of comforts that turn personal services into money. People give up a part of their profit so as to increase it at their ease. Give money, and soon you will have chains. The word *finance* is a slave's word; it is unknown in the City. In a truly free State the citizens do everything with their own hands and nothing with money: far from paying to be exempted from their duties, they would pay to perform them themselves. I am very far from common opinion: I believe forced labor to be less contrary to liberty than taxes.[33]

The better constituted the State, the more public affairs outweigh private ones in the minds of the citizens. There are even far fewer private affairs, because the sum of the common happiness supplies a larger share of each individual's happiness, and so less remains for him to seek in private concerns. In a well-run City, everyone rushes to the assemblies; under a bad govern-

33 Forced labor here renders *corvées*, unpaid work (typically on roads) owed to the authorities under the French monarchy.

ment, no one cares to take a step to attend them, because no one takes an interest in what is done there, because it is foreseen that the general will will not prevail there, and finally because domestic concerns absorb everything. Good laws lead to the making of better ones; bad ones bring about worse. As soon as anyone says of the affairs of the State, *What does it matter to me?*, the State may be given up for lost.

The cooling of love of country, the activity of private interest, the immense size of States, conquests and the abuse of government have suggested the expedient of deputies or representatives of the people in the assemblies of the nation. This is what in certain countries they dare to call the Third Estate. Thus the private interest of two orders is put in first and second place; the public interest comes only third.[34]

Sovereignty cannot be represented, for the same reason that it cannot be alienated. It consists essentially in the general will, and the will cannot be represented: it is either the same will or another; there is no middle ground. The deputies of the people, then, are not and cannot be its representatives; they are merely its agents, and they cannot conclude anything definitively. Any law the people have not ratified in person is null; it is not a law. The English people think they are free; they are badly mistaken. They are free only during the election of members of Parliament; as soon as these are elected, the people are enslaved—they are nothing. In the brief moments of its liberty, the use it makes of it well deserves that it should lose it.

The idea of representatives is modern. It comes to us from feudal government, that iniquitous and absurd government in which the human species is degraded and the name of man is held in dishonor. In the ancient republics, and even in the monarchies, the people never had representatives; the word itself was unknown. It is very remarkable that in Rome, where the tribunes were so sacred, no one even imagined that they might usurp the functions of the people, and that in the midst of so

34 In France the Estates-General comprised the clergy (First Estate), the nobility (Second) and the commoners (Third).

great a multitude they never attempted to pass a single plebiscite on their own authority.[35] Yet one may judge the difficulty the crowd sometimes caused from what happened in the time of the Gracchi, when some of the citizens cast their votes from the rooftops.[36]

Where right and liberty are everything, inconveniences are nothing. Among that wise people, everything was given its proper measure: it let its lictors do what its tribunes would not have dared to do; it did not fear that its lictors would want to represent it.[37]

To explain, however, how the tribunes sometimes did represent it, 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 the legislative power; but they can and must be represented in the executive power, which is only force applied to law. This shows that, if we examined things carefully, we would find that very few nations have laws. Be that as it may, it is certain that the tribunes, having no part of the executive power, could never represent the Roman people by the rights of their office, but only by encroaching on those of the Senate.

Among the Greeks, whatever the people had to do, they did by themselves; they were constantly assembled in the public square. They lived in a mild climate; they were not greedy; slaves did their work; their great business was their liberty. No longer having the same advantages, how can you keep the same rights? Your harsher climates give you more needs[38]; for six months of the year the public square is unbearable; your muffled languages cannot make themselves heard in the open

35 A plebiscite (*plebiscitum*) was a resolution voted by the Roman plebs in their own assembly.

36 Tiberius and Gaius Gracchus were reforming tribunes of the 130s and 120s BC.

37 Lictors were attendants who carried the rods of office before Roman magistrates and carried out their orders.

38 ROUSSEAU'S NOTE. To adopt the luxury and softness of the peoples of the East in cold countries is to wish to take on their chains—and to submit to them even more inevitably than they do.

air; you care more for your gain than for your liberty, and you fear poverty far more than slavery.

What! Is liberty maintained only with the support of servitude? Perhaps. The two extremes meet. Everything that is not in nature has its drawbacks, and civil society more than all the rest. There are some unfortunate situations in which one can preserve one's own liberty only at the expense of someone else's, and in which the citizen can be perfectly free only if the slave is utterly a slave. Such was the situation of Sparta. As for you, modern peoples, you have no slaves, but you are slaves yourselves; you pay for their liberty with your own. You may boast of this preference as much as you like; I find more cowardice in it than humanity.

I do not mean by all this that we must have slaves, or that the right of slavery is legitimate, since I have proven the contrary. I am only stating the reasons why modern peoples who believe themselves free have representatives, and why ancient peoples did not. 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 how it is possible henceforth for the sovereign to preserve the exercise of its rights among us unless the City is very small. But if it is very small, will it be subjugated? No. I shall show later[39] how the external power of a great people can be combined with the easy governance and good order of a small State.

CHAPTER 16: THAT THE INSTITUTION OF GOVERNMENT IS NOT A CONTRACT

Instituting government is not a contract between people and rulers.

3.16 Once the legislative power is well established, the next task is to establish the executive power in the same way; for the latter, which operates only through particular acts, is not of the

39 ROUSSEAU'S NOTE. This is what I had intended to do in the sequel to this work, when, in treating external relations, I would have come to confederations. It is an entirely new subject, and one where the principles have yet to be established.

essence of the former and 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 no one would any longer know what is law and what is not; and the body politic, thus perverted, would soon fall prey to the violence against which it was instituted.

Since the citizens are all equal by the social contract, what all must do, all may prescribe; whereas no one has the right to require another to do what he does not do himself. Now it is precisely this right, indispensable for giving the body politic life and motion, that the sovereign gives to the prince in instituting the government.

Several writers have claimed that the act of this establishment was a contract between the people and the leaders it gives itself—a contract in which the two parties stipulated the conditions under which one bound itself to command and the other to obey. It will be agreed, I am sure, that this is a strange way of contracting! But let us see whether this opinion is tenable.

First, the supreme authority can no more be modified than alienated; to limit it is to destroy it. It is absurd and contradictory for the sovereign to give itself a superior; to bind oneself to obey a master is to return to full liberty.

Moreover, it is evident that this contract of the people with such and such persons would be a particular act. From which it follows that this contract could be neither a law nor an act of sovereignty, and that it would consequently be illegitimate.

It is clear, too, that the contracting parties would stand toward each other under the law of nature alone, with no guarantor of their mutual commitments—which is in every way repugnant to the civil state. Since whoever holds force in his hands is always master of how the terms are carried out, one might as well give the name of contract to the act of a man who said to another: "I give you all my property, on condition that you give me back whatever you please."

There is only one contract in the State: that of association, and it alone excludes every other. No public contract can be imagined that would not be a violation of the first.

CHAPTER 17: THE INSTITUTION OF GOVERNMENT

Government is instituted by a law followed by the people's appointment of rulers.

3.17 How, then, are we to conceive of the act by which the government is instituted? I will note first that this act is complex, or made up of two others: namely, the establishment of the law and the execution of the law.

By the first, the sovereign decrees that there shall be a governing body established in such and such a form; and it is clear that this act is a law.

By the second, the people appoints the leaders who will be entrusted with the government so established. Now this appointment, being a particular act, is not a second law, but merely a consequence of the first and a function of government.

The difficulty is to understand how there can be an act of government before the government exists, and how the people, which is only sovereign or subject, can in certain circumstances become prince or magistrate.

Here again is revealed one of those astonishing properties of the body politic by which it reconciles operations that seem contradictory. For this one is accomplished by a sudden conversion of sovereignty into democracy, so that, without any perceptible change, and solely by a new relation of all to all, the citizens, having become magistrates, pass from general acts to particular acts, and from the law to its execution.

This change of relation is not a speculative subtlety without example in practice. It occurs every day in the English Parliament, where the lower house on certain occasions turns itself into a Committee of the Whole in order to discuss business better, and so becomes a mere committee, from the sovereign court it was a moment before. It then reports to itself, as the House of

Commons, what it has just settled in Committee of the Whole, and deliberates afresh under one title on what it has already resolved under another.

Such is the advantage peculiar to democratic government, that it can be established in fact by a simple act of the general will. After this, the provisional government either remains in office, if that is the form adopted, or establishes in the sovereign's name the government prescribed by law; and thus everything is in order. It is not possible to institute the government in any other legitimate way without renouncing the principles established above.

CHAPTER 18: HOW TO PREVENT USURPATIONS BY THE GOVERNMENT

Periodic assemblies voting on the government's form and officers prevent usurpation.

3.18 From these clarifications it follows, in confirmation of Chapter 16, that the act instituting the government is not a contract but a law; that the holders of executive power are not the people's masters but its officers; that the people can appoint and dismiss them whenever it pleases; that for them there is no question of contracting, but of obeying; and that in taking on the functions the State imposes on them, they are only fulfilling their duty as citizens, without having any right whatsoever to dispute the terms.

