[12] Even assuming this terrible right to kill all, I say that a sla made in war or a conquered people is not bound to anything y/ all toward their master, except to obey him as long as they ary forced to do so. In taking an equivalent of his life, the victor dil not spare it: instead of killing him unprofitably, he killed him usefully. So far, then, is he from having acquired over him al authority associated with his force, that they continue in a hate of war as before; their relation itself is its effect, and the exercise of the right of war presupposes the absence of a peye treaty. They have made a convention; very well: but that coplention, far from destroying the state of war, presupposes its pontinuation.
[13] Thus, from whate er angle one looks at things, the right to slavery is null, not onl because it is illegitimate, but because it is absurd and meanipgless. These words slavery and right are contradictory; they yfe mutually exclusive. Either between one man and another, o. oetween a man and a people, the following speech will always be equally absurd. I make a convention with you which is niyely at your expense and enturely to my profte, which I shall observe
long as I please, and which you shall observe as long as I please.

That One Always Has to Go back to a First Convention
[1] Even if I were to grant everything I have thus far refuted, the abettors of despotism would be no better off. There will always be a great difference between subjugating a multitude and ruling a society. When scattered men, regardless of their number, are successively enslaved to a single man, I see in this nothing but a master and slaves, I do not see in it a people and its chief; it is, if you will, an aggregation, but not an association; there is here neither public good, nor body politic. That man, even if he had enslaved half the world, still remains nothing but a private individual; his interest, separate from that of the others, still remains nothing but a private interest. When this same man dies, his empire is left behind scattered and without a bond, like an oak dissolves and collapses into a heap of ashes on being consumed by fire.
[2] A people, savs Grotius, can give itself to a king. So that according to Grotius a people is a people before giving itself to a king. That very gift is a civil act, it presupposes a public deliberation. Hence before examining the act by which a people elects a king, 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.
[3] Indeed, if there were no prior convention, then, unless the election were unanimous, why would the minority be obliged to submit to the choice of the majority, and why would a hundred who want a master have the right to vote on behalf of ten who do not want one? The law of majority rule is itself something established by convention, and presupposes unanimity at least once.

## Chapter Six

Of the Social Pact
[1] I assume men having reached the point where the obstacles that interfere with their preservation in the state of nature prevail by their resistance over the forces which each individual can muster to maintain himself in that state. Then that primitive state can no longer subsist, and humankind would perish if it did not change its way of being.
[2] Now, since men cannot engender new forces, but only unite and direct those that exist, they are left with no other means of self-preservation than to form, by aggregation, a sum of forces that might prevail over those obstacles' resistance, to set them in motion by a single impetus, and make them act in concert.
$|3|$ This sum of forces can only arise from the cooperation of many: but since each man's force and freedom are his primary instruments of self-preservation, how can he commit them without harming himself, and without neglecting the cares he owes himself? This difficulty, in relation to my subject, can be stated in the following terms
$|4|$ "To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey
only himself and remain as free as before." This is the fundamental problem to which the social contract provides the solution.
[5] The clauses of this contract are so completely determined by the nature of the act that the slightest modification would render them null and void; so that although they may never have been formally stated, they are everywhere the same, everywhere tacitly admitted and recognized; until, the social compact having been violated, everyone is thereupon restored to his original rights and resumes his natural freedom while losing the conventional freedom for which he renounced it.
[6] These clauses, rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community: For, in the first place, since each gives himself entirely, the condition is $[361]$ equal for all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest.
[7] Moreover, since the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything further to claim: For if individuals were left some rights, then, since there would be no common superior who might adjudicate between them and the public, each, being judge in his own case on some issue, would soon claim to be so on all, the state of nature would subsist and the association necessarily become tyrannical or empty.
[8] Finally, each, by giving himself to all, gives himself to no one, and since there is no associate over whom one does not acquire the same right as one grants him over oneself, one gains the equivalent of all one loses, and more force to preserve what one has.
[9] If, then, one sets aside everything that is not of the essence of the social compact, one finds that it can be reduced to the following terms: Each of us puts his person and his full power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.
[10] At once, in place of the private person of each contracting party, this act of association produces a moral and collective body made up of as many members as the assembly has voices, and which receives by this same act its unity, its common self, its life and its will. The public person thus formed by the union of all the others
formerly assumed the name Cit $^{*}$ * and now assumes [362] that of Republic or of body politic, which its members call State when it is passive, Sovereign when active, Pomer when comparing it to similar bodies. As for the associates, they collectively assume the name people and individually call themselves Citizens as participants in the sovereign authority, and Subjects as subjected to the laws of the State. But these terms are often confused and mistaken for one another; it is enough to be able to distinguish them where they are used in their precise sense.

## Chapter Seven <br> Of the Sovereign

[1] This formula shows that the act of association involves a reciprocal engagement between the public and private individuals, and that each individual, by contracting, so to speak, with himself, finds himself engaged in a two-fold relation: namely, as member of the Sovereign toward private individuals, and as a member of the State toward the Sovereign. But here the maxim of civil right, that no one is bound by engagements toward himself, does not apply; for there is a great difference between assuming an obligation toward oneself, and assuming a responsibility toward a whole of which one is a part.
[2] It should also be noted that the public deliberation which can obligate all subjects toward the Sovereign because of the two differ-

* The true sense of this word is almost entirely effaced among the moderns; most take a city for a City, and a bourgeois for a Citizen. They do not know that houses make the city but Citizens make the City. This same error once cost the Carthaginians dear. I have not read that the subjects of any Prince were ever given the title Cizes, not even the Macedonians in ancient times nor, in our days, the English, although they are closer to freedom than all the others. Onls the French assume the name Cifizen casually, because they have no genuine idea of it, as can be seen in their Dictionaries; otherwise they would be committing the crime of Lese-Majesty in usurping it: for them this name expresses a virtue and not a right. When Bodin wanted to speak of our Citizens and Bourgeois, he committed a bad blunder in taking the one for the other. M. d'Alembert made no mistake about it, and in his article Gencza he correctly distinguished the $\lfloor 362\rfloor$ four orders of men (even five, if simple foreigners are included) there are in our city, and only two of which make up the Republic. No other French author has, to my knowledge, understood the truc meaning of the word Citizen
ent relations in terms of which each subject is viewed cannot, for the opposite reason, obligate the Sovereign toward itself, and that it is therefore contrary to the nature of the body politic for the Sovereign to impose on itself a law which it cannot break. Since the Sovercign can consider itself only in terms of one and the same relation, it is then in the same situation as a private individual contracting with himself: which shows that there is not, nor can there be, any kind of fundamental law that is obligatory for the body of the people, not esen the social contract. This does not mean $[363]$ that this body cannot perfecty well enter into engagements with others about anvthing that does not detract from this contract; for with regard to foreigners it becomes a simple being, an individual.
[3] But the body politic or Sovereign, sence it awes its being solety to the samctity of the contract, can neter obligate itself, even toward another, to anything that detracts from that original act, such as to alienate any part of itself or to subject itself to another Sosercign. To siolate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.

If Is semo as this multetude is thus united in ane trody, une canor injure one of the members whou atacking the bods, and sull less an one ingure the body whoun the members being affer tod Thus duty and interest alike obligate the contracteng parties to help unc another, and the same men must strive to combine in this wo fold relation all the advantages attendant on it
$|5|$ Vow the Sonereign, since it is formed entimely of the indiniduak who make it up, has not and canoot hase any interests contary to theirs; consequently the Sovereign power has no need of a guaranter teward the subjects, because it is impossible for the body 10 want wharm all of is members, and we shall see later that it canot harm any one of them in particular. The Sovereign, by the mere fact that it is, is always everything it ought to be.
$|6|$ But this is not the case regarding the subjects' refations to the Sovereign, and notwithstanding the common interest, the Sovercign would have no guarantee of the subjects' engagements if it did not find means to ensure their fidelity.
$|7|$ Indeed each individual may, as a man, have a particular will contrary to or different from the general will he has as a Citizen. His particular interest may speak to him quite differently from the common interest; his absolute and naturally independent existence
may lead him to look upon what he owes to the common cause as a gratuitous contribution, the loss of which will harm others less than its payment burdens him and, by considering the moral person that constitutes the State as a being of reason because it is not a man, he would enjoy the rights of a citizen without being silling to fulfill the duties of a subject; an injustice, the progress of which would cause the ruin of the body politic.
$[364][8]$ Hence for the social compact not to be an empty for mula, it tacitly includes the following engagement which alone can give fore to the rest, that whoever refuses to obey the general will shall be constrained to do so by the entire body: which means nothing other than that he shall be forced to be free; for this is the condition which, by giving each Gitizen to the Fatherland, guarantees him against all personal dependence; the condition which is the device and makes for the operation of the political machine, and alone renders legitimate civil engagements which would otherwise be absurd, tyranical, and liable to the most enormous absuses.

