Man is born free, and everywhere he is in chains. Many a one believes himself the master of others, and yet he is a greater slave than they. How has this change come about? I do not know. What can render it legitimate? I believe that I can settle this question.

If I considered only force and the results that proceed from it, I should say that so long as a people is compelled to obey and does obey, it does well; but that, so soon as it can shake off the yoke and does shake it off, it does better; for, if men recover their freedom by virtue of the same right by which it was taken away, either they are justified in resuming it, or there was no justification for depriving them of it. But the social order is a sacred right, which serves as a foundation for depriving all others. This right, however, does not come from nature. It is therefore based on conventions. The question is to know what these conventions are. Before coming to that, I must establish what I have just laid down.

The earliest of all societies, and the only natural one, is the family; yet children remain attached to their father only so long as they have need of him for their own preservation. As soon as this need ceases, the natural bond is dissolved. The children being freed from the obedience which they owed to their father, and the father from the cares which he owed to his children, become equally independent. If they remain united, it is no longer naturally but voluntarily; and the family itself is kept together only by convention.

This common liberty is a consequence of man’s nature. His first law is to attend to his own preservation, his first cares are those which he owes to
himself; and as soon as he comes to years of discretion, being sole judge of
the means adapted for his own preservation, he becomes his own master.

The family is, then, if you will, the primitive model of political societies;
the chief is the analogue of the father, while the people represent the chil-
dren; and all, being born free and equal, alienate their liberty only for their
own advantage. The whole difference is that, in the family, the father’s love
for his children repays him for the care that he bestows upon them; while, in
the State, the pleasure of ruling makes up for the chief’s lack of love for his
people. . . . Aristotle, before them all, had likewise said that men are not nat-
urally equal, but that some are born for slavery and others for dominion.

Aristotle was right, but he mistook the effect for the cause. Every man
born in slavery is born for slavery; nothing is more certain. Slaves lose every-
thing in their bonds, even the desire to escape from them; they love their
servitude as the companions of Ulysses loved their brutishness. If, then, there
are slaves by nature, it is because there have been slaves contrary to nature.
The first slaves were made such by force; their cowardice kept them in
bondage. . . .

The strongest man is never strong enough to be always master, unless he
transforms his power into right, and obedience into duty. Hence the right of
the strongest—a right apparently assumed in irony, and really established in
principle. But will this phrase never be explained to us? Force is a physical
power; I do not see what morality can result from its effects. To yield to force
is an act of necessity, not of will; it is at most an act of prudence. In what
sense can it be a duty?

Let us assume for a moment this pretended right. I say that nothing
results from it but inexplicable nonsense; for if force constitutes right, the
effect changes with the cause, and any force which overcomes the first suc-
ceds to its rights. As soon as men can disobey with impunity, they may do
so legitimately; and since the strongest is always in the right, the only thing
is to act in such a way that one may be the strongest. But what sort of a right
is it that perishes when force ceases? If it is necessary to obey by compul-
sion, there is no need to obey from duty; and if men are no longer forced to
obey, obligation is at an end. We see then, that this word *right* adds nothing
to force; it here means nothing at all. . . .

Since no man has any natural authority over his fellowmen, and since
force is not the source of right, conventions remain as the basis of all lawful
authority among men.

If an individual, says Grotius, can alienate his liberty and become the
slave of a master, why should not a whole people be able to alienate theirs,
and become subject to a king? In this there are many equivocal terms requiring explanation; but let us confine ourselves to the word *alienate*. To alienate is to give or sell. Now, a man who becomes another’s slave does not give himself; he sells himself at the very least for his subsistence. But why does a nation sell itself? So far from a king supplying his subjects with their subsistence, he draws his from them.

It will be said that the despot secures to his subjects civil peace. Be it so; but what do they gain by that, if the wars which his ambition brings upon them, together with his insatiable greed and the vexations of his administration, harass them more than their own dissensions would? What do they gain by it if this tranquillity is itself one of their miseries? Men live tranquilly also in dungeons; is that enough to make them contented there?

Even if each person could alienate himself, he could not alienate his children; they are born free men; their liberty belongs to them, and no one has a right to dispose of it except themselves.

To renounce one’s liberty is to renounce one’s quality as a man, the rights and also the duties of humanity. For him who renounces everything there is no possible compensation. Such a renunciation is incompatible with man’s nature, for to take away all freedom from his will is to take away all morality from his actions. In short, a convention which stipulates absolute authority on the one side and unlimited obedience on the other is vain and contradictory. Is it not clear that we are under no obligations whatsoever toward a man from whom we have a right to demand everything? And does not this single condition, without equivalent, without exchange, involve the nullity of the act?

There will always be a great difference between subduing a multitude and ruling a society. When isolated men, however numerous they may be, are subjected one after another to a single person, this seems to me only a case of master and slaves, not of a nation and its chief; they form, if you will, an aggregation, but not an association, for they have neither public property nor a body politic. Such a man, had he enslaved half the world, is never anything but an individual; his interest, separated from that of the rest, is never anything but a private interest. If he dies, his empire after him is left disconnected and disunited, as an oak dissolves and becomes a heap of ashes after the fire has consumed it.

