

# **Jean Jacques Rousseau:**

## **Excerpt from *The Social Contract***

**1763**

### **Origin and Terms of the Social Contract**

Man was born free, but everywhere he is in chains. This man believes that he is the master of others, and still he is more of a slave than they are. How did that transformation take place? I don't know. How may the restraints on man become legitimate? I do believe I can answer that question....

At a point in the state of nature when the obstacles to human preservation have become greater than each individual with his own strength can cope with . . . , an adequate combination of forces must be the result of men coming together. Still, each man's power and freedom are his main means of self-preservation. How is he to put them under the control of others without damaging himself . . . ?

This question might be rephrased: "How is a method of associating to be found which will defend and protect-using the power of all-the person and property of each member and still enable each member of the group to obey only himself and to remain as free as before?" This is the fundamental problem; the social contract offers a solution to it.

The very scope of the action dictates the terms of this contract and renders the least modification of them inadmissible, something making them null and void. Thus, although perhaps they have never been stated in so many words, they are the same everywhere and tacitly conceded and recognized everywhere. And so it follows that each individual immediately recovers his primitive rights and natural liberties whenever any violation of the social contract occurs and thereby loses the contractual freedom for which he renounced them.

The social contract's terms, when they are well understood, can be reduced to a single stipulation: the individual member alienates himself totally to the whole community together with all his rights. This is first because conditions will be the same for everyone when each individual gives himself totally, and secondly, because no one will be tempted to make that condition of shared equality worse for other men....

Once this multitude is united this way into a body, an offense against one of its members is an offense against the body politic. It would be even less possible to injure the body without its members feeling it. Duty and interest thus equally require the two contracting parties to aid each other mutually. The individual people should be motivated from their double roles as individuals and members of the body, to combine all the advantages which mutual aid offers them....

### **Individual Wills and the General Will**

In reality, each individual may have one particular will as a man that is different from-or contrary to-the general will which he has as a citizen. His own particular interest may suggest other things to him than the common interest does. His separate, naturally independent existence may make him imagine that what he owes to the common cause is an incidental contribution - a contribution which will cost him more to give than their failure to receive it would harm the others. He may also regard the moral person of the State as an imaginary being since it is not a man, and wish to enjoy the rights of a citizen without

performing the duties of a subject. This unjust attitude could cause the ruin of the body politic if it became widespread enough.

So that the social pact will not become meaningless words, it tacitly includes this commitment, which alone gives power to the others: Whoever refuses to obey the general will shall be forced to obey it by the whole body politic, which means nothing else but that he will be forced to be free. This condition is indeed the one which by dedicating each citizen to the fatherland gives him a guarantee against being personally dependent on other individuals. It is the condition which all political machinery depends on and which alone makes political undertakings legitimate. Without it, political actions become absurd, tyrannical, and subject to the most outrageous abuses.

Whatever benefits he had in the state of nature but lost in the civil state, a man gains more than enough new ones to make up for them. His capabilities are put to good use and developed; his ideas are enriched, his sentiments made more noble, and his soul elevated to the extent that-if the abuses in this new condition did not often degrade him to a condition lower than the one he left behind-he would have to keep blessing this happy moment which snatched him away from his previous state and which made an intelligent being and a man out of a stupid and very limited animal....

### **Property Rights**

In dealing with its members, the State controls all their goods under the social contract, which serves as the basis for all rights within the State, but it controls them only through the right of first holder which individuals convey to the State....

A strange aspect of this act of alienating property rights to the state is that when the community takes on the goods of its members, it does not take these goods away from them. The community does nothing but assure its members of legitimate possession of goods, changing mere claims of possession into real rights and customary use into property.... Through an act of transfer having advantages for the public but far more for themselves they have, so to speak, really acquired everything they gave up....

### **Indivisible, Inalienable Sovereignty**

The first and most important conclusion from the principles we have established thus far is that the general will alone may direct the forces of the State to achieve the goal for which it was founded, the common good.... Sovereignty is indivisible ... and is inalienable.... A will is general or it is not: it is that of the whole body of the people or only of one faction. In the first instance, putting the will into words and force is an act of sovereignty: the will becomes law. In the second instance, it is only a particular will or an administrative action; at the very most it is a decree.

Our political theorists, however, unable to divide the source of sovereignty, divide sovereignty into the ways it is applied. They divide it into force and will; into legislative power and executive power; into the power to tax, the judicial power, and the power to wage war; into internal administration and the power to negotiate with foreign countries. Now we see them running these powers together. Now they will proceed to separate them. They make the sovereign a being of fantasy, composed of separate pieces, which would be like putting a man together from several bodies, one having eyes, another arms, another feet-nothing more. Japanese magicians are said to cut up a child before the eyes of spectators, then throw the pieces into the air one after the other, and then cause the child to drop down reassembled and alive again. That is the sort of magic trick our political theorists perform. After having

dismembered the social body with a trick worthy of a travelling show, they reassemble the pieces without anybody knowing how....