So when it happens that the people institutes a hereditary government, whether monarchical in one family or aristocratic in one order of citizens, it is not entering into a commitment; it is giving the administration a provisional form until it pleases to order otherwise.

It is true that such changes are always dangerous, and that one should never touch an established government unless it becomes incompatible with the public good. But this caution is a maxim of politics, not a rule of right; and the State is no more bound to leave civil authority to its leaders than military authority to its generals.

It is true, further, that in such a case one cannot observe too carefully all the formalities required to distinguish a regular and legitimate act from a seditious tumult, and the will of a whole people from the clamor of a faction. Here above all, the odious case should be granted only what cannot be refused it under the full rigor of the law. And it is also from this obligation that the prince draws a great advantage for keeping his power in spite of the people, without anyone being able to say that he has usurped it. For while appearing only to exercise his rights, he finds it very easy to extend them, and, on the pretext of public tranquility, to prevent the assemblies meant to restore good order. So he takes advantage of a silence he prevents from being broken, or of irregularities he causes to be committed, to presume in his favor the assent of those whom fear keeps silent, and to punish those who dare to speak. Thus the decemvirs, first elected for one year and then kept on for another, tried to retain their power in perpetuity by no longer allowing the comitia to assemble. And it is by this easy means that all the governments in the world, once invested with the public force, sooner or later usurp the sovereign authority.

The periodic assemblies I spoke of earlier are well suited to preventing or postponing this misfortune, especially when they need no formal summons; for then the prince cannot prevent them without openly declaring himself a lawbreaker and an enemy of the State.

The opening of these assemblies, whose only object is the maintenance of the social treaty, should always take place with two propositions that can never be suppressed, and that are voted on separately.

The first: *Does it please the sovereign to preserve the present form of government?*

The second: *Does it please the people to leave its administration to those who are currently in charge of it?*

I am here assuming what I believe I have demonstrated: namely, that there is no fundamental law in the State that cannot be revoked, not even the social pact. For if all the citizens

assembled to break this pact by common agreement, there can be no doubt that it would be quite legitimately broken. Grotius even thinks that each person can renounce the State of which he is a member and recover his natural liberty and his property by leaving the country[40]. Now it would be absurd if all the citizens together could not do what each of them can do separately.

40 ROUSSEAU'S NOTE. It being understood that one does not leave in order to evade one's duty and avoid serving one's country at the moment it needs us. Flight would then be criminal and punishable; it would no longer be withdrawal, but desertion.

Book IV

Means of strengthening the constitution of the State: voting, Roman institutions, civil religion

CHAPTER 1: THAT THE GENERAL WILL IS INDESTRUCTIBLE

Even in a corrupt State the general will survives, though it is silenced.

4.1 As long as a number of men joined together consider themselves a single body, they have only one will, which is directed to their common preservation and to the general well-being. Then all the springs of the State are vigorous and simple; its maxims are clear and luminous; it has no tangled or contradictory interests; the common good is plainly evident everywhere and requires only good sense to be perceived. Peace, unity and equality are enemies of political subtleties. Upright and simple men are hard to deceive because of their simplicity; lures and refined pretexts do not take them in; they are not even clever enough to be dupes. When, among the happiest people in the world, we see groups of peasants settling the affairs of the State under an oak tree and always conducting themselves wisely, can we help despising the refinements of other nations, which make themselves illustrious and wretched with so much art and mystery?[1]

A State governed in this way needs very few laws; and whenever it becomes necessary to promulgate new ones, the necessity is seen by all. The first to propose them only says what everyone has already felt, and there is no question of intrigue or

1 Rousseau is thinking of the open-air assemblies of citizens in some Swiss cantons.

eloquence to make into law what each has already resolved to do as soon as he is sure that the others will do likewise.

What misleads those who reason about such things is that, seeing only States that were badly constituted from their origin, they are struck by the impossibility of maintaining such a system in them. They laugh to imagine all the foolishness that a clever cheat or a smooth talker could persuade the people of Paris or London to believe. They do not know that Cromwell would have been sentenced to hard labor by the people of Bern, and the Duke of Beaufort to the house of correction by the Genevans.[2]

But when the social bond begins to slacken and the State to weaken, when private interests begin to make themselves felt and small societies to exert influence on the large one, the common interest is corrupted and meets with opponents. Unanimity no longer reigns in the votes; the general will is no longer the will of all; contradictions and debates arise, and the best opinion does not carry without disputes.

Finally, when the State, close to ruin, survives only in an illusory and empty form, when the social bond is broken in every heart, when the basest interest brazenly adorns itself with the sacred name of the public good, then the general will falls silent. All, guided by secret motives, no more give their opinions as citizens than if the State had never existed; and iniquitous decrees whose sole aim is private interest are falsely passed under the name of laws.

Does it follow from this that the general will has been annihilated or corrupted? No: it is always constant, unalterable and pure; but it is subordinated to other wills that prevail over it. Each man, detaching his interest from the common interest, sees clearly that he cannot separate it entirely; but his share of the public harm seems nothing to him beside the exclusive good

2 The Duke of Beaufort was a popular leader of the Fronde, nicknamed "king of the market halls." Bern punished offenders with public labor, the convicts wearing bells (*sonnettes*). Oliver Cromwell (1599–1658) ruled England as Lord Protector after the Civil War.

he claims to appropriate for himself. Apart from this private good, he wants the general good for his own interest just as strongly as anyone else. Even in selling his vote for money he does not extinguish the general will in himself; he evades it. The fault he commits is to change the terms of the question and to answer something other than what he is asked. So instead of saying by his vote, *it is advantageous to the State*, he says, *it is advantageous to this man or that party that this or that proposal should pass*. Thus the law of public order in assemblies is not so much to maintain the general will there as to ensure that it is always questioned and always answers.

I would have many reflections to make here on the simple right to vote in every act of sovereignty—a right that nothing can take away from citizens—and on the right to give opinions, to propose, to divide and to debate, which the government always takes great care to leave to its own members alone. But this important matter would require a separate treatise, and I cannot say everything in this one.

CHAPTER 2: VOTING

The majority binds all because each vote expresses an opinion about the general will.

4.2 We can see from the preceding chapter that the way general affairs are handled can give a fairly sure indication of the current state of morals and of the health of the body politic. The more harmony reigns in the assemblies—that is, the closer opinions come to unanimity—the more the general will is dominant; but long debates, dissensions and uproar announce the ascendancy of private interests and the decline of the State.

This seems less evident when two or more orders enter into its constitution, as at Rome the patricians and the plebeians, whose quarrels often disturbed the comitia, even in the finest times of the Republic. But this exception is more apparent than real; for then, through the vice inherent in the body politic, there are, so to speak, two States in one, and what is not true of

the two together is true of each separately. And indeed, even in the stormiest times, the plebiscites of the people, when the Senate did not meddle in them, always passed quietly and by a large majority of votes. The citizens having only one interest, the people had only one will.

At the other end of the circle, unanimity returns. This is when the citizens, fallen into servitude, no longer have either liberty or will. Then fear and flattery turn votes into acclamations; there is no deliberation any more—only adoration or cursing. Such was the vile manner in which the Senate gave its opinions under the emperors. Sometimes this was done with ridiculous precautions. Tacitus observes that under Otho the senators, while heaping curses on Vitellius, made a point of raising a frightful din at the same time, so that, if by chance he became master, he could not know what each of them had said.[3]

From these various considerations arise the maxims by which the manner of counting votes and comparing opinions should be regulated, according to whether the general will is more or less easy to ascertain and the State more or less in decline.

There is only one law that by its nature requires unanimous consent: the social pact. For civil association is the most voluntary act in the world; since every man is born free and master of himself, no one, under any pretext whatever, can subject him without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If, then, at the time of the social pact there are opponents to it, their opposition does not invalidate the contract; it merely prevents them from being included in it. They are foreigners among the citizens. Once the State is instituted, consent lies in

3 Tacitus, *Histories* I.85. Otho and Vitellius were rival claimants to the throne in AD 69.

residence: to inhabit the territory is to submit to the sovereignty[4].

Apart from this original contract, the vote of the greatest number always binds all the others; this is a consequence of the contract itself. But it is asked how a man can be free and yet forced to conform to wills that are not his own. How are the opponents free and yet subject to laws to which they have not consented?

I answer that the question is badly put. The citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate any of them. The constant will of all the members of the State is the general will; it is through it that they are citizens and free[5]. When a law is proposed in the assembly of the people, what they are being asked is not precisely whether they approve the proposal or reject it, but whether or not it conforms to the general will, which is their own. Each, in casting his vote, states his opinion on that point, and the declaration of the general will is drawn from the count of the votes. When, therefore, the opinion contrary to mine prevails, this proves nothing except that I was mistaken, and that what I took to be the general will was not. Had my private opinion prevailed, I would have done something other than what I had willed; it is then that I would not have been free.