A nation, says Grotius, can give itself to a king. According to Grotius, then, a nation is a nation before it gives itself to a king. This gift itself is a
civil act, and presupposes a public resolution. Consequently, before examin-
ing the act by which a nation elects a king, it would be proper to examine the
act by which a nation becomes a nation; for this act, being necessarily ante-
rior to the other, is the real foundation of the society.

In fact, if there were no anterior convention, where, unless the election
were unanimous, would be the obligation upon the minority to submit to the
decision of the majority? And whence do the hundred who desire a master
derive the right to vote on behalf of ten who do not desire one? The law of
the plurality votes is itself established by convention, and presupposes una-
nimity once at least.

I assume that men have reached a point at which the obstacles that
endanger their preservation in the state of nature overcome by their resistance
the forces which each individual can exert with a view to maintaining him-
self in that state. Then this primitive condition cannot longer subsist, and the
human race would perish unless it changed its mode of existence.

Now as men cannot create any new forces, but only combine and direct
those that exist, they have no other means of self-preservation than to form
by aggregation a sum of forces which may overcome the resistance, to put
them in action by a single motive power, and to make them work in concert.

This sum of forces can be produced only by the combination of many;
but the strength and freedom of each man being the chief instruments of his
preservation, how can he pledge them without injuring himself, and without
neglecting the cares which he owes to himself? This difficulty, applied to my
subject, may be expressed in these terms:—

“To find a form of association which may defend and protect with the
whole force of the community the person and property of every associate,
and by means of which, coalescing with all, may nevertheless obey only him-
self, and remain as free as before.” Such is the fundamental problem of which
the social contract furnishes the solution.

The clauses of this contract are so determined by the nature of the act
that the slightest modification would render them vain and ineffectual; so
that, although they have never perhaps been formally enunciated, they are
everywhere the same, everywhere tacitly admitted and recognized until, the
social pact being violated, each man regains his original rights and recovers
his natural liberty while losing the conventional liberty for which he
renounced it.

These clauses, rightly understood, are reducible to one only, viz, the
total alienation to the whole community of each associate with all his rights;
for, in the first place, since each gives himself up entirely, the conditions are
equal for all; and, the conditions being equal for all, no one has any interest in making them burdensome to others.

Further, the alienation being made without reserve, the union is as perfect as it can be, and an individual associate can no longer claim anything; for, if any rights were left to individuals, since there would be no common superior who could judge between them and the public, each, being on some point his own judge, would soon claim to be so on all; the state of nature would still subsist, and the association would necessarily become tyrannical or useless.

In short, each giving himself to all, give himself to nobody; and as there is not one associate over whom we do not acquire the same rights which we concede to him over ourselves, we gain the equivalent of all that we lose, and more power to preserve what we have.

If, then, we set aside what is not of the essence of the social contract, we shall find that it is reducible to the following terms: “Each of us puts in common his person and his whole power under the supreme direction of the general will; and in return we receive every member as an indivisible part of the whole.”

Forthwith, instead of the individual personalities of all the contracting parties, this act of association produces a moral and collective body, which is composed of as many members as the assembly has voices, and which receives from this same act its unity, its common self (*moi*), its life, and its will. This public person, which is thus formed by the union of all the individual members, formerly took the name of *city*, and now takes that of *republic* or *body politic*, which is called by its members *State* when it is passive, *sovereign* when it is active, *power* when it is compared to similar bodies. With regard to the associates, they take collectively the name of *people*, and are called individually *citizens*, as participating in the sovereign power, and *subjects*, as subjected to the laws of the State. But these terms are often confused and are mistaken one for another; it is sufficient to know how to distinguish them when they are used with complete precision.

We see from this formula that the act of association contains a reciprocal engagement between the public and individuals, and that every individual, contracting so to speak with himself, is engaged in a double relation, viz, as a member of the sovereign toward individuals, and as a member of the State toward the sovereign. But we cannot apply here the maxim of civil law that no one is bound by engagements made with himself; for there is a great difference between being bound to oneself and to a whole of which one forms part.
We must further observe that the public resolution which can bind all subjects to the sovereign in consequence of the two different relations under which each of them is regarded cannot, for a contrary reason, bind the sovereign to itself; and that accordingly it is contrary to the nature of the body politic for the sovereign to impose on itself a law which it cannot transgress. As it can only be considered under one and the same relation, it is in the position of an individual contracting with himself; whence we see that there is not, nor can be, any kind of fundamental law binding upon the body of the people, not even the social contract. This does not imply that such a body cannot perfectly well enter into engagements with others in what does not derogate from this contract; for, with regard to foreigners, it becomes a simple being, an individual.

But the body politic or sovereign, deriving its existence only from the sanctity of the contract, can never bind itself, even to others, in anything that derogates from the original act, such as alienation of some portion of itself, or submission to another sovereign. To violate the act by which it exists would be to annihilate itself; and what is nothing produces nothing.

