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

BOOK I

I mean to inquire if, in the civil order, there can be any sure and legitimate rule of administration, men being taken as they are and laws as they might be. In this inquiry, I shall endeavor always to unite what right sanctions with what is prescribed by interest, in order that justice and utility may in no case be divided.

I enter upon my task without proving the importance of the subject. I shall be asked if I am a prince or a legislator, to write on politics. I answer that I am neither, and that is why I do so. If I were a prince or a legislator, I should not waste time in saying what wants doing; I should do it, or hold my peace.

As I was born a citizen of a free State, and a member of the Sovereign, I feel that, however feeble the influence my voice can have on public affairs, the right of voting on them makes it my duty to study them: and I am happy, when I reflect upon governments, to find my inquiries always furnish me with new reasons for loving that of my own country.

1. Subject of the First Book

Man is born free; and everywhere he is in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this change come about? I do not know. What can make it legitimate? That question I think I can answer.

If I took into account only force, and the effects derived from it, I should say: “As long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and shakes it off, it does still better; for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away.” But the social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions. Before coming to that, I have to prove what I have just asserted.
2. THE FIRST SOCIETIES

The most ancient of all societies, and the only one that is natural, is the family: and even so the children remain attached to the father only so long as they need him for their preservation. As soon as this need ceases, the natural bond is dissolved. The children, released from the obedience they owed to the father, and the father, released from the care he owed his children, return equally to independence. If they remain united, they continue so no longer naturally, but voluntarily; and the family itself is then maintained only by convention.

This common liberty results from the nature of man. His first law is to provide for his own preservation, his first cares are those which he owes to himself; and, as soon as he reaches years of discretion, he is the sole judge of the proper means of preserving himself, and consequently becomes his own master.

The family then may be called the first model of political societies: the ruler corresponds to the father, and the people to the children; and all, being born free and equal, alienate their liberty only for their own advantage. The whole difference is that, in the family, the love of the father for his children repays him for the care he takes of them, while, in the State, the pleasure of commanding takes the place of the love which the chief cannot have for the peoples under him.

Grotius denies that all human power is established in favour of the governed, and quotes slavery as an example. His usual method of reasoning is constantly to establish right by fact. It would be possible to employ a more logical method, but none could be more favourable to tyrants.

It is then, according to Grotius, doubtful whether the human race belongs to a hundred men, or that hundred men to the human race: and throughout his book, he seems to incline to the former alternative, which is also the view of Hobbes. On this showing, the human species is divided into so many herds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them.

As a shepherd is of nature superior to that of his flock, the shepherds of men, i.e., their rulers, are of a nature superior to that of the peoples under them. Thus, Philo tells us, the Emperor Caligula reasoned, concluding equally well either that kings were gods, or that men were beasts.

The reasoning of Caligula agrees with that of Hobbes and Grotius. Aristotle, before any of them, had said that men are by no means equal naturally, but that some are born for slavery, and others for dominion.

Aristotle was right; but he took the effect for the cause. Nothing can be more certain than that every man born in slavery is born for slavery. Slaves lose everything in their chains, even the desire of escaping from them: they love their servitude, as the comrades of Ulysses loved their brutish condition. If then there are slaves by nature, it is because there have been slaves against nature. Force made the first slaves, and their cowardice perpetuated the condition.

I have said nothing of King Adam, or Emperor Noah, father of the three great monarchs who shared out the universe, like the children of Saturn, whom some
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3. The Right of the Strongest

The strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty. Hence the right of the strongest, which, though to all seeming meant ironically, is really laid down as a fundamental principle. But are we never to have an explanation of this phrase? Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will—at the most, an act of prudence. In what sense can it be a duty?

Suppose for a moment that this so-called “right” exists. I maintain that the sole result is a mass of inexplicable nonsense. For, if force creates right, the effect changes with cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with impunity, disobedience is legitimate; and, the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails? If we must obey perforce, there is no need to obey because we ought; and if we are not forced to obey, we are under no obligation to do so. Clearly, the word “right” adds nothing to force: in this connection, it means absolutely nothing.