If we follow up in the same way on the other divisions mentioned, we find that we are deceived every time we believe we see sovereignty divided. We find that the jurisdictions we have thought to be exercised as parts of sovereignty in reality are subordinate to the [one] sovereign power. They presuppose supreme wills, which they merely carry out in their jurisdictions . . . .

### **Need for Citizen Participation, Not Representation**

It follows from the above that the general will is always in the right and inclines toward the public good, but it does not follow that the deliberations of the people always have the same rectitude. People always desire what is good, but they do not always see what is good. You can never corrupt the people, but you can often fool them, and that is the only time that the people appear to will something bad....

If, assuming that the people were sufficiently informed as they made decisions and that the citizens did not communicate with each other, the general will would always be resolved from a great number of small differences, and the deliberation would always be good. But when blocs are formed, associations of parts at the expense of the whole, the will of each of these associations will be general as far as its members are concerned but particular as far as the State is concerned. Then we may say that there are no longer so many voters as there are men present but as many as there are associations. The differences will become less numerous and will yield less general results. Finally, when one of these associations becomes so strong that it dominates the others, you no longer have the sum of minor differences as a result but rather one single [unresolved] difference, with the result that there no longer is a general will, and the view that prevails is nothing but one particular view....

But we must also consider the private persons who make up the public, apart from the public personified, who each have a life and liberty independent of it. It is very necessary for us to distinguish between the respective rights of the citizens and the sovereign and between the duties which men must fulfill in their role as subjects from the natural rights they should enjoy in their role as men.

It is agreed that everything which each individual gives up of his power, his goods, and his liberty under the social contract is only that part of all those things which is of use to the community, but it is also necessary to agree that the sovereign alone is the judge of what that useful part is.

All the obligations which a citizen owes to the State he must fulfill as soon as the sovereign asks for them, but the sovereign in turn cannot impose any obligation on subjects which is not of use to the community. In fact, the sovereign cannot even wish to do so, for nothing can take place without a cause according to the laws of reason, any more than according to the laws of nature [and the sovereign community will have no cause to require anything beyond what is of communal use]....

Government . . . is wrongly confused with the sovereign, whose agent it is. What then is government? It is an intermediary body established between the subjects and the sovereign to keep them in touch with each other. It is charged with executing the laws and maintaining both civil and political liberty.... The only will dominating government ... should be the general will or the law. The government's power is only the public power vested in it. As soon as [government] attempts to let any act come from itself completely independently, it starts to lose its intermediary role. If the time should ever come when the [government] has a particular will of its own stronger than that of the sovereign and makes use of the

public power which is in its hands to carry out its own particular will-when there are thus two sovereigns, one in law and one in fact-at that moment the social union will disappear and the body politic will be dissolved.

Once the public interest has ceased to be the principal concern of citizens, once they prefer to serve State with money rather than with their persons, the State will be approaching ruin. Is it necessary to march into combat? They will pay some troops and stay at home. Is it necessary to go to meetings? They will name some deputies and stay at home. Laziness and money finally leave them with soldiers to enslave their fatherland and representatives to sell it....

Sovereignty cannot be represented.... Essentially, it consists of the general will, and a will is not represented: either we have it itself, or it is something else; there is no other possibility. The deputies of the people thus are not and cannot be its representatives. They are only the people's agents and are not able to come to final decisions at all. Any law that the people have not ratified in person is void, it is not a law at all.

### **Sovereignty and Civil Religion**

Now then, it is of importance to the State that each citizen should have a religion requiring his devotion to duty; however, the dogmas of that religion are of no interest to the State except as they relate to morality and to the duties which each believer is required to perform for others. For the rest of it, each person may have whatever opinions he pleases....

It follows that it is up to the sovereign to establish the articles of a purely civil faith, not exactly as dogmas of religion but as sentiments of social commitment without which it would be impossible to be either a good citizen or a faithful subject.... While the State has no power to oblige anyone to believe these articles, it may banish anyone who does not believe them. This banishment is not for impiety but for lack of social commitment, that is, for being incapable of sincerely loving the laws and justice or of sacrificing his life to duty in time of need. As for the person who conducts himself as if he does not believe them after having publicly stated his belief in these same dogmas, he deserves the death penalty. He has lied in the presence of the laws.

The dogmas of civil religion should be simple, few in number, and stated in precise words without interpretations or commentaries. These are the required dogmas: the existence of a powerful, intelligent Divinity, who does good, has foreknowledge of all, and provides for all; the life to come; the happy rewards of the just; the punishment of the wicked; and the sanctity of the social contract and the laws. As for prohibited articles of faith, I limit myself to one: intolerance. Intolerance characterizes the religious persuasions we have excluded.

From JeanJacques Rousseau, *Contrat social ou Principes du droit politique* (Paris: Garnier Frères 1800), pp. 240332, passim. Translated by Henry A. Myers.

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