So soon as the multitude is thus united in one body, it is impossible to injure one of the members without attacking the body, still less to injure the body without the members feeling the effects. Thus duty and interest alike oblige the two contracting parties to give mutual assistance; and the men themselves should seek to combine in this twofold relationship all the advantages which are attendant on it.

Now, the sovereign, being formed only of the individuals that compose it, neither has nor can have any interest contrary to theirs; consequently the sovereign power needs no guarantee toward its subjects, because it is impossible that the body should wish to injure all its members; and we shall see hereafter that it can injure no one as an individual. The sovereign, for the simple reason that it is so, is always everything that it ought to be.

But this is not the case as regards the relation of subjects to the sovereign, which, notwithstanding the common interest, would have no security for the performance of their engagements, unless it found means to ensure their fidelity.

Indeed, every individual may, as a man, have a particular will contrary to, or divergent from, the general will which he has as a citizen; his private interest may prompt him quite differently from the common interest; his absolute and naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution, the loss of which will be less harmful to others than the payment of it will be burdensome to him;
and, regarding the moral person that constitutes the State as an imaginary being because it is not a man, he would be willing to enjoy the rights of a citizen without being willing to fulfil the duties of a subject. The progress of such injustice would bring about the ruin of the body politic.

In order, then, that the social pact may not be a vain formulary, it tacitly includes this engagement, which can alone give force to the others, that whoever refuses to obey the general will shall be constrained to do so by the whole body; which means nothing else than that he shall be forced to be free; for such is the condition which, uniting every citizen to his native land, guarantees him from all personal dependence, a condition that insures the control and working of the political machine, and alone renders legitimate civil engagements, which, without it, would be absurd and tyrannical and subject to the most enormous abuses.

The passage from the state of nature to the civil state produces in man a very remarkable change, by substituting in his conduct justice for instinct, and by giving his actions the moral quality that they previously lacked. It is only when the voice of duty succeeds physical impulse, and law succeeds appetite, that man, who till then had regarded only himself, sees that he is obliged to act on other principles, and to consult his reason before listening to his inclinations. Although, in this state, he is deprived of many advantages that he derives from nature, he acquires equally great ones in return; his faculties are exercised and developed; his ideas are expanded; his feelings are ennobled; his whole soul is exalted to such a degree that, if the abuses of this new condition did not often degrade him below that from which he has emerged, he ought to bless without ceasing the happy moment that released him from it for ever, and transformed him from a stupid and ignorant animal into an intelligent being and a man.

Let us reduce this whole balance to terms easy to compare. What man loses by the social contract is his natural liberty and an unlimited right to anything which tempts him and which he is able to attain: what he gains is civil liberty and property in all that he possess. In order that we may not be mistaken about these compensations, we must clearly distinguish natural liberty, which is limited only by the powers of the individual, from civil liberty, which is limited by the general will; and possession, which is nothing but the result of force or the right of first occupancy, from property, which can be based only on a positive title.

Besides the preceding, we might add to the acquisitions of the civil state moral freedom, which alone renders man truly master of himself; for the
impulse of mere appetite is slavery, while obedience to a self-prescribed law is liberty. . . .

Every member of the community at the moment of its formation gives himself up to it, just as he actually is, himself and all his powers, of which the property that he possesses forms part. By this act, possession does not change its nature when it changes hands, and become property in those of the sovereign; but, as the powers of the State (cité) are incomparably greater than those of an individual, public possession is also, in fact, more secure and more irrevocable, without being more legitimate, at least in respect of foreigners; for the State, with regard to its members, is owner of all their property by the social contract, which, in the State, serves as the basis of all rights; but with regard to other powers, it is owner only by the right of first occupancy which it derives from individuals.

The right of first occupancy, although more real than that of the strongest, becomes a true right only after the establishment of that property. Every man has by nature a right to all that is necessary to him; but the positive act which makes him proprietor of certain property excludes him from all the residue. His portion having been allotted, he ought to confine himself to it, and he has no further right to the undivided property. That is why the right of first occupancy, so weak in the state of nature, is respected by every member of a State. In this right men regard not so much what belongs to others as what does not belong to themselves.

In order to legalize the right of first occupancy over any domain whatsoever, the following conditions are, in general, necessary: first, the land must not yet be inhabited by any one; secondly, a man must occupy only the area required for his subsistence; thirdly, he must take possession of it, not by an empty ceremony, but by labor and cultivation, the only mark of ownership which, in default of legal title, ought to be respected by others.

The peculiarity of this alienation is that the community, in receiving the property of individuals, so far from robbing them of it, only assures them lawful possession, and changes usurpation into true right, enjoyment into ownership. Also, the possessors being considered as depositaries of the public property, and their rights being respected by all the members of the State, as well as maintained by all its power against foreigners, they have, as it were, by a transfer advantageous to the public and still more to themselves, acquired all that they have given up—a paradox which is easily explained by
distinguishing between the rights which the sovereign and the proprietor
have over the same property, as we shall see hereafter.