This presupposes, it is true, that all the characteristics of the general will still reside in the majority; when they cease to do so, whichever side one takes, there is no longer any liberty.

In showing earlier how private wills were substituted for the general will in public deliberations, I have sufficiently indicated

4 ROUSSEAU'S NOTE. This must always be understood of a free State; for otherwise family, property, lack of refuge, necessity or violence may keep an inhabitant in the country against his will, and then his residence alone no longer implies his consent to the contract or to the violation of the contract.

5 ROUSSEAU'S NOTE. In Genoa the word *Libertas* can be read on the front of the prisons and on the chains of the galley slaves. This application of the motto is fine and just. Indeed, it is only evildoers of every station who prevent the citizen from being free. In a country where all such people were in the galleys, one would enjoy the most perfect liberty.

the practicable means of preventing this abuse; I shall speak of it again later. As for the proportion of votes needed to declare this will, I have also given the principles by which it can be determined. A difference of a single vote breaks equality; a single opponent breaks unanimity; but between unanimity and equality there are many unequal divisions, at any one of which this proportion can be fixed according to the condition and needs of the body politic.

Two general maxims can serve to regulate these ratios. The first is that the more important and serious the deliberations, the closer the prevailing opinion should come to unanimity. The second is that the more speed the matter under discussion requires, the narrower the prescribed margin in the division of opinions should be; in deliberations that must be concluded on the spot, a majority of one vote should suffice. The first of these maxims seems better suited to laws, and the second to business. Be that as it may, it is by combining them that the best ratios are established for the majority required to decide.

CHAPTER 3: ELECTIONS

Choice by lot suits democracy, election suits aristocracy, and neither applies to monarchy.

4.3 As for the elections of the prince and the magistrates, which are, as I have said, complex acts, there are two ways of proceeding: choice and lot. Both have been used in various republics, and a very complicated mixture of the two can still be seen today in the election of the Doge of Venice.[6]

Election by lot, says Montesquieu, *is in the nature of democracy.* I agree, but how so? *Lot*, he continues, *is a way of electing that distresses no one; it leaves each citizen a reasonable hope of serving his country.* These are not reasons.[7]

If we note that the election of leaders is a function of government and not of sovereignty, we shall see why the method of lot

6 The Doge, Venice's elected head of state, was chosen through many alternating rounds of drawing lots and voting.

is more in the nature of democracy, where administration is better in proportion as its acts are fewer.

In every true democracy, magistracy is not an advantage but a burdensome charge, which cannot justly be imposed on one individual rather than another. The law alone can impose this charge on the one on whom the lot falls. For then, the condition being equal for all and the choice depending on no human will, there is no particular application to alter the universality of the law.

In aristocracy the prince chooses the prince, the government preserves itself by its own means, and that is where votes are well placed.

The example of the election of the Doge of Venice confirms this distinction rather than destroying it: this mixed form suits a mixed government. For it is a mistake to take the government of Venice for a true aristocracy. If the people there have no share in the government, the nobility is itself the people. A multitude of poor Barnabotti never came near any magistracy, and have nothing of their nobility but the empty title of Excellency and the right to sit in the Great Council. This Great Council being as numerous as our General Council in Geneva, its illustrious members have no more privileges than our ordinary citizens.[8] It is certain that, setting aside the extreme disparity between the two republics, the burghers of Geneva correspond exactly to the Venetian patriciate; our natives and inhabitants correspond to the townsmen and common people of Venice; our peasants correspond to the subjects on the mainland. In short, however one considers that republic, apart from its size, its government is no more aristocratic than ours. The whole difference is that, having no head for life, we do not have the same need for lot.[9]

Elections by lot would have few drawbacks in a true democracy, where, everything being equal in morals and talents as

7 Montesquieu, *The Spirit of the Laws* (1748), Book II, chapter 2.

8 The Barnabotti were impoverished Venetian nobles, many living in the parish of San Barnaba. Geneva's General Council was the assembly of all its citizens and burghers.

well as in principles and fortune, the choice would become almost a matter of indifference. But I have already said that there is no true democracy.

When choice and lot are combined, the first should fill the posts that require particular talents, such as military offices; the other suits those for which good sense, justice and integrity suffice, such as judicial offices, because in a well-constituted State these qualities are common to all citizens.

Neither lot nor votes have any place in monarchical government. Since the monarch is by right the sole prince and the only magistrate, the choice of his lieutenants belongs to him alone. When the Abbé de Saint-Pierre proposed multiplying the councils of the King of France and electing their members by ballot, he did not see that he was proposing to change the form of government.[10]

It would remain for me to speak of the manner of casting and collecting votes in the assembly of the people; but perhaps a history of Roman practice in this respect will illustrate more vividly all the maxims I could lay down. It is not unworthy of a judicious reader to see in some detail how public and private affairs were handled in a council of two hundred thousand men.

CHAPTER 4: THE ROMAN COMITIA

Rousseau describes how the Roman people was divided and voted in its assemblies.

4.4 We have no truly reliable records of the earliest times of Rome; there is even every likelihood that most of what is told

9 In Geneva only citizens and burghers had political rights; "natives" (born there of non-burgher parents) and "inhabitants" (resident foreigners) had none.
10 Charles-Irénée Castel, Abbé de Saint-Pierre (1658–1743), a reformer whose writings Rousseau edited; he advocated government by elected councils ("polysynody").

about them is fable[11]. And in general the most instructive part of the annals of peoples, which is the history of their founding, is the part we most lack. Experience teaches us every day from what causes the revolutions of empires arise; but since peoples are no longer being formed, we have little more than conjecture to explain how they were formed.

The customs we find established attest at least that these customs had an origin. Of the traditions that go back to those origins, the ones supported by the greatest authorities and confirmed by the strongest reasons should pass for the most certain. These are the maxims I have tried to follow in inquiring how the freest and most powerful people on earth exercised its supreme power.

After the founding of Rome, the nascent republic—that is, the founder's army, composed of Albans, Sabines and foreigners—was divided into three classes, which from this division took the name of *tribes*. Each of these tribes was subdivided into ten curiae, and each curia into decuriae, at whose head were placed leaders called *curiones* and *decuriones*.[12]

Besides this, a body of a hundred horsemen or knights, called a century, was drawn from each tribe. From this we see that these divisions, hardly necessary in a small town, were at first purely military. But it seems that an instinct for greatness led the little town of Rome to give itself in advance a political order fit for the capital of the world.

A drawback soon resulted from this first division. The tribe of the Albans[13] and that of the Sabines[14] always remained the same

11 ROUSSEAU'S NOTE. The name *Rome*, which is claimed to come from *Romulus*, is Greek and means *strength*; the name *Numa* is also Greek and means *law*. How likely is it that the first two kings of this city bore in advance names so well suited to what they did?

TRANSLATOR'S NOTE. Rousseau has in mind the Greek words *rhōmē* (strength) and *nomos* (law).

12 The Albans came from Alba Longa, the Sabines from the hills northeast of Rome; the Latin *tribus* was linked to *tres*, "three."

13 ROUSSEAU'S NOTE. (a) *Ramnenses*.

14 ROUSSEAU'S NOTE. (b) *Tatienses*.

size, while that of the foreigners[15] grew continually through the constant influx of newcomers, so that this last soon surpassed the other two. The remedy Servius found for this dangerous abuse was to change the division: for the division by lineage, which he abolished, he substituted another, based on the parts of the city occupied by each tribe. Instead of three tribes he made four, each of which occupied one of the hills of Rome and bore its name.[16] Thus, in remedying the present inequality, he also prevented it for the future; and so that this division should be not only of places but of men, he forbade the inhabitants of one quarter to move to another, which kept the lineages from mingling.

He also doubled the three old centuries of cavalry and added twelve others, but always under the old names—a simple and judicious means by which he completed the separation of the body of knights from that of the people, without making the latter grumble.

To these four urban tribes Servius added fifteen others, called rural tribes because they were formed of the inhabitants of the countryside, divided into as many districts. Later as many new ones again were created, and the Roman people ended up divided into thirty-five tribes, a number at which they remained fixed until the end of the Republic.

From this distinction between the tribes of the city and the tribes of the countryside came an effect worth observing, both because there is no other example of it and because Rome owed to it at once the preservation of its morals and the growth of its empire. One would think that the urban tribes soon arrogated power and honors to themselves and were quick to degrade the rural tribes; it was quite the contrary. The early Romans' taste for country life is well known. They owed this taste to the wise founder who joined liberty to rural and military labor and relegated, so to speak, the arts, crafts, intrigue, wealth and slavery to the city.