> Chapter light O mh: Cinf State.
|1| This ransition tram the state of nature to the civil state pro duces a most remarhable change in man by substituting fustice for instinct in bis conduct, and endewing his actions with the morality they previousts lacked. Only then, when the wice of duty suceeds phssical impukion and right succeeds appetite, does man, who until then had tooked only 10 himself, see himself forced to act on oher 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 gans such grear advantages in return. his facultics are evercised and developed, his ideas enlarged, his sentiments enobled, his entire soul is eleated to such an extent. that if the abuses of this new condition did not often degrade him to beneath the condition he has left, he should ceaselessly bless the happy moment which wrested him from it forever, and out of a stupid and bounded anmal made an intelligent being and a man.
$[2]$ Let us reduce this entire balafte to terms easy to compare. What man loses by the social contract is his natural frecdon and
an unlimited right to everything that tempts him and he can reach; what he gains is civil freedom and property in everything he possesses. In order not to be mistaken about these compensations, one has $[365]$ to distinguish clearly between natural freedom which has no other bounds than the individual's forces, and civil freedom which is limited by the general will, and between possession which is merely the effect of force or the right of the first occupant, and property which can only be founded on a positive title.
[3] To the preceding one might add to the credit of the civil state moral freedom, which alone makes man truly the master of himself, for the impulsion of mere appetite is slavery, and obedience to the law one has prescribed to oneself is freedom. But I have already said too much on this topic, and the philosophical meaning of the word freedom is not my subject here.

## Chapter Nine

Of Real Property
11) Each member of the community gives himself to it at the monent of its formation, such as be then is, he himself witb all his forces, of which the goods he possesses are a part. It is not that by this act possession changes in nature by changing hands, and becomes properts in the hands of the Soncrepm: But just as the (iny's forces are incomparably greater thay a private individual's, so public possession in tact has greatep torce and is more irrevocable, without being any more legitingte, at least for foregners. For with regard to its members, the fate is master of all their goods by the social contract which rerves as the basis of all rights within the State; but with regary to other Powers it is master of all of its members' goods only In the right of the first occupant which it derives from privaty/ndividuals.
[2] The right of the first occupant, although more real than the right of the yronger, becomes a true right only after the right of property has been established. Every man naturally has the right to everyhing he needs; but the positive act that makes him the propyetor of some good excludes him from all the rest. Having teceived his share, he must be bound by it, and he has no further
right to the community [of goods]. That is why the right of the/ first occupant, so weak in the state of nature, is respected by everone living in civil society. $[360]$ In this right one respects no so much what is another's as what is not one's own.
[3] In general, to authorize the right of the first occupant oo any piece of land, the following conditions must apply. First, phat this land not yet be inhabited by anyone; second, that one ocqupy only as much of it as one needs to subsist: In the third place, that one take possession of it not by a vain ceremony, but by labor and cultivation, the only sign of property which others onght to respect in the absence of legal titles.
|4| Indeed, does not granting the right of the first occupant to need and to labor extend it as far as it can gef Can this right be left unbounded? Shall it suffice to set foot pha piece of common land forthwith to claim to be its master? Shall having the force to drive other men off it for a moment suffige to deprive them of the right ever to return? How can a man or a people seize an immense teritory and deprive all mankind of it except by a punishahle usurpation, since it deprives the resy of mankind of a place to live and of foods which nature gives of all in common? When Vinez Balboa, standing on the shore, took possession of the southern seas and of all of South America in the name of the crown of Castile, was that enough to disposses all of its inhatitants and to exclude all the Princes of the worly. If it hat been, then such ceremonies were repeated quite unnegessarily, and all the catholic King had to do was from his counciy chamber all at once to take possession of the entire universe; fxeept for afterwards subtracting from his empire what the otper Princes already possessed before.
[5] It is intellyonte how individuals' combined and contiguous pieces of ground become the public territory, and how the right of sovereignty, putending from subjects to the land they occupy, becomes at once real and personal; which places the possessors in a position of greater dependence, and turns their sery forces into the guanntors of their fidelity. This advantage seems not whave been fully appreciated by ancient monarchs who, only calling themselyo Kings of the Persians, of the Scythans, of the Macedonians, seym to have looked upon themselves as chiefs of men rather than masters of the country. Present day monarchs [367] more
shrewdly call themselves Kings of France, of Spain, of England

## Chapter One

That Sovereignty is Inalienable
[1] The first and the most important consequence of the principles established so far is that the general will alone can direct the forces of the State according to the end of its institution, which is the common goodt for while the opposition of particular interests made the establishment of societies necessars, it is the agreement of these same interests which made it possible. What these different interest have in common is what forms the social bond, and if there were not some point on which all interests agree, no society could exist Now it is solely in terms of this common interest that society ought to be governed.
$|2| I$ say, then, that sovereignty, since it is nothing but the exercise of the general will, can never be ahenated, and that the sovereign, which is nothing but a collective being, can only be represented by itself; power can well be transferred, but not will.
[3] Indeed, while it is not impossible that a particular will agree with the general will on some point, it is in any event impossible for this agreement to be lasting and constant; for the particular will tends, by its mature, to partiality, and the general will to equality It is even more impossible to have a guarantee of this agreement. even if it alwars obtained; it would be an effect not of arr, but of chance. The Sovereign may well say, I currently will what a given man wills or at least what he says he wills; but it cannor say: what this man is going to will tomorrow. I too shall will it; since it is absurd for the will to $[369]$ shackle itself for the future, and since no will can consent to anything contrary to the good of the being that wills. If, then, the people promises simply to obey, it dissolses itself by this very act, it loses its quality of being a people; as soon as there is a master, there is no more sovereign, and the body politic is destroved forthwith.
[4] This is not to say that the commands of the chiefs may not be taken for general wills as long as the sovereign is free to oppose them and does not do so. In such a case the people's consent has
to be presumed from universal silence. This will be explained more fully.

## Chapter Two <br> That Sovereignty is Indivisible

[1] For the same reason that sovercignty is inalienable, it is indivisible. For either the will is general* or it is not; it is either the will of the body of the people, or that of only a part. In the first case, the declaration of this will is an act of sovereignty and constitutes law; in the second case it is merely a particular will, or an act of magistracy; at most it is a decree.
[2] But our politicians, unable to divide sovereignty in its principle, divide it in its object; they divide it into force and will, into legislative and executive power, into rights of taxation, justice and war, into donestic administration and the power to conduct foreign affairs: sometimes the mix up all these parts and sometimes they separate then; they turn the Sovereign into a being that is fantastical and formed of disparate pieces; it is as if the were putting together man out of several bodies one of which had eyes, another arms, another feet, and nothing else Japanese conjurors are said to carve up a chid before the spectators' eyes, then, throwing all of its members into the air one after the other, they make 1,37 ol the child fall back down alive and all reassembled. That is more or less what our politicians' tricks are like; having dismembered the social body by a sleight of hand worthy of the fairground, they put the pieces back together no one knows how.
[3] This error comes from nor having framed precise notions of sovereign authorily, and from having taken what were mere emamations from this authority for parts of this authority itself. Thus, for example, the act of declaring war and that of making peace have been regarded as ats of sovereignty, which they are not; for neither of these acts is a law but only an application of the law, a parricular act which decides a case, as will clearly be seen once the idea that attaches to the word law has been fixed.

* For a will to be general, it is not always necessary that it be unanimous, but it is necessar that all wotes be coumed, an formal ctclusion destrovs generality.

4] By examining the other divisions in the same way, one would discover that whenever one believes one sees sovereignty divided, one is mistaken, that the rights which one takes for parts of this sovereignty are all subordinate to it, and always presuppose supreme wills which these rights simply implement
[5] It would be difficult to exaggerate how much this lack of precision has clouded the conclusions of writers on matters of political right when they sought to adjudicate the respective rights of kings and peoples by the principles they had established. Anyone can see in chapters three and four of the first Brok of Grotius how that learned man and his translator Barbeyrac get entangled and constrained by their sophisms, fearful of saving too much or not saying enough according to their views, and of offending the interests they had to reconcile. Grotius, a refugee in France, discontented with his fatherland, and wanting to pay court to Louis XIII to whom his book is dedicated, spares nothing to despoil peoples of all their rights, and to invest kings with them as artfully as poss ible. This would certainly also have been to the taste of Barbeyrac who dedicated his translation to King George I of England. But untortunately the expulsion of lames II, which he calls an abdication, forced him to be on his guard, to equivocate, to be esasive, in order not to make a usurper of William. If these wo wrivers had adopted the true principles, all their difticulties would have been solved, and they would alwass have been consistent; but they would have sadly told the truth and $|, 27|$ paid court only to the people Now, truth does not lead to fortune, and the people confers mo ambassadorships, professorships or pensions.

## Chapter Turfe

 Wuether the Genfral Will Can Err[1] From the preceding it follows that the general will is always upright and always tends to the public utility: but it does not follow from it that the people's deliberations are always equally upright. One always wants one's good, but one does not alwass see it: one can never corrupt the people, but one can often cause it to be mistaken, and only when it is, does it appear to want what is bad.
[2] There is often a considerable 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 nothing but a sum of particular wills; but if, from these same wills, one takes away the pluses and the minuses which cancel each other out, ${ }^{*}$ what is left as the sum of the differences is the general will.
[3] If, when an adequately informed people deliberates, the Citizens had no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when factions arise, small associations at the expense of the large association, the will of each one of these associations becomes general in relation to its members and particular in relation to the State; there can then no longer be said to be as many voters as [.372] there are men, but only as many as there are associations. The differences become less numerous and yeid a less general result. Finally, when one of these associations is so large that it prevails over all the rest, the result sou have is no longer a sum of small differences, but one single difference, then there is no longer a general will, and the opiwion that prevals is nothing but a private opinion.
It It is important, then, that in order to have the general will 'epressed well, there be no partial society in the State, and esers Gitizen state only his own opinion.* Such was the single sublime institution of the great Lycurgus. That if there are partial societies, their number must be multiplied, and inequality among them prevented, as was done by Solon, Numa, Servius. These are the only precautions that will ensure that the general will is always enlight ened, and that the people make no mistakes.