It may also happen that men begin to unite before they possess anything,
and that afterward occupying territory sufficient for all, they enjoy it in com-
mon, or share it among themselves, either equally or in proportions fixed by
the sovereign. In whatever way this acquisition is made, the right which
every individual has over his own property is always subordinate to the right
which the community has over all; otherwise there would be no stability in
the social union, and no real force in the exercise of sovereignty. . . .

Instead of destroying natural equality, the fundamental pact, on the
contrary, substitutes a moral and lawful equality for the physical inequality
which nature imposed upon men, so that, although unequal in strength or
intellect, they all become equal by convention and legal right.

The first and most important consequence of the principles above estab-
lished is that the general will alone can direct the forces of the State accord-
ing to the object of its institution, which is the common good; for if the
opposition of private interests has rendered necessary the establishment of
societies, the agreement of these same interests has rendered it possible. That
which is common to these different interests forms the social bond; and
unless there were some point in which all interests agree, no society could
exist. Now, it is solely with regard to this common interest that the society
should be governed.

I say, then, that sovereignty, being nothing but the exercise of the gen-
eral will, can never be alienated, and that the sovereign power, which is only
a collective being, can be represented by itself alone; power indeed can be
transmitted, but not will.

In fact, if it is not impossible that a particular will should agree on some
point with the general will, it is at least impossible that this agreement should
be lasting and constant; for the particular will naturally tends to preferences,
and the general will to equality. It is still more impossible to have a security
for this agreement; even though it should always exist, it would not be a
result of art, but of chance. . . . If then, the nation simply promises to obey, it
dissolves itself by that act and loses its character as a people; the moment
there is a master, there is no longer a sovereign, and forthwith the body
politic is destroyed. . . .

For the same reason that sovereignty is inalienable it is indivisible; for the
will is either general, or it is not; it is either that of the body of the people, or
that of only a portion. In the first case, this declared will is an act of sovereignty
and constitutes law; in the second case, it is only a particular will, or an act of magistracy—it is at most a decree.

But our publicists, being unable to divide sovereignty in its principle, divide it in its object. They divide it into force and will, into legislative power and executive power; into rights of taxation, of justice, and of war; into internal administration and power of treating with foreigners—sometimes confounding all these departments, and sometimes separating them. They make the sovereign a fantastic being, formed of connected parts; it is as if they composed a man of several bodies, one with eyes, another with arms, another with feet, and nothing else. . . .

This error arises from their not having formed exact notions about the sovereign authority, and from their taking as parts of this authority what are only emanations from it. Thus, for example, the acts of declaring war and making peace have been regarded as acts of sovereignty, which is not the case, since neither of them is a law, but only an application of the law, a particular act which determines the case of the law, as will be clearly seen when the idea attached to the word law is fixed.

By following out the other divisions in the same way it would be found that, whenever the sovereignty appears divided, we are mistaken in our supposition; and that the rights which are taken as parts of that sovereignty are all subordinate to it, and always suppose supreme wills of which these rights are merely executive. . . .

It follows from what precedes that the general will is always right and always tends to the public advantage; but it does not follow that the resolutions of the people have always the same rectitude. Men always desire their own good, but do not always discern it; the people are never corrupted, though often deceived, and it is only then that they seem to will what is evil.

There is often a great deal of difference between the will of all and the general will; the latter regards only the common interest, while the former has regard to private interests, and is merely a sum of particular wills; but take away from these same wills the pluses and minuses which cancel one another, and the general will remains as the sum of the differences.

If the people come to a resolution when adequately informed and without any communication among the citizens, the general will would always result from the great number of slight differences, and the resolution would always be good. But when factions, partial associations, are formed to the detriment of the whole society, the will of each of these associations becomes general with reference to its members, and particular with reference to the State; it may then be said that there are no longer as many voters as there are
men, but only as many voters as there are associations. The differences become less numerous and yield a less general result. Lastly, when one of these associations becomes so great that it predominates over all the rest, you no longer have as the result a sum of small differences, but a single difference; there is then no longer a general will, and the opinion which prevails is only a particular opinion.

It is important, then, in order to have a clear declaration of the general will, that there should be no partial association in the State, and that every citizen should express only his own opinion. . . . If the State or city is nothing but a moral person, the life of which consists in the union of its members, and if the most important of its cares is that of self-preservation, it needs a universal and compulsive force to move and dispose every part in the manner most expedient for the whole. As nature gives every man an absolute power over all his limbs, the social pact gives the body politic an absolute power over all its members; and it is this same power which, when directed by the general will, bears, as I said, the name of sovereignty.

But besides the public person, we have to consider the private persons who compose it, and whose life and liberty are naturally independent of it. The question, then, is to distinguish clearly between the respective rights of the citizens and of the sovereign, as well as between the duties which the former have to fulfil in their capacity as subjects and the natural rights which they ought to enjoy in their character as men.

It is admitted that whatever part of his power, property, and liberty each one alienates by the social compact is only that part of the whole of which the use is important to the community; but we must also admit that the sovereign alone is judge of what is important.