15 ROUSSEAU'S NOTE. (c) *Luceres*.
16 Servius Tullius, by tradition the sixth king of Rome (6th century BC).

Thus, since everyone illustrious in Rome lived in the fields and tilled the land, people grew used to looking only there for the pillars of the Republic. This condition, being that of the worthiest patricians, was honored by all: the simple, laborious life of the villagers was preferred to the idle, slack life of the townsmen of Rome, and a man who would have been only a wretched proletarian in the city became a respected citizen as a farmer in the fields. It was not without reason, said Varro, that our great-souled ancestors established in the village the nursery of those sturdy and valiant men who defended them in time of war and fed them in time of peace.[17] Pliny states plainly that the tribes of the countryside were honored because of the men who made them up, whereas cowards whom one wished to degrade were transferred in disgrace to those of the city. The Sabine Appius Claudius, having come to settle in Rome, was loaded with honors there and enrolled in a rural tribe, which later took the name of his family. Finally, freedmen all entered the urban tribes, never the rural ones; and there is not, during the whole Republic, a single example of any of these freedmen attaining any magistracy, even after becoming a citizen.[18]

This maxim was excellent; but it was pushed so far that in the end it led to a change, and certainly an abuse, in the political order.

First, the censors, after long arrogating to themselves the right to transfer citizens arbitrarily from one tribe to another, allowed most of them to enroll in whichever they pleased—a permission that surely served no good purpose and removed one of the great mainsprings of the censorship. Moreover, as the great and powerful all had themselves enrolled in the tribes of the countryside, while the freedmen who had become citizens remained with the populace in those of the city, the tribes in general no longer had any place or territory; they all became so intermingled that the members of each could be told apart only

17 Marcus Terentius Varro (116–27 BC), Roman scholar; the passage paraphrases his treatise *On Agriculture*.
18 Pliny the Elder, *Natural History*, Book XVIII.

by the registers. So the idea of the word *tribe* passed from the territorial to the personal, or rather became almost a fiction.

It also happened that the tribes of the city, being closer at hand, often proved the strongest in the comitia, and sold the State to those who deigned to buy the votes of the rabble that composed them.

As for the curiae, since the founder had made ten in each tribe, the whole Roman people, then enclosed within the walls of the city, was made up of thirty curiae, each of which had its own temples, gods, officers, priests and festivals, called *compitalia*, similar to the *paganalia* that the rural tribes later had.[19]

In Servius's new division, since this number of thirty could not be distributed evenly among his four tribes, he chose not to touch it, and the curiae, independent of the tribes, became another division of the inhabitants of Rome. But there was no question of curiae either in the rural tribes or among the people who made them up, because the tribes had become a purely civil institution, and, another system having been introduced for levying troops, the military divisions of Romulus proved superfluous. Thus, although every citizen was enrolled in a tribe, it was far from the case that each was enrolled in a curia.

Servius made yet a third division, which bore no relation to the two preceding ones and became, through its effects, the most important of all. He distributed the whole Roman people into six classes, which he distinguished neither by place nor by persons, but by property: the first classes were filled by the rich, the last by the poor, and the middle ones by those who enjoyed a moderate fortune. These six classes were subdivided into 193 other bodies called centuries, and these bodies were so distributed that the first class alone comprised more than half of them, while the last formed only one. It thus turned out that the class with the fewest men had the most centuries, and that the entire

19 The *compitalia* honored the gods of the crossroads; the *paganalia* were festivals of the rural districts (*pagi*).

last class counted only as a single subdivision, although it alone contained more than half the inhabitants of Rome.

So that the people might see less clearly the consequences of this last form, Servius took care to give it a military air. He placed two centuries of armorers in the second class, and two of instruments of war in the fourth. In each class except the last he distinguished the young from the old—that is, those obliged to bear arms from those whom their age exempted by law—a distinction that, more than that of property, made it necessary to repeat the census, or count, frequently. Finally, he required the assembly to be held on the Campus Martius, and all those of age to serve to come to it with their arms.[20]

The reason he did not follow this same division of young and old in the last class is that the populace of which it was composed was not granted the honor of bearing arms for the fatherland: one had to have a hearth to obtain the right to defend it. And of the countless troops of beggars who make such a brilliant show in the armies of kings today, there is perhaps not one who would not have been driven with contempt from a Roman cohort, when soldiers were the defenders of liberty.

Within the last class, however, a further distinction was made between the *proletarians* and those called *capite censi*. The former, not reduced entirely to nothing, at least gave the State citizens, and sometimes even soldiers in times of urgent need. As for those who had nothing at all and could be counted only by their heads, they were regarded as entirely null, and Marius was the first who deigned to enlist them.[21]

Without deciding here whether this third classification was good or bad in itself, I believe I can affirm that only the simple morals of the early Romans, their disinterestedness, their taste for agriculture and their contempt for commerce and for the eager pursuit of gain could have made it workable. Where is the

20 The Campus Martius ("Field of Mars") was an open plain outside the old city walls, used for military musters and assemblies.

21 *Proletarii* were those whose only contribution was offspring (*proles*); *capite censi*, "counted by head." Gaius Marius, general and seven-times consul, enlisted them in 107 BC.

modern people among whom devouring greed, restlessness, intrigue, constant moving about and perpetual reversals of fortune could let such an institution last twenty years without overturning the whole State? It must also be carefully noted that morals and the censorship, stronger than this institution, corrected its defect at Rome, and that more than one rich man found himself relegated to the class of the poor for having made too great a display of his wealth.

From all this one can easily understand why five classes are almost the only ones ever mentioned, although there were really six. The sixth, supplying neither soldiers to the army nor voters to the Campus Martius[22], and being of almost no use in the Republic, was seldom counted for anything.

Such were the various divisions of the Roman people. Let us now see the effect they produced in the assemblies. These assemblies, when lawfully convened, were called *comitia*. They were usually held in the forum at Rome or on the Campus Martius, and were distinguished as comitia by curiae, comitia by centuries and comitia by tribes, according to which of these three forms they were organized on. The comitia by curiae were instituted by Romulus, those by centuries by Servius, those by tribes by the tribunes of the people. No law received sanction, and no magistrate was elected, except in the comitia; and as there was no citizen who was not enrolled in a curia, a century or a tribe, it follows that no citizen was excluded from the right to vote, and that the Roman people was truly sovereign in law and in fact.

For the comitia to be lawfully assembled, and for what was done there to have the force of law, three conditions were required: first, that the body or magistrate convening them be invested with the necessary authority to do so; second, that the

22 ROUSSEAU'S NOTE. I say *on the Campus Martius* because that was where the comitia by centuries assembled; in the two other forms the people assembled *in the forum* or elsewhere, and then the *capite censi* had as much influence and authority as the foremost citizens.

assembly be held on one of the days permitted by law; third, that the auguries be favorable.

The reason for the first rule needs no explanation. The second is a matter of administration: thus it was not permitted to hold the comitia on holidays and market days, when country people coming to Rome on business had no time to spend the day in the public square. By the third, the Senate kept a proud and restless people in check, and tempered at the right moments the ardor of seditious tribunes; but these found more than one way of freeing themselves from this constraint.

Laws and the election of leaders were not the only matters submitted to the judgment of the comitia. Since the Roman people had usurped the most important functions of government, one may say that the fate of Europe was settled in its assemblies. This variety of matters gave rise to the different forms these assemblies took, according to the questions on which the people had to decide.

To judge these various forms, it is enough to compare them. Romulus, in instituting the curiae, aimed to restrain the Senate by the people and the people by the Senate, while dominating both equally. By this form, therefore, he gave the people all the authority of numbers to counterbalance that of power and wealth, which he left to the patricians. But, in keeping with the spirit of monarchy, he nevertheless left the patricians the greater advantage through the influence of their clients on the majority of votes. This admirable institution of patrons and clients was a masterpiece of statecraft and humanity, without which the patriciate, so contrary to the spirit of the Republic, could not have survived.[23] Rome alone had the honor of giving the world this fine example, from which no abuse ever resulted, and which nonetheless has never been followed.

This same form of the curiae having persisted under the kings until Servius, and the reign of the last Tarquin not being

23 Clients were free dependents bound by ties of mutual obligation to a patron, typically a patrician.

counted as legitimate, royal laws came generally to be distinguished by the name of *leges curiatæ*.[24]

Under the Republic the curiae, still confined to the four urban tribes and containing only the populace of Rome, could suit neither the Senate, which was at the head of the patricians, nor the tribunes, who, though plebeians, were at the head of the well-to-do citizens. They therefore fell into discredit, and their degradation was such that their thirty lictors, assembled together, did what the comitia by curiae should have done.[25]

The division by centuries was so favorable to aristocracy that it is not at first clear why the Senate did not always prevail in the comitia that bore this name, and by which the consuls, the censors and the other curule magistrates were elected. Indeed, of the hundred and ninety-three centuries that formed the six classes of the whole Roman people, the first class comprised ninety-eight; and since votes were counted only by centuries, this first class alone outnumbered all the others in votes.[26] When all its centuries were in agreement, the votes were not even collected any further; what the smallest number had decided passed for a decision of the multitude, and one may say that in the comitia by centuries affairs were settled by a majority of coins far more than by a majority of votes.

But this extreme authority was tempered in two ways. First, the tribunes as a rule, and always a large number of plebeians, being in the class of the rich, counterbalanced the influence of the patricians in this first class.