Obey the powers that be. If this means yield to force, it is a good precept, but superfluous: I can answer for its never being violated. All power comes from God, I admit; but so does all sickness: does that mean that we are forbidden to call in the doctor? A brigand surprises me at the edge of a wood: must I not merely surrender my purse on compulsion; but, even if I could withhold it, am I in conscience bound to give it up? For certainly the pistol he holds is also a power.

Let us then admit that force does not create right, and that we are obliged to obey only legitimate powers. In that case, my original question recurs.

4. Slavery

Since no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men.

If an individual, says Grotius, can alienate his liberty and make himself the slave of a master, why could not a whole people do the same and make itself subject to a king? There are in this passage plenty of ambiguous words which would need
explaining; but let us confine ourselves to the word alienate. To alienate is to give or to sell. Now, a man who becomes the slave of another does not give himself; he sells himself, at the least for his subsistence: but for what does a people sell itself? A king is so far from furnishing his subjects with their subsistence that he gets his own only from them; and, according to Rabelais, kings do not live on nothing. Do subjects then give their persons on condition that the king takes their goods also? I fail to see what they have left to preserve.

It will be said that the despot assures his subjects civil tranquility. Granted; but what do they gain, if the wars his ambition brings down upon them, his insatiable avidity, and the vexatious conduct of his ministers press harder on them than their own dissensions would have done? What do they gain, if the very tranquility they enjoy is one of their miseries? Tranquility is found also in dungeons; but is that enough to make them desirable places to live in? The Greeks imprisoned in the cave of the Cyclops lived there very tranquilly, while they were awaiting their turn to be devoured.

To say that a man gives himself gratuitously, is to say what is absurd and inconceivable; such an act is null and illegitimate, from the mere fact that he who does it is out of his mind. To say the same of a whole people is to suppose a people of madmen; and madness creates no right.

Even if each man could alienate himself, he could not alienate his children: they are born men and free; their liberty belongs to them, and no one but they has the right to dispose of it. Before they come to years of discretion, the father can, in their name, lay down conditions for their preservation and well-being, but he cannot give them irrevocably and without conditions: such a gift is contrary to the ends of nature, and exceeds the rights of paternity. It would therefore be necessary, in order to legitimise an arbitrary government, that in every generation the people should be in a position to accept or reject it; but, were this so, the government would be no longer arbitrary.

To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. For him who renounces everything no indemnity is possible. Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts. Finally, it is an empty and contradictory convention that sets up, on the one side, absolute authority, and, on the other, unlimited obedience. Is it not clear that we can be under no obligation to a person from whom we have the right to exact everything? Does not this condition alone, in the absence of equivalence or exchange, in itself involve the nullity of the act? For what right can my slave have against me, when all that he has belongs to me, and, his right being mine, this right of mine against myself is a phrase devoid of meaning?

Grotius and the rest find in war another origin for the so-called right of slavery. The victor having, as they hold, the right of killing the vanquished, the latter can buy back his life at the price of his liberty; and this convention is the more legitimate because it is to the advantage of both parties.
But it is clear that this supposed right to kill the conquered is by no means
deducible from the state of war. Men, from the mere fact that, while they are living
in their primitive independence, they have no mutual relations stable enough to
constitute either the state of peace or the state of war, cannot be naturally enemies.
War is constituted by a relation between things, and not between persons; and, as
the state of war cannot arise out of simple personal relations, but only out of real
relations, private war, or war of man with man, can exist neither in the state of
nature, where there is no constant property, nor in the social state, where
everything is under the authority of the laws.

Individual combats, duels and encounters, are acts which cannot constitute a
state; while the private wars, authorised by the Establishments of Louis IX, King
of France, and suspended by the Peace of God, are abuses of feudalism, in itself an
absurd system if ever there was one, and contrary to the principles of natural right
and to all good polity.

War then is a relation, not between man and man, but between State and State,
and individuals are enemies only accidentally, not as men, nor even as citizens, but
as soldiers; not as members of their country, but as its defenders. Finally, each State
can have for enemies only other States, and not men; for between things disparate
in nature there can be no real relations.