 He might have aded that the agreement between all interests is formed by opposition to ach one's interest if there were no differen interest, the common interest would sarcely be sensible since it would never encounter obstades ever theng would run by itself, and poltics would cease to be an art

* "In truth, sars Machavelli, some divisiens harm Repuhlics, and some bencfit them; harmful are those that are accompanied by factions and partes, benefecal are those that do not give risc to factions and parbes. Therefore, since the founder of a Republic camot prevent enmities, be must make the best provision possible apanst factions." Hosfory of Flotencel, Bk. wich. 1t.


## Chapter Four

## Of the Limits of Soverfign Power

[i]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 cares is the care for its self-preservation, then it has to have some univessal and coercive force to move and arrange each part in the manner most conformable to the whole. Just as nature gives each man absolute power over his members, the social pact gives the body politic absolute power over all of its members, and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.
[37.3] [2] But in addition to the public person, we must consider the private persons who make it up, and whose life and freedom are naturally independent of it. It is therefore important to distinguish clearly between the respective rights of the Citizens and of the Sovereign,* as well as between duties which the former have to fulfill as subjeets, and the natural right which they must enjoy as men.
$|3|$ It is agreed that each man alienates by the social pact onls that portion of his power, his goods, his freedom, which it is important for the community to be able to use, but it should also be agreed to that the Sovereign is alone judge of that importance.

IH All the services a Citizen can render the State, he owes to it as soon as the Sovercign requires them; but the Sovereign, for its part, cannot burden the subjects, with any shackles that are useless to the community; it cannot even will to do so: for under the law of reason nothing is done without cause, any more than under the law of nature.
[5] The commitments which 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 upright, and why do all consistently will each one's happiness, if not because there is no one who does not appropriate the word each to himself, and think of himself as he votes for all? Which proves that the equality of

- Attentive readers, plase do not rush to accase me of contradiction. I have not been able to avoid it verhally, in view of the poverty of the language; but wait
right and the notion of justice which it produces follows from each one's preference for bimself and hence from the nature of man; that the general will, to be truly such, must be so in its object as well as in its essence, that it must issue from all in order to apply to all, and that it loses its natural rectitude when it tends toward some individual and determinate object; for then, judging what is foreign to us, we have no true principle of equity to guide us.
[6] Indeed, whenever what is at issue is a particular fact or right regarding a point not regulated by a general and prior convention, the affair grows contentious. [374] In such a suit, where interested private individuals are one of the parties, and the public the other, I do not see what law should be followed or what judge should pronounce judgment. It would be ridiculous, under these circumstances, to try to invoke an express decision of the general will, which can only be the decision of one of the parties, and is, therefore, as far as the other party is concerned, nothing but a foreign, particular will which on this occasion is inclined to injustice and subject 10 error. Thus, just as a particular will cannot represent the general will, so the general will changes in nature when it has a particular object, and it camot, being general, pronounce judgment on a particular man or fact. For example, when the people of Athens appointed or cashiered its chiefs, bestowed honors on one, imposed penalties on another, and by a multitude of particular decrees indiscriminately performed all the acts of government, the people no longer had a general will properly so called, it no longer acted as a Sovereign but as a magistrate. This will appear contrary to the commonly held ideas, but 1 must be allowed the time to set forth my own.

17] In view of this, one has to understand that what generalizes the will is not so much the number of voices, as it is the common interest which unites them: for in this institution, everyone necessarily submits to the conditions which he imposes on others; an admirable agreement between interest and justice which confers on common deliberations a character of equity that is seen to vanish in the discussion of any particular affair, for want of a common interest which unites and identifies the rule of the judge with that of the party.
[8] From whatever side one traces one's way back to the principle, one always reaches the same conclusion: namely, that the
social pact establishes among the Citizens an equality such that 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 to say every genuine act of the general will, either obligates or favors all Citizens equally, so that the Sovereign knows only the body of the nation and does not single out any one of those who make it up. What, then, is, properly, an act of sovereignty? It is not a convention of the superior with the inferior, but a convention of the body with each one of its members: [37.5] A convention which is legitimate because it is based on the social contract, equitable because it is common to all, and secure because the public force and the supreme power are its guarantors. So long as subjects are subjected only to conventions such as these, they obey no one, but only their own will; and to ask how far the respective rights of Sovereign and Citizens extend is to ask how far the Citizens can commit themselves to one another, each to all, and all to cach.
[0] From this it is apparent that the Sovereign power, absolute, sacred, and inviolable though it is, does not and cannot exceed the limits of the general conventions, and that everyone may fully dispose of such of his goods and freedom as are left him by these consentions: so that it is never right for the Sovereign to burden one subject more than another, because it then turns into a particular affair, and its power is no longer competent.
|oo These distinctions once admitted, it is so |evidently] false that the secial contract involves any renunciation on the part of individuals, that |ratherl as a result of the contract their situation really proves to be preferabie to what it had been before, and that instead of an alienation they have only made an advantageous exchange of an uncertain and precarious way of being in favor of a more secure and better one, of natural independence in favor of freedom, of the power to harm others in favor of their oun security, and of their force which others could overwhelm in favor of right made invincible by the social union. Their very life which they have dedicated to the State is constantly protected by it, and when they rish it for its defense, what are they doing but returning to it what they have received from it? What are they doing that they would not have done more frequently and at greater peril in the state of nature, when, waging inevitable fights, they would be defending the
means of preserving their lives by risking them? All have to fight for the fatherland if need be, it is true, but then no one ever has to fight for himself. Isn't it nevertheless a gain to risk for the sake of what gives us security just a part of what we would have to risk for our own sakes if we were deprived of this security?

## Chapter Five

## Of the Right of Life and Death

|1||t is asked how individuals who have no right to dispose of their own life can transfer to the Sovereign this same right which they do not have. The question seems difficult to resolve only because it is badly put. Everyone has the right to risk his life in order to save it Has anyone ever said that a person who jumps out of a window to escape a fire is guilty of suicide? Has that crime even ever been imputed to a person who dies in a storm, although he was not unaware of the danger when be set out?
[2] The secial treuy has the presersation of the contracting parties as its cond. Whererer wills the end, also wills the means, and these means are inseparable from certain risks and even cetain losses. Whoever wants to preserve bis life at the expense of others ought also to give it up for them when necessary. Now, the Catizen is no bonger judge of the danger the law wills him to risk, and when the Prince has sad to him, it is expedient to the State that you die, he ought to die, since it is only on this condition that be has lived in security until then, and his life is no longer only a bounty of nature, but a conditional gift of the State.
$|3|$ The death penalty imposed on criminals can be looked upon from more or less the same point of view: it is in order not to become the viction of an assassin that one consents to die if one becomes an assassin oneself. Under this treaty, far from disposing of one's own life, one only thinks of guaranteeing it, and it should not be presumed that at the time any of the contracting parties is planning to get himself hanged.
[4] Besides, every evil-doer who attacks social right becomes a rebel and a traitor to the fatherland by his crimes, by violating its laws he ceases to be a member of it, and even enters into war with it. Then the preservation of the State is incompatible with his own,
one of the two has to perish, and when the guilty man is put to death, it is less as a Citizen than as an enemy. The proceedings, the [377] judgment are the proofs and declaration that he has broken the social treaty, and consequently is no longer a nember of the State. Now, since he recognized himself as one, at the very least by residence, he must be cut off from it either by exile as a violator of the treaty, or by death as a public enemy; for such an enemy is not a moral person, but a man, and in that case killing the vanquished is by right of war.
[5] But, it will be said, the condemnation of a Criminal is a particular act. Granted; and indeed such a condemnation does not belong to the Sovereign's province; it is a right the Sovereign can confer without itself being able to exercise it. My ideas all fit together, but I cannot well present them all at once.
[6] Besides, frequent harsh punishments are always a sign of wakness or laziness in the Government. There is not a single wicked man who could not be made good for something. One only has the righ to put to death, even as an example, soncone who cannor be preserved without danger
|7| As for the right to pardon, or to exempt a guilty man from the penalt: prescribed by law and imposed by a judge, it belongs exclusively to the one which is abose judge and law, that is to say, to the Sovereign: And even the Sovereign's right in this is not altogether clear, and the occasions to excreise in are very rare. In a well-goserned State there are few punishments, not because many pardons are gratede but because there are few criminals; when the State is in dedine the large number of crimes ensures their inpunity. Lider the Roman Republic neither the Senate nor the Consuls ever attempted to grant pardons, nor did the people itself grant any, although it sometimes sevoked its own verdict. Frequen pardons proclaim that crimes will soon no longer need them, and anyone can see where that leads. Bui 1 feel my heart murmur and check my pen; let us leave these questions to be discussed by the just man who has never lapsed, and never himself been in need of pardon.