The second way was this: instead of first having the centuries vote in their order, which would always have meant beginning with the first, one was drawn by lot, and that one[27] alone proceeded to the election; after which all the centuries, summoned

24 "Curiate laws": laws passed by the assembly of the curiae.

25 Each curia was represented by one lictor.

26 The curule magistrates, the senior officials, were entitled to sit on the ivory "curule chair."

27 ROUSSEAU'S NOTE. This century, drawn by lot in this way, was called *præ rogativa*, because it was the first to be asked for its vote; and that is where the word *prerogative* comes from.

on another day according to their rank, repeated the same election and usually confirmed it. Thus the authority of example was taken from rank and given to lot, according to the principle of democracy.

Another advantage also resulted from this practice: the citizens from the countryside had time between the two elections to inform themselves of the merit of the provisionally named candidate, so as to cast their vote only with full knowledge. But on the pretext of speed this practice was eventually abolished, and the two elections were held on the same day.

The comitia by tribes were properly the council of the Roman people. They were convened only by the tribunes; the tribunes were elected there and passed their plebiscites there. Not only did the Senate have no standing there; it did not even have the right to attend. And, forced to obey laws on which they had not been able to vote, the senators were in this respect less free than the humblest citizens. This injustice was altogether ill-conceived, and was enough by itself to invalidate the decrees of a body to which not all its members were admitted. Even if all the patricians had attended these comitia by the right they had as citizens, they would then have become mere private individuals, and would have had little influence on a form of voting in which votes were collected by head, and where the lowliest proletarian counted for as much as the Prince of the Senate.[28]

We see, then, that apart from the order these various arrangements produced in collecting the votes of so great a people, they did not amount to forms indifferent in themselves; each had effects related to the aims that led to its being preferred.

Without going into further detail on this point, it follows from the foregoing explanations that the comitia by tribes were the most favorable to popular government, and the comitia by centuries to aristocracy. As for the comitia by curiae, where the populace of Rome alone formed the majority, since they were good only for favoring tyranny and evil designs, they inevitably

28 The Prince of the Senate (*princeps senatus*) was the senator listed first on the roll, who spoke first in debate.

fell into disrepute, the seditious themselves refraining from a means that exposed their plans too openly. It is certain that the whole majesty of the Roman people was found only in the comitia by centuries, which alone were complete; for the comitia by curiae lacked the rural tribes, and the comitia by tribes lacked the Senate and the patricians.

As for the manner of collecting the votes, among the early Romans it was as simple as their morals, though still less simple than at Sparta. Each man gave his vote aloud, and a clerk wrote the votes down as they were given. A majority of votes within each tribe determined the vote of the tribe; a majority of votes among the tribes determined the vote of the people; and likewise for the curiae and the centuries.[29] This practice was good as long as honesty reigned among the citizens and each was ashamed to give his vote publicly to an unjust proposal or an unworthy candidate. But when the people became corrupt and votes were bought, it was fitting that they be cast in secret, to restrain the buyers through mistrust and to give scoundrels the means of not being traitors.

I know that Cicero condemns this change and attributes to it in part the ruin of the Republic. But although I feel the weight that Cicero's authority must carry here, I cannot share his view. I think, on the contrary, that it was for want of making enough changes of this kind that the ruin of the State was hastened. Just as the diet of the healthy is not suited to the sick, one must not try to govern a corrupt people by the same laws that suit a good people. Nothing proves this maxim better than the long life of the Republic of Venice, whose semblance still exists, solely because its laws suit only wicked men.[30]

Citizens were therefore given tablets by which each could vote without anyone knowing his opinion. New formalities were also established for collecting the tablets, counting the votes, comparing the numbers, and so on. This did not prevent the

29 At Sparta the assembly decided by acclamation, judging which side shouted louder.

30 Cicero, *On the Laws*, Book III.

honesty of the officials charged with these duties[31] from often being suspected. Finally, to prevent electoral intrigue and the traffic in votes, edicts were issued whose very number shows how useless they were.

Toward the last period, it was often necessary to resort to extraordinary expedients to make up for the inadequacy of the laws. Sometimes prodigies were feigned; but this means, which might deceive the people, did not deceive those who governed them. Sometimes an assembly was suddenly convened before the candidates had had time to carry out their intrigues. Sometimes a whole session was used up in speeches when the people, having been won over, were seen to be ready to take a bad decision. But in the end ambition got around everything; and what is incredible is that in the midst of so many abuses this immense people, thanks to its ancient regulations, still went on electing magistrates, passing laws, judging cases and dispatching private and public business almost as easily as the Senate itself could have done.

CHAPTER 5: THE TRIBUNATE

A tribunate protecting the laws strengthens the constitution but must not grow too powerful.

4.5 When an exact proportion cannot be established among the constituent parts of the State, or when indestructible causes constantly alter their relations, a special magistracy is instituted that does not form a single body with the others. It restores each term to its true relation, and forms a link or middle term either between the prince and the people, or between the prince and the sovereign, or on both sides at once if necessary.

This body, which I shall call the *tribunate,* is the preserver of the laws and of the legislative power. It serves sometimes to pro-

31 ROUSSEAU'S NOTE. Guardians, sorters and collectors of the votes.

TRANSLATOR'S NOTE. In Latin in the original: *custodes, diribitores, rogatores suffragiorum,* the officials who guarded the ballot boxes, counted the ballots and collected the votes.

tect the sovereign against the government, as the tribunes of the people did at Rome; sometimes to uphold the government against the people, as the Council of Ten now does at Venice; and sometimes to maintain the balance between the two, as the ephors did at Sparta.[32]

The tribunate is not a constituent part of the City, and should have no share of either legislative or executive power; but it is precisely in this that its own power is greater: for, able to do nothing, it can prevent everything. As defender of the laws, it is more sacred and more revered than the prince who executes them and the sovereign who gives them. This was seen very clearly at Rome, when those proud patricians, who always despised the people as a whole, were forced to bow before a mere officer of the people who had neither auspices nor jurisdiction.

A wisely tempered tribunate is the firmest support of a good constitution; but if it has even a little too much strength, it overturns everything. As for weakness, that is not in its nature; provided it is something, it is never less than it should be.

It degenerates into tyranny when it usurps the executive power, of which it is only the moderator, and when it tries to grant dispensations from the laws it should only protect. The enormous power of the ephors, which was harmless as long as Sparta preserved its morals, hastened the corruption once it had begun. The blood of Agis, slaughtered by these tyrants, was avenged by his successor; the crime and the punishment of the ephors alike hastened the fall of the Republic, and after Cleomenes Sparta was nothing any more. Rome, too, perished in the same way, and the excessive power of the tribunes, usurped by degrees, served in the end, with the help of laws made for liberty, as a safeguard for the emperors who destroyed it.[33] As for the Council of Ten at Venice, it is a tribunal of blood, dreadful alike to the patricians and to the people, and which, far from

32 The Council of Ten was a secretive Venetian tribunal for state security; the five ephors were annually elected Spartan magistrates who checked the kings.

33 Agis IV, a reforming Spartan king, was executed on the ephors' orders in 241 BC; Cleomenes III had the ephors killed and abolished their office in 227 BC.

openly protecting the laws, now serves only, since they have been debased, to strike in the dark blows that no one dares to notice.

The tribunate, like the government, is weakened by the multiplication of its members. When the tribunes of the Roman people, at first two in number and then five, wanted to double that number, the Senate let them do so, quite sure of restraining some by means of the others—which duly happened.

The best way to prevent the usurpations of so formidable a body—a way no government has yet thought of—would be not to make this body permanent, but to set intervals during which it would remain suspended. These intervals, which should not be long enough to give abuses time to take root, can be fixed by law, in such a way that they are easy to shorten when needed by extraordinary commissions.

This method seems to me to have no drawbacks, because, as I have said, the tribunate is not part of the constitution and can be removed without the constitution suffering; and it seems to me effective, because a newly restored magistrate does not start from the power his predecessor had, but from the power the law gives him.

CHAPTER 6: DICTATORSHIP

In grave emergencies the laws may be suspended by a short-term dictator.

4.6 The inflexibility of the laws, which keeps them from bending to events, can in certain cases make them harmful and, through them, bring about the ruin of the State in a crisis. The orderliness and slowness of legal forms require a span of time that circumstances sometimes refuse. A thousand cases may arise that the lawgiver did not provide for, and it is a very necessary foresight to realize that one cannot foresee everything.

So we must not seek to make political institutions so firm that we deprive ourselves of the power to suspend their operation. Sparta herself let her laws sleep.

But only the greatest dangers can outweigh the danger of disturbing public order, and the sacred power of the laws should never be halted except when the safety of the country is at stake. In these rare and obvious cases, public security is provided for by a particular act that entrusts it to the worthiest person. This commission can be given in two ways, depending on the kind of danger.

