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# THE SOCIAL CONTRACT

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## 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 endeavour 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 a 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 scholars have recognised in them. I trust to getting due thanks for my moderation; for, being a direct descendant of one of these princes, perhaps of the eldest branch, how do I know that a verification of titles might not leave me the legitimate king of the human race? In any case, there can be no doubt that Adam was sovereign of the world, as Robinson Crusoe was of his island, as long as he was its only inhabitant; and this empire had the advantage that the monarch, safe on his throne, had no rebellions, wars, or conspirators to fear.

### 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 the 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 tranquillity. Granted; but what do they gain, if the wars his ambition brings down upon them, his insatiable avidity, and the vexations conduct of his ministers press harder on them than their own dissensions would have done? What do they gain, if the very tranquillity they enjoy is one of their miseries? Tranquillity 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 relation.

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 derived 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.

### **6. The Social Compact**

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 dependent 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 fulfil 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 fulfil 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.

## 9. Real Property

EACH member of the community gives himself to it, at the moment of its foundation, just as he is, with all the resources at his command, including the goods

he possesses. This act does not make possession, in changing hands, change its nature, and become property in the hands of the Sovereign; but, as the forces of the city are incomparably greater than those of an individual, public possession is also, in fact, stronger and more irrevocable, without being any more legitimate, at any rate from the point of view of foreigners. For the State, in relation to its members, is master of all their goods by the social contract, which, within the State, is the basis of all rights; but, in relation to other powers, it is so only by the right of the first occupier, which it holds from its members.

The right of the first occupier, though more real than the right of the strongest, becomes a real right only when the right of property has already been established. Every man has naturally a right to everything he needs; but the positive act which makes him proprietor of one thing excludes him from everything else. Having his share, he ought to keep to it, and can have no further right against the community. This is why the right of the first occupier, which in the state of nature is so weak, claims the respect of every man in civil society. In this right we are respecting not so much what belongs to another as what does not belong to ourselves.

In general, to establish the right of the first occupier over a plot of ground, the following conditions are necessary: first, the land must not yet be inhabited; secondly, a man must occupy only the amount he needs for his subsistence; and, in the third place, possession must be taken, not by an empty ceremony, but by labour and cultivation, the only sign of proprietorship that should be respected by others, in default of a legal title.

In granting the right of first occupancy to necessity and labour, are we not really stretching it as far as it can go? Is it possible to leave such a right unlimited? Is it to be enough to set foot on a plot of common ground, in order to be able to call yourself at once the master of it? Is it to be enough that a man has the strength to expel others for a moment, in order to establish his right to prevent them from ever returning? How can a man or a people seize an immense territory and keep it from the rest of the world except by a punishable usurpation, since all others are being robbed, by such an act, of the place of habitation and the means of subsistence which nature gave them in common? When Nunez Balboa, standing on the sea-shore, took possession of the South Seas and the whole of South America in the name of the crown of Castile, was that enough

to dispossess all their actual inhabitants, and to shut out from them all the princes of the world? On such a showing, these ceremonies are idly multiplied, and the Catholic King need only take possession all at once, from his apartment, of the whole universe, merely making a subsequent reservation about what was already in the possession of other princes.

We can imagine how the lands of individuals, where they were contiguous and came to be united, became the public territory, and how the right of Sovereignty, extending from the subjects over the lands they held, became at once real and personal. The possessors were thus made more dependent, and the forces at their command used to guarantee their fidelity. The advantage of this does not seem to have been felt by ancient monarchs, who called themselves Kings of the Persians, Scythians, or Macedonians, and seemed to regard themselves more as rulers of men than as masters of a country. Those of the present day more cleverly call themselves Kings of France, Spain, England, etc.: thus holding the land, they are quite confident of holding the inhabitants.

The peculiar fact about this alienation is that, in taking over the goods of individuals, the community, so far from despoiling them, only assures them legitimate possession, and changes usurpation into a true right and enjoyment into proprietorship. Thus the possessors, being regarded as depositaries of the public good, and having their rights respected by all the members of the State and maintained against foreign aggression by all its forces, have, by a cession which benefits both the public and still more themselves, acquired, so to speak, all that they gave up. This paradox may easily be explained by the distinction between the rights which the Sovereign and the proprietor have over the same estate, as we shall see later on.