Furthermore, this principle is in conformity with the established rules of all
times and the constant practice of all civilised peoples. Declarations of war are
intimations less to powers than to their subjects. The foreigner, whether king,
individual, or people, who robs, kills or detains the subjects, without declaring war
on the prince, is not an enemy, but a brigand. Even in real war, a just prince, while
laying hands, in the enemy’s country, on all that belongs to the public, respects the
lives and goods of individuals: he respects rights on which his own are founded.
The object of the war being the destruction of the hostile State, the other side has
a right to kill its defenders, while they are bearing arms; but as soon as they lay them
down and surrender, they cease to be enemies or instruments of the enemy, and
become once more merely men, whose life no one has any right to take. Sometimes
it is possible to kill the State without killing a single one of its members; and war
gives no right which is not necessary to the gaining of its object. These principles
are not those of Grotius: they are not based on the authority of poets, but derive
from the nature of reality and based on reason.

The right of conquest has no foundation other than the right of the strongest.
If war does not give the conqueror the right to massacre the conquered peoples,
the right to enslave them cannot be based upon a right which does not exist. No
one has a right to kill an enemy except when he cannot make him a slave, and the
right to enslave him cannot therefore be derived from the right to kill him. It is
accordingly an unfair exchange to make him buy at the price of his liberty his life,
over which the victor holds no right. Is it not clear that there is a vicious circle in
founding the right of life and death on the right of slavery, and the right of slavery
on the right of life and death?
Even if we assume this terrible right to kill everybody, I maintain that a slave made in war, or a conquered people, is under no obligation to a master, except to obey him as far as he is compelled to do so. By taking an equivalent for his life, the victor has not done him a favour; instead of killing him without profit, he has killed him usefully. So far then is he from acquiring over him any authority in addition to that of force, that the state of war continues to subsist between them: their mutual relation is the effect of it, and the usage of the right of war does not imply a treaty of peace. A convention has indeed been made; but this convention, so far from destroying the state of war, presupposes its continuance.

So, from whatever aspect we regard the question, the right of slavery is null and void, not only as being illegitimate, but also because it is absurd and meaningless. The words slave and right contradict each other, and are mutually exclusive. It will always be equally foolish for a man to say to a man or to a people: “I make with you a convention wholly at your expense and wholly to my advantage; I shall keep it as long as I like, and you will keep it as long as I like.”

5. THAT WE MUST ALWAYS GO BACK TO A FIRST CONVENTION

Even if I granted all that I have been refuting, the friends of despotism would be no better off. There will always be a great difference between subduing a multitude and ruling a society. Even if scattered individuals were successively enslaved by one man, however numerous they might be, I still see no more than a master and his slaves, and certainly not a people and its ruler; I see what may be termed an aggregation, but not an association; there is as yet neither public good nor body politic. The man in question, even if he has enslaved half the world, is still only an individual; his interest, apart from that of others, is still a purely private interest. If this same man comes to die, his empire, after him, remains scattered and without unity, as an oak falls and dissolves into a heap of ashes when the fire has consumed it.

A people, says Grotius, can give itself to a king. Then, according to Grotius, a people is a people before it gives itself. The gift is itself a civil act, and implies public deliberation. It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people; for this act, being necessarily prior to the other, is the true foundation of society.

Indeed, if there were no prior convention, where, unless the election were unanimous, would be the obligation on the minority to submit to the choice of the majority? How have a hundred men who wish for a master the right to vote on behalf of ten who do not? The law of majority voting is itself something established by convention, and presupposes unanimity, on one occasion at least.
I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert.

This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms:

The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.

This is the fundamental problem of which the Social Contract provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognised, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favour of which he renounced it.

These clauses, properly understood, may be reduced to one—the total alienation of each associate, together with all his rights, to the whole community; for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others.

Moreover, the alienation being without reserve, the union is as perfect as it can be, and no associate has anything more to demand: for, if the individuals retained certain rights, as there would be no common superior to decide between them and the public, each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical.
Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over whom he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.

If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms:

Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will. This public person, so formed by the union of all other persons formerly took the name of city, and now takes that of Republic or body politic; it is called by its members State when passive, Sovereign when active, and Power when compared with others like itself. Those who are associated in it take collectively the name of people, and severally are called citizens, as sharing in the sovereign power, and subjects, as being under the laws of the State. But these terms are often confused and taken one for another; it is enough to know how to distinguish them when they are being used with precision.

7. The Sovereign

This formula shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double capacity; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign. But the maxim of civil right, that no one is bound by undertakings made to himself, does not apply in this case; for there is a great difference between incurring an obligation to yourself and incurring one to a whole of which you form a part.