All the services that a citizen can render to the State he owes to it as soon as the sovereign demands them; but the sovereign on its part, cannot impose on its subjects any burden which is useless to the community; it cannot even wish to do so, for, by the law of reason, just as by the law of nature, nothing is done without a cause.

The engagements which bind us to the social body are obligatory only because they are mutual; and their nature is such that in fulfilling them we cannot work for others without also working for ourselves. Why is the general will always right, and why do all invariably desire the prosperity of each, unless it is because there is no one but appropriates to himself this word *each* and thinks of himself in voting on behalf of all? This proves that equality of rights and the notion of justice that it produces are derived from the preference which each gives to himself, and consequently from man’s nature; that the general will, to
be truly such, should be so in its object as well as in its essence; that it ought to proceed from all in order to be applicable to all; and that it loses its natural rectitude when it tends to some individual and determinate object, because in that case, judging of what is unknown to us, we have no true principle of equity to guide us.

Indeed, so soon as a particular fact or right is in question with regard to a point which has not been regulated by an anterior general convention, the matter becomes contentious; it is a process in which the private persons interested are one of the parties and the public the other, but in which I perceive neither the law which must be followed, nor the judge who should decide. It would be ridiculous in such a case to wish to refer the matter for an express decision of the general will, which can be nothing but the decision of one of the parties, and which, consequently, is for the other party only a will that is foreign, partial, and inclined on such an occasion to injustice as well as liable to error. Therefore, just as a particular will cannot represent the general will, the general will in turn change its nature when it has a particular end, and cannot, as general, decide about either a person or a fact. . . . This will appear contrary to common ideas, but I must be allowed time to expound my own.

From this we must understand that what generalizes the will is not so much the number of voices as the common interest which unites them; for, under this system, each necessarily submits to the conditions which he imposes on others—an admirable union of interest and justice, which gives to the deliberations of the community a spirit of equity that seems to disappear in the discussion of any private affair, for want of a common interest to unite and identify the ruling principle of the judge with that of the party.

By whatever path we return to our principle we always arrive at the same conclusion, viz, that the social compact establishes among the citizens such an equality that they all pledge themselves under the same conditions and ought all to enjoy the same rights. Thus, by the nature of the compact, every act of sovereignty, that is, every authentic act of the general will, binds or favors equally all the citizens; so that the sovereign knows only the body of the nation, and distinguishes none of those that compose it.

What, then, is an act of sovereignty properly so called? It is not an agreement between a superior and an inferior, but an agreement of the body with each of its members; a lawful agreement, because it has the social contract as its foundation; equitable, because it is common to all; useful, because it can have no other object than the general welfare; and stable, because it has the public force and the supreme power as a guarantee. So long as the sub-
jects submit only to such conventions, they obey no one, but simply their own will; and to ask how far the respective rights of the sovereign and citizens extend is to ask up to what point the latter can make engagements among themselves, each with all and all with each.

Thus we see that the sovereign power, wholly absolute, wholly sacred, and wholly inviolable as it is, does not, and cannot, pass the limits of general conventions, and that every man can fully dispose of what is left to him, of his property and liberty by these conventions; so that the sovereign never has a right to burden one subject more than another, because then the matter becomes particular and his power is no longer competent.

These distinctions once admitted, so untrue is it that in the social contract there is on the part of individuals any real renunciation, that their situation, as a result of this contract, is in reality preferable to what it was before, and that, instead of an alienation, they have only made an advantageous exchange of an uncertain and precarious mode of existence for a better and more assured one, of natural independence for liberty, of the power to injure others for their own safety, and of their strength, which others might overcome, for a right which the social union renders inviolable. Their lives, also, which they have devoted to the State, are continually protected by it; and in exposing their lives for its defense, what do they do but restore what they have received from it? What do they do but what they would do more frequently and with more risk in the state of nature, when, engaging in inevitable struggles, they would defend at the peril of their lives their means of preservation? All have to fight for their country in case of need, it is true; but then no one ever has to fight for himself. Do we not gain, moreover, by incurring, for what insures our safety, a part of the risks that we should have to incur for ourselves individually, as soon as we were deprived of it? . . .

The social treaty has as its end the preservation of the contracting parties. He who desires the end desires also the means, and some risks, even some losses, are inseparable from these means. He who is willing to preserve his life at the expense of others ought also to give it up for them when necessary. Now, the citizen is not a judge of the peril to which the law requires that he should expose himself; and when the prince has said to him: “It is expedient for the State that you should die,” he ought to die, since it is only on this condition that he has lived in security up to that time, and since his life is no longer merely a gift of nature, but a conditional gift of the State.

The penalty of death inflicted on criminals may be regarded almost from the same point of view; it is in order not to be the victim of an assassin that
a man consents to die if he becomes one. In this treaty, far from disposing of
his own life, he thinks only of securing it, and it is not to be supposed that
any of the contracting parties contemplates at the time being hanged.