## Chapter Six

Of Law
[1] By the social pact we have given the body politic existence and life: the task now is to give it motion and will by legislation. For the initial act by which this body assumes form and unity still leaves entirely undetermined what it must do to preserve itself.
[2| What is good and conformable to order is so by the nature of things and independently of human conventions. All justice comes from God, he alone is its source; but if we were capable of receiving it from so high, we would need neither government nor laws. No doubt there is a universal justice emanating from reason alone; but this justice, to be admitted among us, has to be reciprocal. Considering things in human terms, the laws of justice are vain among men for want of natural sanctions; they only bring good to the wiched and evil to the just when he observes them toward everyone while no one observes them toward him. Conventions and laws are therefore necessary to combinc rights with duties and to bring justice back to ins object. In the state of nature, where eversthing is conmon, I owe mothing to those to whom I have promised nothing. I recognize as another's only what is of no use to myself It is nem so in the civil state where all rights are fixed by law
|3| But what, then, finally, is a law: So long as one leaves it at attaching only meraphysical ideas to this word, one will continue reasoning withour understanding one another, and even once it has been stated what a lak of nature is, one will not have been brought any closer to knowing what a law of the State is.
|t] [ have already said that there is no general will about a particular object. Indeed, this particular object is either within the State or outside the State. If it is outside the State, a will that is foreign is not general in relation to it; and if this object is inside the State, it is a part of it "Then a relation is formed between the whole and is part that makes them into rwo separate beings, of which the part is $[370 \mid$ one, and the whole, less that part, the other. But the whole less a part is not the whole, and as long as this relation persists there is no longer a whole but two unequal parts; from which it follows that neither is the will of one of these parts general in relation to the other
[5] But when the whole people enacts statutes 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, with no division of the whole. Then the matter with regard to which the statute is being enacted is general, as is the enacting will. It is this act which I call haw.
[6] When I say that the object of the laws is always general, I mean that the law considers the subjects in a body and their actions in the abstract, never any man as an individual or a particular action. Thus the law can very well state that there will be privileges, but it cannot confer them on any one by name, the law can create several Classes of Citizens, it can even specify the qualifications that entitle to membership in these classes, but it cannot nominate this person or that for admission to them; it can establish a royal government and hereditary succession, but it cannot cleet a king or name a royal family; in a word, any function that relates to an individual does not fall within the province of the legislative power.
$|z|$ On this idea one immediately sees that one need no longer ash whose province it is to make laus, since they are acts of the general will, nor whether the Prince is above the laws, since it is a member of the State; nor whether the lau can be unjust, since no man can be unjust toward himself; nor how one is both free and subject to the laws, since they are merely records of our wills.
$|8|$ One also sees that since the law combines the universality of the will and that of the object, what any man, regardless of who he may be, orders on his own authority is not a law; what even the Sowereign orders regarding a particular object is not a lan either, but a decree, nor is it an act of sovercignts but of magistracy
$[0]$ I therefore call Republic any State ruled by laws, whatever may be the form of administration: for then the public interest alone governs, and the $[3 \% 0]$ public thing counts for something. Exery Iegitmate Government is republican:" I shall explain in the sequel what Government is.

* By this word 1 understand not only an Aristoceacy or a Demexracy, but in general any government guided by the general will. which is the lat To to legitinate, the Government must not be confused with the Sovereign, but be its minister Then monarchy itself is a republic. This will become clearer in the following book
[10] Laws are, properly speaking, nothing but the conditions of the civil association. The People subjeet to the laws ought to be their author; only those who are associating may regulate the conditions of the society; but how will they regulate them? Will it be by common agreement, by a sudden inspiration? Has the body politic an organ to state its wills? Who will give it the foresight necessary to form its acts and to publish them in advance, or how will it declare them in time of need? How will a blind multitude, which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation? By itself the people always wills the good, but by itself it does not always see it. The general will is always upright, but the judgment which guides it is not always enlightened. It must be made to see objects as they are, sometimes as they should appear to it, shown the good path which it is seeking, secured against seduction by particular wills, bring together places and times within its purview, weigh the appeal of present, perceptible advantages against the danger of remote and hidden evils. Individuals see the good the reject, the public wills the good it does not see. All are equally in need of gaides: The first must be obligated to conform their wills to their reason; the other must be taught to hnow what it wills. Then public enlightenment results in the union of understanding and will in the social body, from this union results the smooth cooperation of the parts, and finally the greatest force of the whole. Hence arises the necessity of a Lawgiver.

[^0]one century and enjoy the reward in another.* It would require $/$ gods to give men laws.
[2] The same reasoning Caligula made as to fact, Plato made to right in defining the civil or royal man he seeks in his book fon ruling; but if it is true that a great Prince is a rare man, what fof a great Lawgiver? The first need only follow the model whigh the other must propose. He is the mechanic who invents the pachine, the first is nothing but the workman who assembles and operates it. At the birth of societies, says Montesquieu, it is the chiefs of republics who make the institution, and after that $j$ is the instirutions that form the chiefs of republics.
$|3|$ Anyone who dares to institute a people myst feel capable of, so to speak, changing human nature; of transforming each individual who by himself is a perfect and solitary whole into part of a larger whole from which that individual wuld as it were receive his life and his being; of weakening man constitution in order to strengthen it; of substituting a partial zend moral existence for the independent and physical existence fue have all received from nature. In a word, he must take frop man his own forces in order to give him forces which $\left\{3_{3} \delta_{2}\right\}$ areforeign to him and of which he cannot make use without the help of others. The more these natural forces are dead and destroyed the greater and more lasting are the acquired ones, and the morefolid and lasting also is the institution: So that when each Citizon is nothing and can do nothing except with all the others, and the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, the legislation may be sped to be at the highest pitch of perfection it can reach.
$|4|$ The Lawgifer is in every respect an extraurdinary man in the State. While hy must be so by his genius, he is no less so by his office. It is net magistracy, it is not sowereignty. This office which gives the republic its constitution has no place in its constitution: It is a siggular and superior function that has nothing in common with hyman empire; for just as he who has command over men ough not to bave command over the laws, so neither should he who has Command over the laws have command over men; otherwise the

A people becomes famous only once its legistation begins to decline No one knows hew many centurics the institution of Lycurgus made for the Spartans' happiness before the rest of Grece took notice of them.

## Book III

Before speaking of the various forms of Government, let us try to fix the precise meaning of this term, which has not been adequately explained so far.

## Chapter One <br> Of Government in Genfral.

[1] | warn the reader that this chapter has to be read carefully, and that I lack the art of being clear to those who are not willing to be attentive.
[2] Every free action has two causes which concur in producing it, one moral, namely the will which determines it, the other physical, namely the power which executes it. When I walk toward an whect, it is necessary, in the first place, that $I$ will to gn to it; in the second place, that my feet carry me to it. I ct a paralytic will to rum, let a limber man will not to do so, both stay where they are. The body politic has the same motive causes, here, too, a distinction is drawn between force and will. The later being called legislatme power, the former cxcume power. Nothing is or should be donc in the body politic without their concurrence.
1.| We have seen that the legislative power belongs to the people, and an belong only to it. It is easy to see that, on the contrary, by the principles established above, the execunice power cannot belong to the generality lof the peoplel in its Legislative or Sover eign capacity; for this power consists solely in particular acts which are not within the province of the law, nor, consequently, within that of the $[.90]$ Sovereign, since all of the Sovereign's acts can only be laws
|4| The public force therefore has to have its own agent which unites and puts it to work in accordance with the directives of the gencral will, which serves as a means of comnunication between the State and the Sovereign, which in a sense does for the public person what the union of soul and body does in man. This is the reason why, within the State, there is Government, improperly confused with the Sovereign, of which it is merely the minister.

15] What, then, is Government? An intermediate body established between subjects and Sovereign so that they might conform to one another, and charged with the execution of the laws and the maintenance of freedom, both civil and political.
[6] The members of this body are called magistrates or Kings, that is to say Governors, and the body as a whole bears the name Prince.* Thus those who contend that the act by which a people subjects itself to chiefs is not a contract are perfectly right. It is absolutely nothing but a commission, an office in which they, as mere officers of the Sovereign, excrcise in its name the power it has vested in them, and which it can limit, modify, and resume, since alienation of such a right is incompatible with the nature of the social bond and contrary to the aim of the assoctation.
[7] I therefore call Government or supreme administration the legitimate exercise of the executive power, and Prince or Magistrate the man or the body charged with that administration.
$|8|$ It is in the Government that are located the intermediate forces whose relations constitute the relation of the whole to the whole, or of the Sovercign to the State. This last relation can be represented as the ratio between the exremes of a continued proportion of which the mean proportional is the Government. The Government receives from the bovereign the orders which it gives the people, and for the State to be well balanced it is necessary that, all other things being equal, the product or power of the Government taken by itself be equal to the product or power of the citizens who are sovereign on the one hand, and subjects on the other.
|397] [9| What is more, none of these three terms could be altered without immediately destroying the proportion. If the Sovereign wants to govern, or the magistrate to give laws, or the subjects refuse to obey, disorder replaces rule, force and will no longer act in concert, and the dissolved State thus falls into despotisn or anarchy. Finally, since there is only one mean proportional between each pair, there is also no more than one good government possible in any one State: But since a thousand events can change the relations of a people, not only can different governments be good