Attention must further be called to the fact that public deliberation, while competent to bind all the subjects to the Sovereign, because of the two different capacities in which each of them may be regarded, cannot, for the opposite reason, bind the Sovereign to itself; and that it is consequently against the nature of the body politic for the Sovereign to impose on itself a law which it cannot infringe. Being able to regard itself in only one capacity, it is in the position of an individual who makes a contract with himself; and this makes it clear that there neither is nor can be any kind of fundamental law binding on the body of the people—not even the social contract itself. This does not mean that the body politic cannot enter into undertakings with others, provided the contract is not infringed by them; for in relation to what is external to it, it becomes a simple being, an individual.

But the body politic or the Sovereign, drawing its being wholly from the sanctity of the contract, can never bind itself, even to an outsider, to do anything
derogatory to the original act, for instance, to alienate any part of itself, or to submit
to another Sovereign. Violation of the act by which it exists would be self-
annihilation; and that which is itself nothing can create nothing.

As soon as this multitude is so united in one body, it is impossible to offend
against one of the members without attacking the body, and still more to offend
against the body without the members resenting it. Duty and interest therefore
equally oblige the two contracting parties to give each other help; and the same
men should seek to combine, in their double capacity, all the advantages depen-
dent upon that capacity.

Again, the Sovereign, being formed wholly of the individuals who compose it,
neither has nor can have any interest contrary to theirs; and consequently the
sovereign power need give no guarantee to its subjects, because it is impossible for
the body to wish to hurt all its members. We shall also see later on that it cannot
hurt any in particular. The Sovereign, merely by virtue of what it is, is always what
it should be.

This, however, is not the case with the relation of the subjects to the Sovereign,
which, despite the common interest, would have no security that they would full
their undertakings, unless it found means to assure itself of their fidelity.

In fact, each individual, as a man, may have a particular will contrary or
dissimilar to the general will which 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 make him look upon what he owes to the
common cause as a gratuitous contribution, the loss of which will do less harm to
others than the payment of it is burdensome to himself; and, regarding the moral
person which constitutes the State as a persona ficta, because not a man, he may
wish to enjoy the rights of citizenship without being ready to fullfil the duties of
a subject. The continuance of such an injustice could not but prove the undoing
of the body politic.

In order then that the social compact may not be an empty formula, it tacitly
includes the undertaking, which alone can give force to the rest, that whoever
refuses to obey the general will shall be compelled to do so by the whole body. This
means nothing less than that he will be forced to be free; for this is the condition
which, by giving each citizen to his country, secures him against all personal
dependence. In this lies the key to the working of the political machine; this alone
legitimises civil undertakings, which, without it, would be absurd, tyrannical, and
liable to the most frightful abuses.

8. The Civil State

The passage from the state of nature to the civil state produces a very remarkable
change in man, by substituting justice for instinct in his conduct, and giving his
actions the morality they had formerly lacked. Then only, when the voice of duty
takes the place of physical impulses and right of appetite, does man, who so far had
considered only himself, find that he is forced to act on different principles, and
to consult his reason before listening to his inclinations. Although, in this state,
he deprives himself of some advantages which he got from nature, he gains in
return others so great, his faculties are so stimulated and developed, his ideas so
extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the
abuses of this new condition often degrade him below that which he left, he would
be bound to bless continually the happy moment which took him from it for ever,
and, instead of a stupid and unimaginative animal, made him an intelligent being
and a man.

Let us draw up the whole account in terms easily commensurable. What man
loses by the social contract is his natural liberty and an unlimited right to
everything he tries to get and succeeds in getting; what he gains is civil liberty and
the proprietorship of all he possesses. If we are to avoid mistake in weighing one
against the other, we must clearly distinguish natural liberty, which is bounded
only by the strength of the individual, from civil liberty, which is limited by the
general will; and possession, which is merely the effect of force or the right of the
first occupier, from property, which can be founded only on a positive title.

We might, over and above all this, add, to what man acquires in the civil state,
moral liberty, which alone makes him truly master of himself; for the mere impulse
of appetite is slavery, while obedience to a law which we prescribe to ourselves is
liberty. But I have already said too much on this head, and the philosophical
meaning of the word liberty does not now concern us.