It may also happen that men begin to unite one with another before they possess anything, and that, subsequently occupying a tract of country which is enough for all, they enjoy it in common, or share it out among themselves, either equally or according to a scale fixed by the Sovereign. However the acquisition be made, the right which each individual has to his own estate is always subordinate to the right which the community has over all: without this, there would be neither stability in the social tie, nor real force in the exercise of Sovereignty.

I shall end this chapter and this book by remarking on a fact on which the whole social system should rest: i.e., that, instead of destroying natural inequality, the fundamental compact substitutes,

for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right.

## Book II

### 1. That Sovereignty is Inalienable

THE first and most important deduction from the principles we have so far laid down is that the general will alone can direct the State according to the object for which it was instituted, i.e., the common good: for if the clashing of particular interests made the establishment of societies necessary, the agreement of these very interests made it possible. The common element in these different interests is what forms the social tie; and, were there no point of agreement between them all, no society could exist. It is solely on the basis of this common interest that every society should be governed.

I hold then that Sovereignty, being nothing less than the exercise of the general will, can never be alienated, and that the Sovereign, who is no less than a collective being, cannot be represented except by himself: the power indeed may be transmitted, but not the will.

In reality, if it is not impossible for a particular will to agree on some point with the general will, it is at least impossible for the agreement to be lasting and constant; for the particular will tends, by its very nature, to partiality, while the general will tends to equality. It is even more impossible to have any guarantee of this agreement; for even if it should always exist, it would be the effect not of art, but of chance. The Sovereign may indeed say: "I now will actually what this man wills, or at least what he says he wills"; but it cannot say: "What he wills tomorrow, I too shall will" because it is absurd for the will to bind itself for the future, nor is it incumbent on any will to consent to anything that is not for the good of the being who wills. If then the people promises simply to obey, by that very act it dissolves itself and loses what makes it a people; the moment a master exists, there is no longer a Sovereign, and from that moment the body politic has ceased to exist.

This does not mean that the commands of the rulers cannot pass for general wills, so long as the Sovereign, being free to oppose them, offers no opposition. In such a case, universal silence is taken to imply the consent of the people. This will be

explained later on.

### 2. That Sovereignty is Indivisible

SOVEREIGNTY, for the same reason as makes it inalienable, is indivisible; for will either is, or is not, general;<sup>6</sup> it is the will either of the body of the people, or only of a part of it. In the first case, the will, when declared, is an act of Sovereignty and constitutes law: in the second, it is merely a particular will, or act of magistracy — at the most a decree.

But our political theorists, unable to divide Sovereignty in principle, divide it according to its object: into force and will; into legislative power and executive power; into rights of taxation, justice and war; into internal administration and power of foreign treaty. Sometimes they confuse all these sections, and sometimes they distinguish them; they turn the Sovereign into a fantastic being composed of several connected pieces: it is as if they were making man of several bodies, one with eyes, one with arms, another with feet, and each with nothing besides. We are told that the jugglers of Japan dismember a child before the eyes of the spectators; then they throw all the members into the air one after another, and the child falls down alive and whole. The conjuring tricks of our political theorists are very like that; they first dismember the Body politic by an illusion worthy of a fair, and then join it together again we know not how.

This error is due to a lack of exact notions concerning the Sovereign authority, and to taking for parts of it what are only emanations from it. Thus, for example, the acts of declaring war and making peace have been regarded as acts of Sovereignty; but this is not the case, as these acts do not constitute law, but merely the application of a law, a particular act which decides how the law applies, as we shall see clearly when the idea attached to the word *law* has been defined.

If we examined the other divisions in the same manner, we should find that, whenever Sovereignty seems to be divided, there is an illusion: the rights which are taken as being part of Sovereignty are really all subordinate, and always imply supreme wills of which they only sanction the execution.