* Thus in Venice, the college fof Senators is called mosi screme Pritter even when the Doge is not in attendance.
for different peoples, but they can also be good for the same people at different times.
[10] To try to give some idea of the various relations which may obtain between these two extremes, I shall take as an example the number of the people, as this relation is easier to express.
[1i] Let us assume that the State is composed of ten thousand Citizens. The Sovereign can only be considered collectively and in a body: But every particular person in his capacity as a subject is considered individually: Thus the Sovereign is to the subject as ten thousand is to one: That is to say that each member of the State has but a ten thousandth of the Sovereign authority as his own share, although all of him is subject to it. Let the people be composed of a hundred thousand men, the subjects' state does not change, and each one bears the full empire of the laws equally, whereas his vote, reduced to a hundred thousandth, exercises ten times less intluence in drafting the laws. Thus, since the subject always remams one, the ratio of Sovereign [to sobject] increases in proportion to the number of Citizens. Whence it follows that the more the State expands, the more freedom is diminished.
$|12|$ When I ay that the ratio incteases, I mean that it moves father awat from equality. Thus the greater the ratio is in the Geometer's sense of the term. the smaller it is in the ordinary sense: in the first sense, the ratio considered in terms of quataty is meas ured hy the quotient, and in the other sense, considered in terms of identity, it is gauged by smilarits
$|13|$ Now, the smaller the ratio of individual wills to the general will, that is to say of morals to the laws, the more does the repressise force have to increase. Hence in order to be good, the Government has to base relatively more force in proportion as the people is more numerous.
[30 ${ }^{5}| | 1 \mid$ On the other hand, since the expansion of the State offers the trustes of the public authority more temptations and more means to misuse their power, it follows that the more force the Government has to have in order to contan the people, the more force does the Sovereign have to have in its turn in order to contain the Government. I am not here speahing about an absolute force, but about the relative force of the various parts of the State
[15] It follows from this double ratio that the continued proportion of Sovereign, Prince and people is not an arbitrary idea but
a necessary consequence of the nature of the body politic. It further follows that since one of the extremes, namely the people as subjects, is fixed and represented by unity, every time the doubled ratio increases or decreases, the single ratio similarly increases or decteases, and the middle term is correspondingly changed. This shows that there is no unique and absolute constitution of Government but that there may be as many Governments differing in nature as there are States differing in size.
[16] If, in order to reduce this system ro ridicule, it were said that, according to me, finding this mean proportional and forming the body of the Government requires no more than taking the square root of the number of the people, I would reply that I am here using this number only as an example; that the ratios about which 1 am speaking are measured not only by numbers of men, but more generally by the amoun of activity, which is the combined result of a great many causes; that, besides, if in order to express myself in fewer words I momentarily borrow the language of geomerry, I am nevertheless not unaware of the fact that geometric precision does not obtain in moral quantities.
$|17|$ The Government is on a small scale what the body politic which contains it is on a large scate it is a moral person endowed with cerrain faculties, active like the Soneregen, passive like the State, which can be analyzed into further, similar relations, from which a nes proportion consequents arises, and whin it vet another proportion corresponding to the juliciars, until an indivisble middle term is reached, that is th say a single chief or supreme mayistrate, who might be conceived of in the middle of this progression as the unity between the series of fractuons and of the series of integers.
[18] Withoot getting imsohed in this proliferation of [309] terms. let us leave it at considering the Govermmem as a new body in the Sate, distinct from both the people and the Sovereign, and intermediate between them.
[19] The essential difference between these two bodies is that the State exists by itself, and the Government exists only by |virtue of] the Sovereign. Thus the Prince's dominant will is or should be nothing but the general will on the laws, the Prince's force is nothing but the public force concentrated in it: as soon as it wills to derive some absolute and independent act from itself, the
cohesion of the whole begins to slacken. If in the end it came to pass that the Prince had a private will more active than the Sovereign's and that in heeding that private will it used the public force in its power, so that there would be, so to speak, two Sovereigns, one by right and the other in fact; the social union would instantly vanish, and the body politic be dissolved.
[20] Yet for the body of the Government to have existence, a real life which distinguishes it from the body of the State, for all of its members to be able to act in concert and to assume responsibility for the end for which it is instituted, it has to have a particular seff, a sensibility common to its nembers, a force, a will of its own that rends to its preservation. Such a particular existence presupposes assemblies, councils, power to deliberate, to decide, rights, titles, privileges which helong exclusively to the Prince and make the magistrate's position more honorable in proportion as it is more demanding. The difficulties consist in ordering this subordinate whole within the whole, so that it does not weaken the general constitution by strengthening its own, that it always keeps its particular horce intended for its own preservation distinct from the public force intended for the preservation of the State, and that, in a word, it is ever ready to sacrifice the Government to the people, and not the people to the Government.
[21] Howeser, although the artificial body of the Government is the work of another arrificial body, and has, as it were, only a borrowed and subordinate life, this does not keep it from being able to act more or less vigorously or promptly, to enjoy, so to speak, a more or less mobust health. Finally, without directly departing [ $+\infty$ | from the goal of its institution, it may deviate from it more or less, depending on how it is constituted.
[22] It is from all of these differences that arise the various relations which ought to obtain between the Government and the body of the State, taking into account the accidental and particular relations by which that State is modified. For often the Government which is in itsell the best will become the most vicious, if its relations are not adjusted to the defects of the body politic to whith it belongs.


## Chapter Two

Of the Principle which Constitutes the Variols Forms of Government
[1] In order to set out the general cause of these differences, is necessary to distinguish here between the Prince and the Ggernment, as above I distinguished between the State and the Sopereign
[2] The body of the magistracy may be composed of greater or lesser number of members. We have said that the ratip of Sovereign to subjects was greater in proportion as the nymber of the people was more numerous, and by an obvious analogy we can say the same about the Government in relation to the Magistrates.
[3] Now, since the total force of the Government is always that of the State, it never varies: from which it follows that the more of this force it uses on its own members, the less it has lefi to act on the whole people.

It Hence the more numerous the Maystrates, the weaker the (iovernment Since this maxim is fundanental, let us try to clarify it more fulls.
|5| We can distinguish three esyentially different wills in the person of the Magistrate: First, yee individual's own will, which tends solely to his particular ad antage, second, the common will of the Magistrates which is eylusibely concerned with the adwan tage of the Prince, and may fe called the corporate will, which is general in relation to the guernment and particular in relation to the State of which the government is a part; in the third place, the will of the people of the $|f 0 t|$ sovereign will, which is general in relation both to the State considered as the whole, and to the Government considefed as a part of the whole.
[6] In a perfect lefislation, the particular or individual will should be null, the Goverfment's own corporate will should be very subordinate, and conspuently the general or sovereign will should always be dominant apd the sole rule of all the others.
|7| Accorying to the natural order, on the contrary, the more concentraty these different wills are, the more active they grow. Thus the general will is always the weakest, the corporate will occupies second place, and the particular will the first place of all: so the in the Government each member is first of all himself, and
antiquity renders them daily more venerable; whereas wherever the laws grow weaker as they grow oldemit is proof that there is no longer any legislative power, and that the State is no longer alive.

## Chapter Twelve

How the Sovereign Authority Is Maintained
|1| The Sovereign, having no other force than the legislative power, acts only by means of the laws, and the laws being nothing but authentic acts of the general will, the Sovereign can act only when the people is assembled. The people assembled, it will be said! What a chimera! It is a chimera today, but it was not so two thousand years ago: thave men changed in nature:
[2] The bounds of the possible in moral matters are less narrow than we think: It is our weaknesses, our vices, our prejudices that constrict them. Base souls do not believe in great men: vile slaves minile mockingly at the word frecdom.
|3| I.et us consider what can be done in the light of what has been done; I shall not speak of the ancient republics of Greece, but the Roman Republic was, it seems to me, a larre State, and the eity of Rome a large cits. The last census shoued four hundred thousand Citizens bearing arms in Rome, and the hast count of the Empire more than four million Citizens, no including subjects, foreigners, women, children, slaves.
It What difficulty might one not imagine about frequently assembling the immense people of this capital and its envirens: Yet fex weeks went by when the Roman people was not assembled, and even several times. It exercised not only the rights of sovel $420 / \mathrm{P}$ cignty, but a part of those of Government as well. It dealt with some business, tried some cases, and on the public square this entire people was nearly as often magistrate as it was Citien.
|5| If one were to go back to the earliest times of Nations, one would find that most ancient Governments, even monarchical ones like those of the Macedonians and the Franks, had similar Councils. Be that as it may, this one indisputable fact alone answers all objections: The inference from what is to what is possible seems to me sound.