Moreover, every evil-doer who attacks social rights becomes by his
crimes a rebel and a traitor to his country; by violating its laws he ceases to
be a member of it, and even makes war upon it. Then the preservation of
the State is incompatible with his own—one of the two must perish; and when a
guilty man is executed, it is less as a citizen than as an enemy. The proceed-
ings and the judgment are the proofs and the declaration that he has broken
the social treaty, and consequently that he is no longer a member of the State.
Now, as he has acknowledged himself to be such, at least by his residence, he
ought to be cut off from it by exile as a violator of the compact, or by death
as a public enemy; for such an enemy is not a moral person, he is simply a
man; and this is a case in which the right of war is to slay the vanquished.

By the social compact we have given existence and life to the body
politic; the question now is to endow it with movement, and will by legisla-
tion. For the original act by which this body is formed and consolidated
determines nothing in addition as to what it must do for its own preservation.

What is right and conformable to order is such by the nature of things,
and independently of human conventions. . . . Without doubt there is a uni-
versal justice emanating from reason alone; but this justice, in order to be
admitted among us, should be reciprocal. Regarding things from a human
standpoint, the laws of justice are inoperative among men for want of a nat-
ural sanction; they only bring good to the wicked and evil to the just when
the latter observe them with every one, and no one observes them in return.
Conventions and laws, then, are necessary to couple rights with duties and
apply justice to its object. In the state of nature, where everything is in com-
mon, I owe nothing to those to whom I have promised nothing; I recognize
as belonging to others only what is useless to me. This is not the case in the
civil state, in which all rights are determined by law.

But then, finally, what is a law? So long as men are content to attach to
this word only metaphysical ideas, they will continue to argue without being
understood; and when they have stated what a law of nature is, they will
know better what a law of the State is.

I have already said there is no general will with reference to a particular
object. . . . But when the whole people decree concerning the whole people,
they consider themselves alone; and if a relation is then constituted it is
between the whole object under one point of view and the whole object under another point of view, without any division at all. Then the matter respecting which they decree is general like the will that decrees. It is this act I call a law.

When I say that the object of the laws is always general, I mean that the law considers subjects collectively, and actions as abstract, never a man as an individual nor a particular action. Thus the law may indeed decree that there shall be privileges, but cannot confer them on any person by name; the law can create several classes of citizens, and even assign the qualifications which shall entitle them to rank in these classes, but it cannot nominate such and such persons to be admitted to them; it can establish a royal government and a hereditary succession, but cannot elect a king or appoint a royal family; in a word, no function which has reference to an individual object appertains to the legislative power.

From this standpoint we see immediately that it is no longer necessary to ask whose office it is to make laws, since they are acts of the general will; nor whether the prince is above the laws, since he is a member of the State; nor whether the law can be unjust, since no one is unjust to himself; nor how we are free and yet subject to the laws, since the laws are only registers of our wills.

We see, further, that since the law combines the universality of the will with the universality of the object, whatever any man prescribes on his own authority is not a law; and whatever the sovereign itself prescribes respecting a particular object is not a law, but a decree, not an act of sovereignty, but of magistracy.

I therefore call any State a republic which is governed by laws, under whatever form of administration it may be; for then only does the public interest predominate and the commonwealth count for something. Every legitimate government is republican; I will explain thereafter what government is.

Laws are properly only the conditions of civil association. The people, being subjected to the laws, should be the authors of them; it concerns only the associates to determine the conditions of association. But how will they be determined? Will it be by a common agreement, by a sudden inspiration? Has the body politic an organ for expressing its will? Who will give it the foresight necessary to frame its acts and publish them at the outset? Or how shall it declare them in the hour of need? How would a blind multitude, which often knows not what it wishes because it rarely knows what is good for it, execute of itself an enterprise so great, so difficult, as a system of legislation? Of themselves, the people always desire what is good, but do not always discern it. The general will is always right, but the judgment which
guides it is not always enlightened. It must be made to see objects as they are, sometimes as they ought to appear; it must be shown the good path that it is seeking, and guarded from the seduction of private interests; it must be made to observe closely times and place, and to balance the attraction of immediate and palpable advantages against the danger of remote and concealed evils. Individuals see the good which they reject; the public desire the good which they do not see. All alike have need of guides. The former must be compelled to conform their wills to their reason; the people must be taught to know what they require. Then from the public enlightenment results the union of the understanding and the will in the social body; and from that the close co-operation of the parts, and, lastly, the maximum power of the whole. Hence arises the need of a legislator.

In order to discover the rules of association that are most suitable to nations, a superior intelligence would be necessary who could see all the passions of men without experiencing any of them; who would have no affinity with our nature and yet know it thoroughly; whose happiness would not depend on us, and who would nevertheless be quite willing to interest himself in ours; and, lastly, one who, storing up for himself with the progress of time a far-off glory in the future, could labor in one age and enjoy in another. Gods would be necessary to give laws to men. . . .