It would be impossible to estimate the obscurity this lack of exactness has thrown over the decisions of writers who have dealt with political right, when they have used the principles laid down by them to pass judgment on the respective rights of kings and peoples. Every one can see, in Chapters III and



IV of the First Book of Grotius, how the learned man and his translator, Barbeyrac, entangle and tie themselves up in their own sophistries, for fear of saying too little or too much of what they think, and so offending the interests they have to conciliate. Grotius, a refugee in France, ill-content with his own country, and desirous of paying his court to Louis XIII, to whom his book is dedicated, spares no pains to rob the peoples of all their rights and invest kings with them by every conceivable artifice. This would also have been much to the taste of Barbeyrac, who dedicated his translation to George I of England. But unfortunately the expulsion of James II, which he called his “abdication,” compelled him to use all reserve, to shuffle and to tergiversate, in order to avoid making William out a usurper. If these two writers had adopted the true principles, all difficulties would have been removed, and they would have been always consistent; but it would have been a sad truth for them to tell, and would have paid court for them to no one save the people. Moreover, truth is no road to fortune, and the people dispenses neither ambassadorships, nor professorships, nor pensions.

### 3. Whether the General Will is Fallible

IT follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.

There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another,<sup>7</sup> and the general will remains as the sum of the differences.

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: it may then be said that there are

no longer as many votes as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer a general will, and the opinion which prevails is purely particular.

It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts:<sup>8</sup> which was indeed the sublime and unique system established by the great Lycurgus. But if there are partial societies, it is best to have as many as possible and to prevent them from being unequal, as was done by Solon, Numa and Servius. These precautions are the only ones that can guarantee that the general will shall be always enlightened, and that the people shall in no way deceive itself.

### 4. The Limits of the Sovereign Power

IF the State is a moral person whose life is in the union of its members, and if the most important of its cares is the care for its own preservation, it must have a universal and compelling force, in order to move and dispose each part as may be most advantageous to the whole. As nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members also; and it is this power which, under the direction of the general will, bears, as I have said, the name of Sovereignty.

But, besides the public person, we have to consider the private persons composing it, whose life and liberty are naturally independent of it. We are bound then to distinguish clearly between the respective rights of the citizens and the Sovereign, and between the duties the former have to fulfil as subjects, and the natural rights they should enjoy as men.

Each man alienates, I admit, by the social compact, only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important.

Every service a citizen can render the State he ought to render as soon as the Sovereign demands it; but the Sovereign, for its part, cannot impose upon its subjects any fetters that are useless to the community, nor can it even wish to do so; for no

more by the law of reason than by the law of nature can anything occur without a cause.

The undertakings 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 working for ourselves. Why is it that the general will is always in the right, and that all continually will the happiness of each one, unless it is because there is not a man who does not think of "each" as meaning him, and consider himself in voting for all? This proves that equality of rights and the idea of justice which such equality creates originate in the preference each man gives to himself, and accordingly in the very nature of man. It proves that the general will, to be really such, must be general in its object as well as its essence; that it must both come from all and apply to all; and that it loses its natural rectitude when it is directed to some particular and determinate object, because in such a case we are judging of something foreign to us, and have no true principle of equity to guide us.

Indeed, as soon as a question of particular fact or right arises on a point not previously regulated by a general convention, the matter becomes contentious. It is a case in which the individuals concerned are one party, and the public the other, but in which I can see neither the law that ought to be followed nor the judge who ought to give the decision. In such a case, it would be absurd to propose to refer the question to an express decision of the general will, which can be only the conclusion reached by one of the parties and in consequence will be, for the other party, merely an external and particular will, inclined on this occasion to injustice and subject to error. Thus, just as a particular will cannot stand for the general will, the general will, in turn, changes its nature, when its object is particular, and, as general, cannot pronounce on a man or a fact. When, for instance, the people of Athens nominated or displaced its rulers, decreed honours to one, and imposed penalties on another, and, by a multitude of particular decrees, exercised all the functions of government indiscriminately, it had in such cases no longer a general will in the strict sense; it was acting no longer as Sovereign, but as magistrate. This will seem contrary to current views; but I must be given time to expound my own.