## Chapter Thirteen <br> Continued

[ t ] It is not enough for the people assembled to have once settied the constitution of the State by giving sanction to a body of laws: it is not enough for it to have established a perpetual Government or to have provided once and for all for the election of magistrates. In addition to extraordinary assemblies which may be required by unforeseen circumstances, there must be fixed and periodic assemblies which nothing can abolish or prorogue, so that on the appointed day the people is legitimately summoned by law, without need of any further formal convocation.
[2] But except for these assemblies which are lawful by their date alone, any assembly of the People not convoked by the magistrates appointed to that end and according to the preseribed forms must be held to be illegitimate and everything done at it to be null; because the order to assemble must itself emanate from the lan.
[3] As to whether legitimate assemblies should meet more or less frequently, this depends on so many considerations that it is impossible to give precise rules about it. Only it can be said in general that the more force the Govermment has, the more fre quently ough the Sowereign show itself.
$\left|{ }_{4}\right|$ I shall be wold that this may be geod for a single city; but what is to be done when the state includes several cities? $|f 27|$ is the Sovercign authority to be shared, or should it be concentrated in a single cits, and all the rest be placed in subjection?
[5] 1 answer that neither should be done. First, the Sovercign authority is simple and single, and in cannot be divided without being destroyed. In the second place, a city can no more be legitimately subjected to another than can a Nation, because the essence of the political body consists in the concurrence of obedience and freedom, and that the words subject and sovereign are identical correlatives whose idea is combined in the single word Citizen.
[6] I answer further that it is always an evil to unite several cities into a single City, and anyone who wants to bring about such a union should not flatter himself that he can avoid its natural inconveniences. The abuse of large States should not be urged as an objection to someone who wants only strall ones: but how are small States to be given enough force to resist the large ones? In the same
way that formerly the Greek cities resisted the great King, and more recently Holland and Switzerland resisted the House of Austria.
[7] However, if the State cannot be reduced to just bounds there remains one recourse; it is not to allow it a capital, to seat the Government alternately in each city, and also to assemble the country's Estates in each in turn.
[8] People the territory evenly, extend the same rights throughout it, spread abundance and life throughour it, that is how the State will at once have as much force and be as well governed as possible. Remember that the walls of cities are only built with the wreckage of farmhouses. For each Palace I see rise in the capital, I seem to see an entire countryside reduced to hovels.

## Chapter Fourter <br> Continued

[1] The instant the People is Iegitimately assombled as a Sovereign bodl, all iuristiction of the Government ceases, the executive power is suspended, and the $1+287$ person of the last Citizen is as sacred and inviolable as that of the first Hagistrate, because where the Represented is, there no longer is a Representative. Most of the commotions that arose in the comitia in Rome came from ignorance or neglect of this rule. (On those occasions the Consuls were nothing but the Presidents of the People, the Tribunes were mere Speakers,* the Senate was nothing at all.
[2] These intervals of suspension [of the Government's powers] when the prince recognizes or has to recognize an actual superior have always heen threatening to it, and these assemblies of the people which are the shield of the body politic and the curb of Government have at all times been the dread of chiefs: indeed they never spare cares, nor objections, nor obstacles, nor promises to turn Citizens against them. When the Citizens are greedy, cowardly, pusillanimous, more enamored of repose than of freedom, they do not long hold out against the redoubled efforts of the Government;

- Approximately in the sense given to this term in the Engish Parliamen. The similarity between these functions would have brought the Consuls and the Tribunes into comflict even if all jurisdiction had been sospended
this is how, with the opposing force constantly incteasing, the Sovereign authority finally vanishes, and most Cities fall and perish before their time.
[3] But between Sovereign authority and arbitrary Government an intermediary power sometimes interposes itself which has to be discussed.


## Chapter Fifteren

## Of Deplties or Representatives

[I] As soon as public service ceases to be the Citizens' principal business, and they prefer to serve with their purse rather than with their person, the State is already close to ruin. Is there a call to batte? they pay troops and stay home; is there a summons to Coun cil? they name Deputies and stay home Finally, by dint of $|+2 \varphi|$ laziness and mones they have soldiers to enslave the fatherland and representatives to sell it
[2] It is the huste and bustle of commerce and the arts, it is the avid interest in gain, it is softness and love of comforts that change personal services into mones One gives up a portion of one's proht in order to increase it at leisure. (ive mones, and soon tou 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 evervthing with their hands and nothing with mones; Far from paying to be exempted from their dutics, they would pay to fulfill them themselves. I am very far from the commonly held deas; I believe corvecs to be less at odds with freedom than taxes.
[3] The better conssituted the State, the more public business takes precelence over private business in the minds of Citizens. There even is less private business, because, since the sum of the common happiness contributes a greater share to each individuals happiness, he needs to seek less of it in his persomal pursuits. In a well-conducted city everyone flies to the assemblies; under a bad Government no one likes to take a step to go to them; because no one takes an interest in what is done there, because it is predictable that the general will will not prevail in them, and finally because domestic concerns are all absorbing. Good haws lead to making better ones, bad laws bring about worse ones. As soon as someone
says about affairs of State What do I care? the State has to be considered lost.

I $+\mid$ The cooling of the love of fatherland, the activity of private interest, the immensity of States, conquests, the abuse of Government, have led people to imagine the expedient of Deputies or Representatives of the people in the Nation's assemblies. This is what in some countries they dare call the Third Estate. Thus the private interest of two orders is assigned first and second places, the public interest only third place.
(5) Sovereignty cannot be represented for the same reason that it cannot be alienated; it consists essentially in the general will, and the will does not admit of being represented: either it is the same or it is different; there is no middle ground. The deputies of the people therefore are not and cannot be its representatives, they are merely $(4.30)$ its agents; they cannot conclude anything definitively. Any law which the People has not ratified in person is null; it is not a law. The English people thinks it is free; it is greatly mistaken, it is free only during the clection of Members of Parliament; as soon as they are elected, it is enstaved, it is nonhing. The use it makes of its freedon during the brief moments it has it fully warrants its losing it.
[6] The idea of Representatives is modern: it comes to us from feudal Government, that iniquitous and absurd (iovernment in which the human species is degraded, and the name of man dishonored. In ancient Republics and wen in monarchies, the People never had representatives; the sery word was unkown. It is quite striking that in Rome, where the Tribunes were so sacred, no one ever so much as imagined that they night usurp the functions of the people, and that in the midst of sud a great multitude they never attempted to pass a single Plebiscite on their own authorty alone. Yet the trouble the crowd sometimes caused may be judged by what happened at the time of the Gracchi, when a portion of the Citizens cast its vote from the rooftops.
[7] Where right and freedom are everything, incomeniences are nothing. Among this wise people, everything was given its just due: it allowed its Lictors to do what its Tribunes would not have dared to do; it did not fear that its Lictors would wish to represent it.
[8] However, in order to explain how the Tribunes did sometimes represent the people, one need only consider how the Government
represents the Sovereign. Since law is nothing but the declaration of the general will, it is clear that the People cannot be represented in its Legislative power; but it can and must be represented in its executive power, which is nothing but force applied to Law. This shows that, upon doser examination, very few Nations would be found to have laws. Be that as it may, it is certain that the Tribunes, being no part of the executive power, could never represent the Roman people by the rights of their own office, but only by usurping some of the rights of the Senate.
[0] Among the Greeks, all the People had to do it did by itself; it was constantly assembled in the public square. It lived in a mild climate, it was not greedy, $|+31|$ slaves did its work, its chicf business was it fredom. No longer having the same adrantages, how are we to preserve the same rights? Your harsher climates make for more needs,* six months of the year you cannot stay out on the public square, bour muted languages cannot make themselses heard in the open, tou care more for your gain than for your frecdom, and wou fear slaver less than vou fear poverty.
foof What: Fredon con only be mantained with the help of servitude: Perhaps. The two everemes meet. Eversthing that is not in nature has its incomenences, and civil society more than all the rest In seme unfortunate circumstances one can preserve one's own freedom only at the expense of someone else's, and the Citizen can be perfectly free only if the stave is utterly enslaved. Such was the situation of Sparia. As for you, modern peoples, son have no slaves, but are yourselves slaves, you pay for their freedom with vour oun Well may sou boast of this preference; I find in it more cowardice than humanis!
|11| I do not mean by all this that it is necessary to have daves or that the right of slavery is legitimate, since I have proved the contrary. I simply state the reasons why modern peoples which believe themselves free have representatives, and why ancient peoples did not have them. Be that as it may, the instant a People gives itself Representatives, it ceases to be free; it ceases to be.
[12] All things considered, I do not see that among us the Sovereign can henceforth preserve the exercise of its rights unless the

* To adopt in cold climates the luxury and softness of Orientals is to cheose to dssume their chains, it is to submit to them even more incvitably than do they

City is very small. But if it is very small, will it not be subjugated? No. I shall show below* how the external power of a great People can be combined with the simple administration and the good order of a small State.