If, to remedy it, it is enough to increase the activity of the government, the government is concentrated in one or two of its members; in this way it is not the authority of the laws that is altered, but only the form of their administration. But if the peril is such that the apparatus of the laws is itself an obstacle to guarding against it, then a supreme ruler is named who can silence all the laws and suspend the sovereign authority for a moment. In such a case the general will is not in doubt, and it is evident that the people's first intention is that the State should not perish. In this way the suspension of the legislative authority does not abolish it. The magistrate who silences it cannot make it speak; he dominates it without being able to represent it. He can do anything except make laws.

The first method was used by the Roman Senate when, by a hallowed formula, it charged the consuls to provide for the safety of the Republic; the second took place when one of the two consuls named a dictator[34]—a practice for which Alba had set Rome the example.[35]

In the early days of the Republic, people very often had recourse to the dictatorship, because the State did not yet have a settled enough footing to sustain itself by the strength of its constitution alone. Since morals at that time made many precautions unnecessary that would have been needed in another age, no one feared either that a dictator would abuse his authority or that he would try to keep it beyond his term. On the contrary, so

34 ROUSSEAU'S NOTE. This nomination was made at night and in secret, as if people were ashamed to set a man above the laws.

35 The Senate's formula bade the consuls "see to it that the Republic come to no harm." Alba Longa was the Latin city held to be Rome's mother city.

great a power seemed a burden to the man invested with it, so quickly did he hasten to be rid of it—as if taking the place of the laws were too painful and too perilous a post!

So it is not the danger of abuse but that of debasement that makes me fault the indiscriminate use of this supreme magistracy in early times. For while it was being lavished on elections, dedications and matters of mere formality, there was reason to fear it would become less formidable when needed, and that people would grow used to regarding as an empty title one that was used only for empty ceremonies.

Toward the end of the Republic, the Romans, grown more cautious, were as unreasonably sparing of the dictatorship as they had once been lavish with it. It was easy to see that their fear was ill-founded: that the weakness of the capital was then its security against the magistrates within its walls; that a dictator could in certain cases defend public liberty without ever being able to threaten it; and that Rome's chains would be forged not in Rome itself but in her armies. The slight resistance that Marius offered Sulla, and Pompey offered Caesar, showed clearly what could be expected of authority within against force from without.[36]

This error led them into great mistakes. One such, for example, was failing to name a dictator in the affair of Catiline. For since the question concerned only the inside of the city and, at most, some province of Italy, a dictator, with the unlimited authority the laws gave him, would easily have broken up the conspiracy, which was stifled only by a combination of lucky chances that human prudence should never have counted on.[37]

Instead, the Senate contented itself with handing all its power to the consuls. As a result, Cicero, in order to act effectively, was forced to exceed that power on a crucial point; and if the first transports of joy led people to approve his conduct, it was with

36 Sulla marched his army on Rome against Marius's party in 88 BC; Caesar crossed the Rubicon against Pompey and the Senate in 49 BC.

37 Catiline's conspiracy to seize power was exposed and put down in 63 BC, during Cicero's consulship.

justice that he was later called to account for the blood of citizens shed contrary to the laws—a reproach that could not have been made to a dictator. But the consul's eloquence carried everything; and he himself, though a Roman, loving his own glory more than his country, sought not so much the most legitimate and surest means of saving the State as the means of having all the credit for the affair[38].[39] So he was justly honored as the liberator of Rome, and justly punished as a breaker of the laws. However brilliant his recall may have been, it was certainly a pardon.

For the rest, however this important commission is conferred, it is important to fix its duration at a very short term that can never be extended. In the crises that cause it to be established, the State is soon either destroyed or saved; and once the pressing need is past, the dictatorship becomes either tyrannical or pointless. In Rome, where dictators served for only six months, most abdicated before the end of that term. Had the term been longer, they might perhaps have been tempted to extend it further, as the decemvirs did with their term of one year. The dictator had time only to meet the need that had caused his election; he had no time to think of other schemes.

CHAPTER 7: THE CENSORSHIP

Censorship declares public opinion and can preserve morals but never restore them.

4.7 Just as the declaration of the general will is made by law, the declaration of public judgment is made by the censorship. Public opinion is the kind of law of which the censor is the minister,

38 ROUSSEAU'S NOTE. He could not be sure of this if he proposed a dictator, since he did not dare name himself and could not be certain that his colleague would name him.

39 Cicero had captured conspirators executed without trial; he was exiled for it in 58 BC and recalled the following year.

and which he merely applies to particular cases, after the example of the prince.[40]

So far from the censorial tribunal being the arbiter of the people's opinion, it only declares it; and as soon as it departs from that opinion, its decisions are empty and without effect.

It is pointless to distinguish a nation's morals from the objects of its esteem, for all this depends on the same principle and necessarily blends together. Among all the peoples of the world, it is not nature but opinion that decides the choice of their pleasures. Set men's opinions right, and their morals will purify themselves. People always love what is beautiful, or what they find so; but it is in this judgment that they go wrong, and so it is this judgment that must be regulated. Whoever judges morals judges honor, and whoever judges honor takes his law from opinion.

A people's opinions arise from its constitution. Although the law does not regulate morals, it is legislation that gives rise to them. When legislation weakens, morals degenerate; but then the judgment of the censors will not do what the force of the laws has failed to do.

It follows that the censorship can be useful for preserving morals, never for restoring them. Establish censors while the laws are in their vigor; once they have lost it, all hope is gone. Nothing legitimate has any force left once the laws have none.

The censorship maintains morals by keeping opinions from being corrupted, by preserving their rightness through wise applications, and sometimes even by settling them while they are still uncertain. The use of seconds in duels, carried to the point of frenzy in the Kingdom of France, was abolished there by these few words in a royal edict: *as for those who are cowardly enough to call on seconds.* This judgment, anticipating the public's, settled it at a stroke. But when the same edicts tried to pronounce that it was also cowardly to fight a duel—which is quite

40 Roman censors kept the rolls of citizens and could publicly mark a citizen for misconduct.

true, but contrary to common opinion—the public mocked this decision, on which its judgment was already formed.[41]

I have said elsewhere[42] that since public opinion is not subject to constraint, there should be no trace of constraint in the tribunal set up to represent it. One cannot admire too much the art with which this mechanism, entirely lost among the moderns, was put to work among the Romans, and still better among the Spartans.

A man of bad morals having put forward good advice in the council of Sparta, the ephors ignored it and had the same advice proposed by a virtuous citizen. What an honor for the one, what a mark of disgrace for the other, without praise or blame having been given to either! Certain drunkards from Samos befouled the ephors' tribunal; the next day, by public edict, the Samians were permitted to be vile. Would a real punishment have been less severe than such impunity? When Sparta has pronounced on what is or is not decent, Greece does not appeal its judgments.

CHAPTER 8: CIVIL RELIGION

The sovereign should prescribe a simple civil religion and tolerate all tolerant faiths.

4.8 At first men had no kings but the gods, and no government but theocracy. They reasoned as Caligula did, and at that time they reasoned correctly. It takes a long alteration of feelings and ideas before one can bring oneself to take one's fellow man as master, and flatter oneself that things will go well for it.[43]

From the mere fact that God was placed at the head of each political society, it followed that there were as many gods as peoples. Two peoples foreign to each other, and almost always

41 Louis XIV issued a series of edicts against dueling.

42 ROUSSEAU'S NOTE. In this chapter I merely point to what I have treated at greater length in the Letter to M. d'Alembert.

TRANSLATOR'S NOTE. Rousseau's *Letter to d'Alembert on the Theater* (1758).

43 An allusion to 1.2, where Caligula reasons that kings are gods, or else their subjects are beasts.

enemies, could not long acknowledge the same master; two armies giving battle could not obey the same commander. Thus polytheism resulted from national divisions, and from it theological and civil intolerance, which are by nature the same, as will be said below.

The Greeks' fancy of finding their own gods among foreign peoples came from their fancy of regarding themselves as those peoples' natural sovereigns. But in our day, the erudition that turns on the identity of the gods of different nations is quite ridiculous—as if Moloch, Saturn and Kronos could be the same god; as if the Baal of the Phoenicians, the Zeus of the Greeks and the Jupiter of the Latins could be the same; as if anything could remain in common between imaginary beings bearing different names!

If it is asked how, under paganism, where each State had its own cult and its own gods, there were no wars of religion, I answer that it was for that very reason: each State, having its own cult as well as its own government, did not distinguish its gods from its laws. Political war was also theological; the gods' jurisdictions were, so to speak, fixed by the boundaries of nations. The god of one people had no rights over other peoples. The gods of the pagans were not jealous gods; they divided the empire of the world among themselves. Moses himself and the Hebrew people sometimes went along with this idea when speaking of the God of Israel. It is true that they regarded as nothing the gods of the Canaanites—proscribed peoples, doomed to destruction, whose place they were to take. But see how they spoke of the divinities of neighboring peoples whom they were forbidden to attack! *Is not the possession of what belongs to Chemosh your god lawfully yours?* said Jephthah to the Ammonites. *By the same title we possess the lands our conquering God has*

acquired[44]. That, it seems to me, was a clear acknowledgment of parity between the rights of Chemosh and those of the God of Israel.[45]

But when the Jews, subject to the kings of Babylon and later to the kings of Syria, insisted on acknowledging no god but their own, this refusal, regarded as rebellion against the conqueror, brought upon them the persecutions we read of in their history, of which no other example is found before Christianity[46].