It should be seen from the foregoing that what makes the will general is less the number of voters than the common interest uniting them; for, under this system, each necessarily submits to the conditions he imposes on others: and this admirable

agreement between interest and justice gives to the common deliberations an equitable character which at once vanishes when any particular question is discussed, in the absence of a common interest to unite and identify the ruling of the judge with that of the party.

From whatever side we approach our principle, we reach the same conclusion, that the social compact sets up among the citizens an equality of such a kind, that they all bind themselves to observe the same conditions and should therefore all enjoy the same rights. Thus, from the very nature of the compact, every act of Sovereignty, i.e., every authentic act of the general will, binds or favours all the citizens equally; so that the Sovereign recognises only the body of the nation, and draws no distinctions between those of whom it is made up. What, then, strictly speaking, is an act of Sovereignty? It is not a convention between a superior and an inferior, but a convention between the body and each of its members. It is legitimate, because based on the social contract, and equitable, because common to all; useful, because it can have no other object than the general good, and stable, because guaranteed by the public force and the supreme power. So long as the subjects have to submit only to conventions of this sort, they obey no-one but their own will; and to ask how far the respective rights of the Sovereign and the citizens extend, is to ask up to what point the latter can enter into undertakings with themselves, each with all, and all with each.

We can see from this that the sovereign power, absolute, sacred and inviolable as it is, does not and cannot exceed the limits of general conventions, and that every man may dispose at will of such goods and liberty as these conventions leave him; so that the Sovereign never has a right to lay more charges on one subject than on another, because, in that case, the question becomes particular, and ceases to be within its competency.

When these distinctions have once been admitted, it is seen to be so untrue that there is, in the social contract, any real renunciation on the part of the individuals, that the position in which they find themselves as a result of the contract is really preferable to that in which they were before. Instead of a renunciation, they have made an advantageous exchange: instead of an uncertain and precarious way of living they have got one that is better and more secure; instead of natural independence they have got liberty, instead of the power to harm others security for themselves, and instead of their

strength, which others might overcome, a right which social union makes invincible. Their very life, which they have devoted to the State, is by it constantly protected; and when they risk it in the State's defence, what more are they doing than giving back what they have received from it? What are they doing that they would not do more often and with greater danger in the state of nature, in which they would inevitably have to fight battles at the peril of their lives in defence of that which is the means of their preservation? All have indeed to fight when their country needs them; but then no one has ever to fight for himself. Do we not gain something by running, on behalf of what gives us our security, only some of the risks we should have to run for ourselves, as soon as we lost it?

### 5. The Right of Life and Death

THE question is often asked how individuals, having no right to dispose of their own lives, can transfer to the Sovereign a right which they do not possess. The difficulty of answering this question seems to me to lie in its being wrongly stated. Every man has a right to risk his own life in order to preserve it. Has it ever been said that a man who throws himself out of the window to escape from a fire is guilty of suicide? Has such a crime ever been laid to the charge of him who perishes in a storm because, when he went on board, he knew of the danger?

The social treaty has for its end the preservation of the contracting parties. He who wills the end wills the means also, and the means must involve some risks, and even some losses. He who wishes to preserve his life at others' expense should also, when it is necessary, be ready to give it up for their sake. Furthermore, the citizen is no longer the judge of the dangers to which the law-desires him to expose himself; and when the prince says to him: "It is expedient for the State that you should die," he ought to die, because it is only on that condition that he has been living in security up to the present, and because his life is no longer a mere bounty of nature, but a gift made conditionally by the State.

The death-penalty inflicted upon criminals may be looked on in much the same light: it is in order that we may not fall victims to an assassin that we consent to die if we ourselves turn assassins. In this treaty, so far from disposing of our own lives, we think only of securing them, and it is not to be assumed that any of the parties then expects to get hanged.