## Chapter Sixteen

That the Institution of the Government is not

- Contract
[1] Once the legislative Power is well established, it remains likewise to establish the Executive power; for this latter, which operates only by particular acts, inasmuch as it is not of the essence of the former is maturally separate from if. If it were possible for the Sovereign, considered as such, to have the exccutive power, right and fact would be so utterly confounded that one could no longer tell what is law and what is not, and the body politic thus denatured would soon fall pres to the violence against which it was instituted
$\{2 \mid$ The Gitizens being all cqual by the social contract, all may prescribe what all ought 10 do, but no one has the right to require that another do what he himself dees not do. Vow, it is specifically this right, indispensable for endewing the body politic with life and motion, that the Sovercign assigns to the Prince by instituting the Government
1.3 Some have clamed that this act of cotablishing Govermment was a contract between the People and the chieds it gives itself; a contract stipulating for the two parties the condtions under which the one obligated itself to command, and the other to obey. Fiveryone will agree, I am sure, that this is an odd way of contracting! But let us see whether this opinion is tenable.
 it can be alienated, to limit it is to destroy it. It is absurd and contradictory for the Sovereign to give itself a superior; to ohligate oneself to obey a master is to return to one's full freedom.
*That is what I had planed to do on the sequel th tha work when, in dealing with foregen relations, I would have come to confederations. The subject is entirely new and its prineples have yot ro be established.
[5] Moreover, it is clear that this contract of the people with specific persons would be a particular act. From which it follows that this contract could not be a law or an act of sovereignty, and that consequently it would be illegitimate.
[0] It is further evident that with respect to one another the contracting parties would be under the law of nature alone and without any guarantor [43]] of their reciprocal engagements, which is in every way at odds with the civil state: Since whoever controls the force is invariably master of the execution, one might as well call "contract" the act of a man who said to another, "I give you all my goods on condition that you will give me back as muteh of it as you please."
|7| There is only one contract in the State, the contract of association; and it, by itself alone, excludes any others. It is impossible to imagine any public Contract that would not be a violation of the first.


## Chapter Seventren

Of the Institution of Government
|1| What, then, is the dea in terms of which one should conceive of the act by which Government is instituted: I shall begin by noting that this act is complex or composed of two others, namely the estahlishment of law, and the execution of law.
$|2|$ By the first, the Sovereign enacts that a bod of fiovermment of this form or that shall be established; and it is clear that this act is a law.
(3) By the second, the People appoints the chiefs who will be entrusted with the established Government. Now since this appointment is a particular act it is not a second law, but merely a consequence of the first and a function of Government.

It The diffeculy is to understand how there can be an act of Government before the Government exists, and how the People, which is only either Sovereign or subject, can become Prince or Magistrate in certain circumstances
15) Here again is revealed one of those astonishing properties of the bosly politic by which it reconciles apparently contradictory operations. For this reconciliation is accomplished by a sudden
conversion of Sovereignty into Democracy; so that without any perceptible change, and simply by a new relation of all to [434] all, the Citizens having become Magistrates pass from general to particular acts, and from the law to its execution.
[6] This change of relation is not some speculative subtlety without example in practice: It takes place every day in the Parliament of England where the lower House on certain occasions turns itself into a Committee of the whole, the better to discuss business, and thus becomes a simple commission rather than the Sovereign Court it had been an instant before; so that it subsequently reports to itself in its capacity as the House of Commons on what it had just settled as a Committee of the whole, and deliberates anew under one name about what it had already decided under another.
[7] It is the distinctive adantage of Democratic Government that it can be established in fact by a simple act of the general will. After which this provisional Government either remains in office if such is the form that is adopted, or it establishes in the name of the Sovereign the Government prescribed by law, and everything is thus in order. It is not persible to establish Government in an! other legitmate manner without renouncing the principles established above.

[1] From these clarifications it follows, in fonfirmation of chapter 16, that the act which institutes Gougment is not a contract but a law, that the trustees of the exgenitive power are not the people's masters but its officers, that if an establish or remove them when ever it pleases, that thery s no question of their contracting, but of obeving, and thay in assuming the charges which the State imposes on them they are onl hulfiling their duty as Citizens with out in aty yrf having the right to challenge the conditions.
$|2|$ Tbus when it happens that the People institutes a hereditary Goyetnment, cither monarchical in one $[\& 3,5]$ family, or aristocratic in one order of Citizens, this is not an engagement it enters into;
it is a provisional form it gives to the administration, until sucl time as it pleases to order it differently.
[3] It is true that such changes are always dangerous, and thay one should never touch an established Government unless it befomes incompatible with the public good; but this circumspecton is a maxim of politics and not a rule of right, and the State if no more bound to leave the civil authority to its [current] chicf, than it is to leave the military authority to its [current] generals.
[4] It is further true that in such a case one canno be too careful about observing all the formalities required to distinguish a regular and legitimate act from a seditious tumult, and the will of an entire people from the clamors of a faction. It is abope all in such cases that no more should be conceded to the cas wfur than what canot be refused it by right in all its rigor, and if is also from this obli. gation that the Prince derives a great at antage in preserving its power in spite of the poople, without it being pussible to say that the Prince has usurped that power: Fof in appearing to use only its rights, the Prince can very easily expend them and, on the preteal of public calm, present assemblies inended to restore good order; so that it takes adsantage either of a silence which it presents from being broken, or of the irregulyfities which it causes to be commit ted, to presume that the asfent of those whom tear has silenced favors it, and to punish thase who dare to speak. That is how the Decemsirs, after first haying been clected for one year, and then continued for another car, tricd to hold on to their power in perpetuits, by longe permitiong the comitia to nect; and it is by this simple means phat all governments of the world, onee the are invosted with thepublic force, sooner or later usurp the Sovereign authorits
[5] The periodic assemblies of which I hate spoken above are suited to forestall or to postpone this misfortune, above all if they do not require formal comocation: for then the Prince could not prevent hem without openly declaring itself a violator of the laws and ar enemy of the State.
16) These assemblies, which have no other object than to maintaig the social treaty, ought always to open with two motions which it should be impossible ever to omit, and which ought to be voted on separately: sent form of Government.
[8] The second; whether it please the People to have its administration to those who are currently charged mith h.
[9] I assume here what I believe I hore demonstrated, namely that in the State there is no fundapental law which could not be revoked, not even the social prot; for if all the Citizens were to assemble to break this page by a common accord, there can be no doubr that it would the most legitimately broken. Grotius even thinks that everyone can renounce the State of which he is a member, and fecover his natural freedom and his goods on leaving the coupry.* Now it would be absurd if all the Citizens united coupt not do what each one of them separately can do.

- It being understood that one dees not late in order to crade one's duty or a a a oid serving the fatherland when it needs us. In such cases thigh would be criminal and panishable; it would no tonger be withdrawal but desertion.


## Chapter One

## That the General Wile. Is Indestructible

[1] So long as several men united consider themselves a single body, they have but a single will, which is concerned with their common preservation, and the general welfare. Then all of the springs of the State are vigorous and simple, its maxims are clear and perspicuous, it has no confused, contradictory interests, the common good is everywhere fully evident and requires only good sense to be perceved. Peace, union, equality are enemies of political subtleties. Lpright and simple men are difficult to deceive because of their simplicity, they are not taken in by sham and special pleading, they are not even clever enough to be dupes. When, among the happiest people in the world, troops of peasants are seen attending to affairs of $S$ tate under an wak tree and always acting wisely, can one avoid despising the retinements of other nations which make themselves illustrious and miserable with so much art and mystification?
$|z|$ A Sute thus governed needs ser few Laws, and as it becomes necessary to promulgate new ones, this necessity is universally seen. The first one to propose them only states what all have alread sensed, and there is no need for intrigues or eloquence to secure pasoage into law of what each has already resolved to do as sem in he is sure that the others will do so as well.

13| What misleads ratiocinators is that since they only see States which are badly constituted from their origin, they are struch $\mid$ 4 8 by the impossibility of maintaining such an administration in them. They laugh as they imapine all the nonsense of which a clever knave or an insinuating talker could persuade the people of Paris or London. They do not know that Cromwell would have been condemned to hard labor by the people of Berne, and the Duc de Beatort to reformatory by the Genevans.
|t| But when the social knot begins to loosen and the State to weaken; when particular interests begin to make themselves felt,jyand small societies to influence the larger society, the common interest diminishes and meets with opposition, votes are no longer
unanimous, the general will is no longer the will of all, contradictions and disagreements arise, and the best opinion no longer carries the day unchallenged.
[5] Finally, when the State close to ruin subsists only in an illusory and vain form, when the social bond is broken in all hearts, when the basest interest brazenly assumes the sacred name of public good; then the general will grows mute, evervone, prompted by secret motives, no more states opinions as a Citizen than if the State had never existed, and iniquitous decrees with no other goal than particular interest are falsely passed under the name of Laws.
[6] Does is follow that the general will is annihitated or corrupted: No, it remains constant, unalterable, and pure; but it is subordinated to others that prevail over it. Each person, in detaching his interest from the common interest, sees clearly enough that he cannot separate them entirely, but his share of the public evil seems to him as nothing compared to the exclusive good which he sechs to make his own. Except for this particular good, he wills the public good in his own interest just as forcefully as anyonce des. lien in selling his vote for money he does not extinguish the general will within himself, he evades it. The mustake he commits is to change the state of the question, and to answer semething other than what he is asked: So that insteal of saying with his vote, 14 ad adramageons to the State, he sass, $t$ is adiantageous to this mun or tw this part) that the or that opinion pass. Thus the law of public order in assemblies consists not so much in upholding the general will in them, as in secing to is that the general will is always consulted and that it always replies.
$|7|$ I could offer quite a few reflections here on the simple [f39] right to vote in every ad of sovereignty; a right of which nothing can deprive Citizens; and on the right of voicing opinions, proposing, dividing, discussing [motions], which the Government always takes great care to allow only to its own members; but this important matrer would require a separate treatise, and 1 cannot say everything in this one.