Since each religion was thus attached solely to the laws of the State that prescribed it, there was no way to convert a people except by subjugating it, and no missionaries but conquerors; and since the obligation to change cults was the law of the vanquished, one had to begin by conquering before speaking of it. Far from men fighting for the gods, it was, as in Homer, the gods who fought for men; each asked his own god for victory and paid for it with new altars. Before taking a town, the Romans summoned its gods to abandon it; and when they left the Tarentines their angry gods, it was because they then regarded those gods as subject to their own and forced to pay them homage. They left the vanquished their gods as they left them their laws. A crown for the Jupiter of the Capitol was often the only tribute they imposed.[47]

Finally, the Romans having spread their cult and their gods along with their empire, and having often adopted those of the

---

44 ROUSSEAU'S NOTE. *Are not the things that Chemosh your god possesses rightfully owed to you?* Such is the text of the Vulgate. Father de Carrières translated it: *Do you not believe you have the right to possess what belongs to Chemosh your god?* I do not know the force of the Hebrew text; but I see that in the Vulgate Jephthah positively acknowledges the right of the god Chemosh, and that the French translator weakens this acknowledgment with an *according to you* that is not in the Latin.

TRANSLATOR'S NOTE. In Latin in the original. Louis de Carrières (1662–1717) published a widely read French Bible with commentary.

45 Judges 11:24. Chemosh was the god of the Moabites.

46 ROUSSEAU'S NOTE. It is perfectly evident that the war of the Phocians, called the Sacred War, was not a war of religion. Its object was to punish acts of sacrilege, not to subdue unbelievers.

TRANSLATOR'S NOTE. The Sacred War (356–346 BC) was waged against Phocis for seizing land consecrated to Apollo at Delphi.

vanquished themselves, by granting citizenship to both, the peoples of that vast empire gradually found themselves with multitudes of gods and cults, much the same everywhere. And that is how paganism finally became, throughout the known world, one and the same religion.

It was in these circumstances that Jesus came to establish a spiritual kingdom on earth. By separating the theological system from the political system, this made the State cease to be one, and caused the internal divisions that have never ceased to agitate Christian peoples. Now, since this new idea of a kingdom of the other world could never enter the heads of the pagans, they always regarded Christians as true rebels who, under a hypocritical submission, were only waiting for the moment to make themselves independent and masters, and to usurp by cunning the authority they pretended to respect while they were weak. Such was the cause of the persecutions.

What the pagans had feared came to pass. Then everything changed its face; the humble Christians changed their tune, and soon this so-called kingdom of the other world was seen to become, under a visible head, the most violent despotism in this one.[48]

Yet since there has always been a prince and civil laws, this double power has produced a perpetual conflict of jurisdiction that has made any good polity impossible in Christian States; and no one has ever managed to learn whether he was obliged to obey the master or the priest.

Several peoples, however, even in Europe or near it, have tried to preserve or restore the old system, but without success; the spirit of Christianity has won out everywhere. Sacred worship has always remained, or again become, independent of the sovereign, and without any necessary connection with the body of the State. Muhammad had very sound views; he bound his political system together well, and as long as the form of his

47 When Tarentum fell in 209 BC, Fabius is reported by Livy to have said, "Let us leave the Tarentines their angry gods."
48 The visible head is the pope.

government lasted under the caliphs, his successors, that government was truly one, and good in that respect. But the Arabs, having become prosperous, learned, polished, soft and cowardly, were subjugated by invaders; then the division between the two powers began again. Though it is less apparent among Muslims than among Christians, it is there nonetheless, especially in the sect of Ali; and there are States, such as Persia, where it never ceases to make itself felt.[49]

Among us, the kings of England have made themselves heads of the Church, and so have the czars; but by this title they have made themselves less its masters than its ministers; they have acquired not so much the right to change it as the power to maintain it. There they are not lawgivers; they are only princes. Wherever the clergy forms a body[50], it is master and lawgiver in its own country. There are therefore two powers, two sovereigns, in England and in Russia, just as elsewhere.

Of all Christian authors, the philosopher Hobbes is the only one who clearly saw the evil and the remedy, who dared to propose reuniting the two heads of the eagle and bringing everything back to political unity, without which no State or government will ever be well constituted. But he must have seen that the domineering spirit of Christianity was incompatible with his system, and that the priest's interest would always be stronger than the State's. It is not so much what is horrible and

49 The sect of Ali: Shiite Islam, the state religion of Persia.

50 ROUSSEAU'S NOTE. It should be carefully noted that what binds the clergy into a body is not so much formal assemblies, like those in France, as the communion of churches. Communion and excommunication are the social pact of the clergy, a pact by which it will always be master of peoples and kings. All priests who are in communion with one another are fellow citizens, even if they come from opposite ends of the earth. This invention is a political masterpiece. There was nothing like it among the pagan priests; and so they never formed a body of clergy.

TRANSLATOR'S NOTE. The Assembly of the French Clergy met regularly to vote the Church's grants to the Crown and to discuss its affairs.

false in his politics as what is just and true in it that has made it odious[51].[52]

I believe that by developing the historical facts from this point of view, one could easily refute the opposing views of Bayle and Warburton, one of whom claims that no religion is useful to the body politic, while the other maintains, on the contrary, that Christianity is its firmest support. One could prove to the first that no State was ever founded without religion serving as its basis, and to the second that the Christian law is at bottom more harmful than useful to the strong constitution of the State. To make myself fully understood, I need only give a little more precision to the overly vague ideas of religion that bear on my subject.[53]

Religion, considered in relation to society, which is either general or particular, can also be divided into two kinds: the religion of man and that of the citizen. The first—without temples, without altars, without rites, limited to the purely inward worship of the supreme God and to the eternal duties of morality—is the pure and simple religion of the Gospel, true theism, and what may be called natural divine right. The other, inscribed in a single country, gives it its gods, its own tutelary patrons. It has its dogmas, its rites, its outward worship prescribed by laws; outside the one nation that follows it, everything is for it infidel, foreign, uncivilized. It extends the duties and rights of man only as far as its altars. Such were all the religions of the earliest peoples, to which one may give the name of civil or positive divine right.

There is a third, more bizarre kind of religion, which, by giving men two sets of laws, two leaders and two homelands, sub-

51 ROUSSEAU'S NOTE. See, among others, a letter from Grotius to his brother of April 11, 1643, for what that learned man approves and what he condemns in the book *De Cive*. It is true that, inclined to leniency, he seems to forgive the author the good for the sake of the bad; but not everyone is so merciful.

TRANSLATOR'S NOTE. *De Cive* ("On the Citizen," 1642) is Hobbes's treatise.

52 The two-headed eagle stands for church and state; Hobbes's *Leviathan* subordinated the Church to the sovereign.

53 Pierre Bayle (1647–1706), French skeptic philosopher.

jects them to contradictory duties and prevents them from being devout and citizens at the same time. Such is the religion of the lamas, such is that of the Japanese, such is Roman Christianity. This may be called the religion of the priest. From it results a kind of mixed and unsociable right that has no name.

Considered politically, these three kinds of religion all have their defects. The third is so obviously bad that it is a waste of time to bother demonstrating it. Whatever breaks social unity is worthless; all institutions that set man in contradiction with himself are worthless.

The second is good in that it unites divine worship with love of the laws, and, by making the homeland the object of the citizens' adoration, teaches them that to serve the State is to serve its tutelary god. It is a kind of theocracy, in which there should be no pontiff but the prince, and no priests but the magistrates. Then to die for one's country is to go to martyrdom, to break the laws is to be impious, and to subject a guilty man to public execration is to consign him to the wrath of the gods: *let him be accursed*.[54]

But it is bad in that, being founded on error and falsehood, it deceives men, makes them credulous and superstitious, and drowns the true worship of the divinity in empty ceremonial. It is bad, too, when, becoming exclusive and tyrannical, it makes a people bloodthirsty and intolerant, so that it breathes nothing but murder and massacre, and believes it performs a holy act in killing anyone who does not accept its gods. This places such a people in a natural state of war with all others, very harmful to its own security.

There remains, then, the religion of man, or Christianity—not today's, but that of the Gospel, which is entirely different. Through this holy, sublime, true religion, men, children of the same God, all recognize one another as brothers, and the society that unites them is not dissolved even by death.

But this religion, having no particular relation to the body politic, leaves the laws only the force they draw from them-

selves, without adding any other; and thus one of the great bonds of a particular society remains without effect. What is more, far from attaching the citizens' hearts to the State, it detaches them from it, as from all earthly things. I know of nothing more contrary to the social spirit.