He who dares undertake to give institutions to a nation ought to feel himself capable, as it were, of changing human nature; of transforming every individual, who in himself is a complete and independent whole, into part of a greater whole, from which he receives in some manner his life and his being; of altering man’s constitution in order to strengthen it; of substituting a social and moral existence for the independent and physical existence which we have all received from nature. In a word, it is necessary to deprive man of his native powers in order to endow him with some which are alien to him, and of which he cannot make use without the aid of other people. The more thoroughly those natural powers are deadened and destroyed, the greater and more durable are the acquired powers, the more solid and perfect also are the institutions; so that if every citizen is nothing, and can be nothing, except in combination with all the rest, and if the force acquired by the whole be equal or superior to the sum of the natural forces of all the individuals, we may say that legislation is at the highest point of perfection which it can attain.

The legislator is in all respects an extraordinary man in the State. If he ought to be so by his genius, he is not less so by his office. It is not magistracy nor sovereignty. This office, which constitutes the republic, does not enter into its constitution; it is a special and superior office, having nothing in common
with human government; for if he who rules men ought not to control legislation, he who controls legislation ought not to rule men; otherwise his laws, being ministers of his passions, would often serve only to perpetrate his acts of injustice; he would never be able to prevent private interests from corrupting the sacredness of his work. . . . He who frames laws, then, has, or ought to have, no legislative right, and the people themselves cannot, even if they wished, divest themselves of this incommunicable right, because, according to the fundamental compact, it is only the general will that binds individuals, and we can never be sure that a particular will is comformable to the general will until it has been submitted to the free votes of the people.

Every free action has two causes concurring to produce it; the one moral, viz, the will which determines the act, the other physical, viz, the power which executes it. When I walk toward an object, I must first will to go to it; in the second place, my feet must carry me to it. Should a paralytic wish to run, or an active man not wish to do so, both will remain where they are. The body politic has the same motive powers; in it, likewise, force and will are distinguished, the latter under the name of legislative power, the former under the name of executive power. Nothing is, or ought to be, done in it without their co-operation.

We have seen that the legislative power belongs to the people, and can belong to it alone. On the other hand, it is easy to see from the principles already established, that the executive power cannot belong to the people generally as legislative or sovereign, because that power is exerted only in particular acts, which are not within the province of the law, nor consequently within that of the sovereign, all the acts of which must be laws.

The public force, then, requires a suitable agent to concentrate it and put it in action according to the directions of the general will, to serve as a means of communication between the State and the sovereign, to effect in some manner in the public person what the union of soul and body effects in a man. This is, in the State, the function of the government, improperly confounded with the sovereign of which it is only the minister.

What, then, is the government? An intermediate body established between the subjects and the sovereign for their mutual correspondence, charged with the execution of the laws and with the maintenance of liberty both civil and political.

The members of this body are called magistrates or kings that is, governors; and the body as a whole bears the name of Prince. Those therefore who
maintain that the act by which a people submits to its chiefs is not a contract
are quite right. It is absolutely nothing but a commission, an employment, in
which, as simple officers of the sovereign, they exercise in its name the
power of which it has made them depositaries, and which it can limit, modi-
ify, and resume when it pleases. The alienation of such a right, being incompati-
ble with the nature of the social body, is contrary to the object of the
association.

Consequently, I give the name government or supreme administration to
the legitimate exercise of the executive power, and that of Prince or magis-
trate to the man or body charged with that administration.

It is in the government that are found the intermediate powers, the rela-
tions of which constitute the relation of the whole to the whole, or of the sov-
eign to the State. This last relation can be represented by that of the
extremes of a continued proportion, of which the mean proportional is the
government. The government receives from the sovereign the commands
which it gives to the people; and in order that the State may be in stable equi-
librium, it is necessary, everything being balanced, that there should be
equality between the product or the power of the government taken by itself,
and the product or the power of the citizens, who are sovereign in the one
aspect and subjects in the other.

Further, we could not alter any of the three terms without at once
destroying the proportion. If the sovereign wishes to govern, or if the magis-
trate wishes to legislate, or if the subjects refuse to obey, disorder succeeds
order, force and will no longer act in concert, and the State being dissolved
falls into despotism or anarchy. Lastly, as there is but one mean proportional
between each relation, there is only one good government possible in a State;
but as a thousand events may change the relations of a people, not only may
different governments be good for different peoples, but for the same people
at different times.

... Now, the less the particular wills correspond with the general will, that
is, customs with laws, the more should the repressive power be increased.
The government, then, in order to be effective, should be relatively stronger
in proportion as the people are more numerous.

On the other hand, as the aggrandizement of the State gives the deposi-
taries of the public authority more temptations and more opportunities to abuse
their power, the more force should the government have to restrain the people,
and the more should the sovereign have in its turn to restrain the government.
There is this essential difference between those two bodies, that the State
exists by itself, while the government exists only through the sovereign. Thus
the dominant will of the Prince is, or ought to be, only the general will, or the
law; its force is only the public force concentrated in itself; so soon as it
wishes to perform of itself some absolute and independent act, the connec-
tion of the whole begins to be relaxed. If, lastly, the Prince should chance to
have a particular will more active than that of the sovereign, and if, to enforce
obedience to this particular will, it should employ the public force which is
in its hands, in such a manner that there would be, so to speak, two sover-
eigns, the one *de jure* and the other *de facto*, the social union would imme-
diately disappear, and the body politic would be dissolved.