## Chapter Two <br> Of Suffrage

[1] From the preceding chapter it is evident that the way in which general business is conducted provides a fairly reliable indication
of the current state of the morals and the health of the body politic. The more concord reigns in assemblies, that is to say the closer opinions come to unanimity, the more the general will also predominates; whereas long debates, dissensions, disturbances, signal the ascendancy of particular interests and the decline of the State.
[2] This seems less obvious when two or more orders enter into its constitution, as did in 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 by the vice inherent to the body politic there are then, so to speak, wo States in onc; |and| what is not true of the two together is true of each separately. And indeed even in the stormiest times the people's piebiscites were always carried quietly and by a large majority, when the Senate did not interfere: The Citizens having but a single interest, the people had but a single will.
[3] At the other end of the eycle, unaninity returns. That is when the citizens, fallen into servitude, no longer have freedom or will Then far and flattery turn voring into acclamations, they no longer deliberate, they worship or they curse. Such was the vile manner in which the Senate expressed opinons under the Emperors. Sometimes it did so with ridiculous precautions: Tacitus notes that under (Othe, the Senators heaping execration on Vitellius took care at the same time to make a frightiul noise, $|\nmid f|$ so that, if by chance he were to become master, he could not tell what they cach had said.

Ifl From these various considerations arise the maxims that should regulate the manner in which votes are counted and opinions compared, taking account of whether the general will is more or less easy to know, and the State more or less in decline.
[5] There is only one law which by its nature requires unammous consent. That is the social pact: for the civil association is the most voluntary act in the world, every man being born free and master of himself, no one may on any pretext whatsoever subject him with out his consent. To decide that the son of a slave is born a shave is to decide that he is not born a man.
[6] If, then, at the time of the social pact there are some who oppose it, their opposition does not invalidate the contract, it only keeps them from being included in it; they are foreigners among the Gitizens. Once the State is instituted, consent consists
in residence; to dwell in the territory is to submit to the sovereignty.*
[7] Except for this primitive contract, the vote of the majority always obligates all the rest; this is a consequence of the contract itself. Yet the question is raised how a man can be both free and forced to conform to wills which are not his own. How are the opponents both free and subject to laws to which they have not consented?
[8] I answer that the question is badly framed. 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 one 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.* When a law is proposed $|441|$ in the People's assembly, what they are being asked is not exaely whether they approve the proposal or reject it, but whether it does or does not conform to the general will, which is theirs, cevervone states his opinion about this by casting his ballot, and the tally of the votes sields the declaration of the general will. Therefore when the opinion contrary to my own prevails, it proves nothing more than that 1 made a mistake and that what I took to be the general will was not. It marticular opinion had prevaled, I would have done something other than what I had willed, and it is then that I would not have been free
|0| This presupposes, it is true, that all the characteristics of the general will are still in the manorty: once they no longer are, then regardless of which side one tahes there no longer is any fredom.
[:o| When carlier I showed how particular wills were substituted for the general will in public deliberations, I indicated clearly enough the practicable wars to prevent this abuse; I shall have more to say on this subject later. As for the proportional number of votes needed to declare the general will. I have also provided the prin-
 goods, the lack of astum, necessity. bulence, mas keep an inhabitan in the country in spite of himself, and then homere residence ne lenger imples his Consent to the contract or to its vietations.

* In Genoa the word labetas can be read on the front of prisons and on the chains of galley slaves. This use of the moto is fine and fust Indecd it is only the evidoers from every estate who keep the (ations from being free In a country where all such tolk were in the Gallow, the most perfect freedom would be enoyed.
ciples by which it can be ascertained. A difference of a single vote breaks a tie, a single opponent destroys unanimity; but between unanimity and a tie there are various uneven divisions, an any one of which this proportion can be fixed, taking the state and the needs of the body politic into account.
[I] Two general maxims can help to regulate these ratios: one, that the more important and serious the deliberations are, the more nearly unanimous should be the opinion that prevails; the other, that the more rapidly the business at hand has to be resolved, the narrower should be the prescribed difference in weighting opinions; in deliberations which have to be concluded straightaway a majority of one should suffice. The first of these maxims appears better suited to laws, the second to business. Be that as it may, it is by a combination of these two maxims that the best ratios for a deciding majority are determined.
$|+2|$


## Chapter Three <br> Of Eiections

$|1|$ With regard to the clections of the Prince and the Magistrates, which are, as I have said, complex acts, there are two ways to pro eed, namely, by choise or by tot. Both have been used in tarious Republies, and a very complicated mixture of the two can still be found at present in the dection of the Doge of Venice.
[2| Wing by lif, sass Montesquicu, is in the nature af Demotracy. 1 agree, but why is it: Draming lots, he goes on, to a mat at itetme that aflots no one; theaves coery Catizen a reasonable hope af scomg the faiherland. These are not reasons.
|3] It one keeps in mind that the election of chiefs is a function of Government and not of Sovereignty, one will see why dection by ho is more in the nature of Democracy, where the administration is all the better in proportion as its acts are fewer.
$[+\mid$ In every genuine Democracy, magistracy is not an advantage but a burdensome charge, which one cannot justly impose on one individual rather than another. Only the law can impose this charge on the one to whom the lot falls. For then, since the condition is equal for all and the choice does not depend on a human will, no particular application can distort the universality of the law.
[5] In Aristocracy the Prince chooses the Prince, the Government perpetuates itself by itself, and that is where voting is appropriate.
[6] The example of the election of the Doge of Venice, far from destroying this distinction, confirms it: This composite form suits a mixed Government. For it is an error to take the Government of Venice for a genuine Aristocracy. While the People has no share in the Government, the nobility is itself of the people. A multitude of poor Barnabites never came close to any magistracy, and all they get for being noble is the empty $[4,3]$ title of Excellency and the right to be present at the great Council. Since this great Council is as numerous as our general Council in Geneva, its illustrious members have no more privileges than do our simple Citizens. Ir is certain that, setting aside the extreme disparity between the two Republies, the bourgeoisie of Geneva corresponds precisely to the Venetian Patriciate, our natives and inhabitants correspond to the Townsmen and the people of Venice, and our peasants correspond to the mainland subjects; in sum, however one considers that Republic, apart from its size, its (iovernment is no more aristocratic than is ours. The entire difference is that since we have no chiefs for life, we have not the same need for election by lot.
$|7|$ Elections by lot would entail few incomseniences in a genuine Democracy where everything is as equal by vertue of morals and talents as maxims and fortune, because choice would make almost no difference. But I have already said that there is no genuine Democracy.
[ 8 ] Where election by choice and election bs lot are combined, choice should fill the positions that require specific talents, such as military uffices; drawing lots is approprate for the positions for which good sense, iustice, integrity suffice, such as judicial responsibilities, because in a well-constituted State these qualities are common to all Citizens.
$|9|$ Neither lot nor voting has any place in a monarchical Government. Since the Monarch is by right the sole Prince and the only Magistrate, the choice of his licutenants is his alone. When the Abhe de St. Pierre proposed multiplying the Councils of the King of France and electing their members by Ballot, he did not realize he was proposing to change the form of the Government.
[io] It remains for me to speak about the way votes should be cast and collected in the assembly of the people; but perhaps the
historical sketch of Roman administration in this matter will explain more concretely all the maxims which I might establish. It is not unworthy of a judicious reader to consider in some detail how public and particular business was conducted in a Council of two hundred thousand men.

## Chapter Four <br> Of the Roman Comitia

[1] We have no really reliable records of the first timy of Rome; there is even every likelihood that most of what is ryailed about it are fables;* and in general the most instructive phrt of the annals of peoples, which is the history of their establimment, is the part we most lack. Experience daily teaches us what causes give rise to the revolutions of empires; but as no fore peoples are being formed, we have scarcely anything but conjectures to explain how they were formed.
|2| The practices one finds estaplished at least attest that these practices had an origin. Among tbe traditions that go bach to these origins, the ones which the gy atest authorities support and the strongest reasons confirm mus/ pass for the most certain. These are the masims I have tried to follow in inquiring how the freest and most powerful people on arth exercised its supreme power.
$13 \mid$ Mter the foundige of Rome the nascent Republic, that is to say the founder's arph, composed of Abbans, Sabines, and foreigners, was dividey into three classes which, from this division, took the name Trifes. Each one of these Tribes was subdivided into ten Curiac, and each Curia into Decuriae, at the head of which were placed chefs called Curims and Decuroms.
|t| In adytion a body of one hundred Horsemen or Kinights, called a Gutury, was drawn from each Tribe: which shows that these diysions, which are hardly needed in a small town, were at first equely military. But it would seem that an instinct for great
*TC name Rume which purportedy comes from Romulas is Greek and means fare, Hec name Numd is also Greek, and means Latr. How likely is it that this civ' first two Kings would have borne names so appropriately anticipating what the
Jid: Jid:


[^0]:    Chapter Seven
    Of the Lawgiver
    [1] To discover the best rules of sonety suited to each Vation would require a superior intelligenet who saw all of man's passions and experienced none of them, who had no relation to our nature yet knew it thoroy\&tly, whose happiness was independent of us and who was nevertheless willing to care for ours; finally, one who, preparing his distant glory in the progress of times, could work in