We are told that a people of true Christians would form the most perfect society imaginable. I see only one great difficulty in this supposition: a society of true Christians would no longer be a society of men.

I say further that this supposed society, for all its perfection, would be neither the strongest nor the most lasting. By dint of being perfect, it would lack cohesion; its destructive flaw would lie in its very perfection.

Each would do his duty; the people would be subject to the laws, the leaders just and moderate, the magistrates upright and incorruptible; the soldiers would scorn death; there would be neither vanity nor luxury. All this is very well, but let us look further.

Christianity is an entirely spiritual religion, concerned solely with the things of heaven: the Christian's homeland is not of this world. He does his duty, it is true, but he does it with a profound indifference to the success or failure of his efforts. Provided he has nothing to reproach himself with, it matters little to him whether things go well or badly here below. If the State flourishes, he hardly dares enjoy the public happiness; he is afraid of taking pride in his country's glory. If the State declines, he blesses the hand of God that weighs heavy on his people.

For the society to be peaceful and for harmony to be maintained, all citizens without exception would have to be equally good Christians. But if, unfortunately, there is a single ambitious man among them, a single hypocrite—a Catiline, for example, or a Cromwell—he will most certainly make short work of his pious compatriots. Christian charity does not readily allow one to think ill of one's neighbor. As soon as he has found, by some

54 In Latin in the original (*sacer estod*): an archaic Roman legal formula that outlawed an offender.

ruse, the art of imposing on them and seizing part of the public authority, here is a man established in dignity: God wills that he be respected. Soon he is a power: God wills that he be obeyed. Does the holder of this power abuse it? He is the rod with which God punishes his children. People would have scruples about driving out the usurper: it would mean disturbing the public peace, using violence, shedding blood; all this fits poorly with the gentleness of the Christian. And after all, what does it matter whether one is free or a serf in this vale of misery? The essential thing is to get to heaven, and resignation is only one more means to that end.

Does some foreign war break out? The citizens march readily into battle; none of them thinks of fleeing; they do their duty, but without passion for victory; they know better how to die than how to conquer. Whether they are victors or vanquished, what does it matter? Does Providence not know better than they what they need? Imagine what advantage a proud, impetuous, passionate enemy can take of their stoicism! Set against them those generous peoples consumed by an ardent love of glory and of country; suppose your Christian republic facing Sparta or Rome. The pious Christians will be beaten, crushed, destroyed before they have had time to collect themselves, or will owe their salvation only to the contempt their enemy conceives for them. To my mind, the oath of Fabius's soldiers was a fine one: they did not swear to die or conquer, they swore to return victorious, and they kept their oath. Christians would never have sworn such an oath; they would have thought it tempting God.[55]

But I am mistaken in saying a Christian republic; each of these two words excludes the other. Christianity preaches only servitude and dependence. Its spirit is too favorable to tyranny for tyranny not always to profit from it. True Christians are made to be slaves; they know it and are hardly troubled by it; this short life is worth too little in their eyes.

Christian troops are excellent, we are told. I deny it. Let someone show me any! As for me, I know of no Christian troops.

People will cite the Crusades. Without disputing the valor of the Crusaders, I will point out that, far from being Christians, they were the priest's soldiers, citizens of the Church; they were fighting for its spiritual country, which it had somehow made temporal. Properly understood, this falls back under paganism: since the Gospel does not establish a national religion, any holy war is impossible among Christians.

Under the pagan emperors, Christian soldiers were brave; all the Christian authors assert it, and I believe it: it was a rivalry of honor with the pagan troops. As soon as the emperors were Christian, this rivalry no longer existed; and when the cross had driven out the eagle, all Roman valor disappeared.

But leaving political considerations aside, let us return to right and settle the principles on this important point. The right that the social pact gives the sovereign over the subjects does not, as I have said, go beyond the limits of public utility[56]. The subjects therefore owe the sovereign an account of their opinions only insofar as those opinions matter to the community. Now it certainly matters to the State that each citizen should have a religion that makes him love his duties; but the dogmas of that religion concern neither the State nor its members except insofar as those dogmas bear on morality and on the duties that the one who professes it is bound to fulfill toward others. Beyond that, each may hold whatever opinions he pleases, without its being the sovereign's business to take cognizance of them. For since the sovereign has no competence in the other world, whatever the fate of the subjects in the life to come, it is none of its concern, provided they are good citizens in this one.

---

55 Livy (2.45) tells how the soldiers of the consul Marcus Fabius swore this oath before a battle in 480 BC.

56 ROUSSEAU'S NOTE. *In the Republic,* says the Marquis d'A., *each person is perfectly free in what does not harm others.* That is the unvarying limit; it cannot be set more precisely. I could not deny myself the pleasure of occasionally quoting this manuscript, though it is unknown to the public, to honor the memory of an illustrious and respectable man who had kept the heart of a true citizen even as a minister, along with upright and sound views on the government of his country.

There is therefore a purely civil profession of faith, whose articles it is for the sovereign to fix—not exactly as dogmas of religion, but as sentiments of sociability, without which it is impossible to be a good citizen or a faithful subject[57]. While it cannot oblige anyone to believe them, it can banish from the State anyone who does not believe them; it can banish him not as impious but as unsociable, as incapable of sincerely loving the laws and justice, and of sacrificing his life to his duty if need be. If anyone, after publicly acknowledging these same dogmas, behaves as if he does not believe them, let him be punished with death: he has committed the greatest of crimes; he has lied before the laws.

The dogmas of the civil religion should be simple, few in number, and stated precisely, without explanations or commentary. The existence of a powerful, intelligent, beneficent, foreseeing and providing Divinity; the life to come; the happiness of the just; the punishment of the wicked; the sanctity of the social contract and the laws: these are the positive dogmas. As for the negative dogmas, I limit them to one: intolerance. It belongs to the cults we have excluded.

Those who distinguish civil intolerance from theological intolerance are mistaken, in my view. These two intolerances are inseparable. It is impossible to live in peace with people one believes to be damned; to love them would be to hate God, who punishes them. One absolutely must either bring them back or torment them. Wherever theological intolerance is admitted, it

57 ROUSSEAU'S NOTE. Caesar, pleading for Catiline, tried to establish the dogma of the mortality of the soul. Cato and Cicero, to refute him, did not bother to philosophize; they were content to show that Caesar was speaking as a bad citizen and advancing a doctrine harmful to the State. And indeed that is what the Roman Senate had to judge, not a question of theology.

TRANSLATOR'S NOTE. The Senate debate of 63 BC on punishing Catiline's fellow conspirators, reported by the historian Sallust.

cannot fail to have some civil effect[58]; and as soon as it does, the sovereign is no longer sovereign, even in temporal matters. From then on, the priests are the real masters; kings are only their officers.

Now that there is not, and can no longer be, an exclusive national religion, one should tolerate all those that tolerate others, so long as their dogmas contain nothing contrary to the duties of the citizen. But whoever dares to say *Outside the Church there is no salvation* must be driven from the State—unless the State is the Church and the prince is the pontiff. Such a dogma is good only in a theocratic government; in any other it is pernicious. The reason for which Henry IV is said to have embraced the Roman religion ought to make any honest man leave it, and above all any prince who knows how to reason.[59]

58 ROUSSEAU'S NOTE. Marriage, for example, being a civil contract, has civil effects without which it is impossible for society even to survive. Suppose, then, that a clergy manages to claim for itself alone the right to perform this act—a right it must necessarily usurp in any intolerant religion. Is it not clear, then, that by asserting the authority of the Church at the right moments it will render void that of the prince, who will have no more subjects than those the clergy is willing to give him? Master of marrying or not marrying people according to whether or not they hold this or that doctrine, whether they accept or reject this or that formulary, whether they are more or less devoted to it—is it not clear that, by acting prudently and holding firm, the clergy will dispose alone of inheritances, offices, citizens, and the State itself, which could not survive once it was made up of nothing but illegitimate children? But, it will be said, there will be appeals against abuse; there will be summonses, warrants, seizure of the temporalities. How pitiful! The clergy, if it has even a little—I do not say courage, but good sense—will let it all happen and go its own way. It will calmly allow the appeals, summonses, warrants and seizures, and end up remaining the master. It is not, it seems to me, a great sacrifice to give up a part when one is sure of seizing the whole.

TRANSLATOR'S NOTE. An "appeal against abuse" carried a case from a church court to the royal courts; the "temporalities" were the Church's property and revenues.

59 Henry IV of France converted to Catholicism in 1593; he reportedly reasoned that Catholics denied Protestants could be saved while Protestant ministers granted Catholics could, so Catholicism was the safer choice.

CHAPTER 9: CONCLUSION

Rousseau closes by setting aside the vast subject of relations between States.

4.9 Having laid down the true principles of political right and tried to found the State on its basis, I would still need to strengthen it through its external relations, which would include the law of nations, commerce, the right of war and conquests, public law, leagues, negotiations, treaties, etc. But all this forms a new subject too vast for my short sight; I should have kept my eyes fixed always closer to home.