Further, in order that the body of the government may have an existence,
a real life to distinguish it from the body of the State; in order that all its mem-
bers may be able to act in concert and fulfill the object for which it is instituted,
a particular personality is necessary to it, a feeling common to its members, a
force, a will of its own tending to its preservation. This individual existence
supposes assemblies, councils, a power of deliberating and resolving, rights,
titles, and privileges which belong to the Prince exclusively, and which render
the position of the magistrate more honorable in proportion as it is more ardu-
ous. The difficulty lies in the method of disposing, within the whole, this sub-
ordinate whole, in such a way that it may not weaken the general constitution
in strengthening its own; that its particular force, intended for its own preser-
vation, may always be kept distinct from the public force, designed for the
preservation of the State; and, in a word, that it may always be ready to sacri-
fice the government to the people, and not the people to the government.

So long as a number of men in combination are considered as a single
body, they have but one will, which relates to the common preservation and
to the general well-being. In such a case all the forces of the State are vigor-
ous and simple, and its principles are clear and luminous; it has no confused
and conflicting interests; the common good is everywhere plainly manifest
and only good sense is required to perceive it. . . .

A State thus governed needs very few laws; and in so far as it becomes
necessary to promulgate new ones, this necessity is universally recognized.
The first man to propose them only gives expression to what all have previ-
ously felt, and neither factions nor eloquence will be needed to pass into law
what every one has already resolved to do, so soon as he is sure that the rest will act as he does. . . .

But when the social bond begins to be relaxed and the State weakened, when private interests begin to make themselves felt and small associations to exercise an influence on the State, the common interest is injuriously affected and finds adversaries; unanimity no longer reigns in the voting; the general will is no longer the will of all; opposition and disputes arise, and the best counsel does not pass uncontested.

Lastly, when the State, on the verge of ruin, no longer subsists except in a vain and illusory form, when the social bond is broken in all hearts, when the basest interest shelters itself impudently under the sacred name of the public welfare, the general will becomes dumb; all, under the guidance of secret motives, no more express their opinions as citizens than if the State had never existed; and, under the name of laws, they deceitfully pass unjust decrees which have only private interest as their end.

Does it follow from this that the general will is destroyed or corrupted? No; it is always constant, unalterable, and pure; but it is subordinated to others which get the better of it. Each, detaching his own interest from the common interest, sees clearly that he cannot completely separate it; but his share in the injury done to the State appears to him as nothing in comparison with the exclusive advantage which he aims at appropriating to himself. This particular advantage being excepted, he desires the general welfare for his own interests quite as strongly as any other. Even in selling his vote for money, he does not extinguish in himself the general will, but eludes it. The fault that he commits is to change the state of the question, and to answer something different from what he was asked; so that, instead of saying by a vote: “It is beneficial to the State,” he says: “It is beneficial to a certain man or a certain party that such or such a motion should pass.” Thus the law of public order in assemblies is not so much to maintain in them the general will as to insure that it shall always be consulted and always respond. . . .

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The more that harmony reigns in the assemblies, that is, the more the voting approaches unanimity, the more also is the general will predominant; but long discussions, dissensions, and uproar proclaim the ascendancy of private interests and the decline of the State.

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There is but one law which by its nature requires unanimous consent, that is, the social compact; for civil association is the most voluntary act in the world; every man being born free and master of himself, no one can, under any pretext whatever, enslave him without his assent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If, then, at the time of the social compact, there are opponents of it, their opposition does not invalidate the contract, but only prevents them from being included in it; they are foreigners among citizens. When the State is established, consent lies in residence; to dwell in the territory is to submit to the sovereignty.

Excepting this original contract, the vote of the majority always binds all the rest, this being a result of the contract itself. But it will be asked how a man can be free and yet forced to conform to wills which are not his own. How are opponents free and yet subject to laws they have not consented to?

I reply that the question is wrongly put. The citizen consents to all the laws, even to those which are passed in spite of him, and even to those which punish him when he dares to violate any of them. The unvarying will of all the members of the State is the general will; it is through that that they are citizens and free. When a law is proposed in the assembly of the people, what is asked of them is not exactly whether they approve the proposition or reject it, but whether it is comformable or not to the general will, which is their own; each one in giving his vote expresses his opinion thereupon; and from the counting of the votes is obtained the declaration of the general will. When, therefore, the opinion opposed to my own prevails, that simply shows that I was mistaken, and that what I considered to be the general will was not so. Had my private opinion prevailed, I should have done something other than I wished; and in that case I should not have been free.

Just as the declaration of the general will is made by the law, the declaration of public opinion is made by the censorship. Public opinion is a kind of law of which the censor is minister, and which he only applies to particular cases in the manner of the Prince.

The censorial tribunal, then, far from being the arbiter of the opinion of the people, only declares it, and so soon as it departs from this position, its decisions are fruitless and ineffectual.