Again, every malefactor, by attacking social rights, becomes on forfeit a rebel and a traitor to his country; by violating its laws he ceases to be a member of it; he even makes war upon it. In such a case the preservation of the State is inconsistent with his own, and one or the other must perish; in putting the guilty to death, we slay not so much the citizen as an enemy. The trial and the judgment are the proofs that he has broken the social treaty, and is in consequence no longer a member of the State. Since, then, he has recognised himself to be such by living there, he must be removed by exile as a violator of the compact, or by death as a public enemy; for such an enemy is not a moral person, but merely a man; and in such a case the right of war is to kill the vanquished.

But, it will be said, the condemnation of a criminal is a particular act. I admit it: but such condemnation is not a function of the Sovereign; it is a right the Sovereign can confer without being able itself to exert it. All my ideas are consistent, but I cannot expound them all at once.

We may add that frequent punishments are always a sign of weakness or remissness on the part of the government. There is not a single ill-doer who could not be turned to some good. The State has no right to put to death, even for the sake of making an example, any one whom it can leave alive without danger.

The right of pardoning or exempting the guilty from a penalty imposed by the law and pronounced by the judge belongs only to the authority which is superior to both judge and law, i.e., the Sovereign; each its right in this matter is far from clear, and the cases for exercising it are extremely rare. In a well-governed State, there are few punishments, not because there are many pardons, but because criminals are rare; it is when a State is in decay that the multitude of crimes is a guarantee of impunity. Under the Roman Republic, neither the Senate nor the Consuls ever attempted to pardon; even the people never did so, though it sometimes revoked its own decision. Frequent pardons mean that crime will soon need them no longer, and no one can help seeing whither that leads. But I feel my heart protesting and restraining my pen; let us leave these questions to the just man who has never offended, and would himself stand in no need of pardon.

### 6. Law

BY the social compact we have given the body politic

existence and life; we have now by legislation to give it movement and will. For the original act by which the body is formed and united still in no respect determines what it ought to do for its preservation.

What is well and in conformity with order is so by the nature of things and independently of human conventions. All justice comes from God, who is its sole source; but if we knew how to receive so high an inspiration, we should need neither government nor laws. Doubtless, there is a universal justice emanating from reason alone; but this justice, to be admitted among us, must be mutual. Humanly speaking, in default of natural sanctions, the laws of justice are ineffective among men: they merely make for the good of the wicked and the undoing of the just, when the just man observes them towards everybody and nobody observes them towards him. Conventions and laws are therefore needed to join rights to duties and refer justice to its object. In the state of nature, where everything is common, I owe nothing to him whom I have promised nothing; I recognise as belonging to others only what is of no use to me. In the state of society all rights are fixed by law, and the case becomes different.

But what, after all, is a law? As long as we remain satisfied with attaching purely metaphysical ideas to the word, we shall go on arguing without arriving at an understanding; and when we have defined a law of nature, we shall be no nearer the definition of a law of the State.

I have already said that there can be no general will directed to a particular object. Such an object must be either within or outside the State. If outside, a will which is alien to it cannot be, in relation to it, general; if within, it is part of the State, and in that case there arises a relation between whole and part which makes them two separate beings, of which the part is one, and the whole minus the part the other. But the whole minus a part cannot be the whole; and while this relation persists, there can be no whole, but only two unequal parts; and it follows that the will of one is no longer in any respect general in relation to the other.

But when the whole people decrees for the whole people, it is considering only itself; and if a relation is then formed, it is between two aspects of the entire object, without there being any division of the whole. In that case the matter about which the decree is made is, like the decreeing will, general. This act is what I call a law.

When I say that the object of laws is always general, I mean that law considers subjects en masse

and actions in the abstract, and never a particular person or action. Thus the law may indeed decree that there shall be privileges, but cannot confer them on anybody by name. It may set up several classes of citizens, and even lay down the qualifications for membership of these classes, but it cannot nominate such and such persons as belonging to them; it may establish a monarchical government and hereditary succession, but it cannot choose a king, or nominate a royal family. In a word, no function which has a particular object belongs to the legislative power.

On this view, we at once see that it can no longer be asked whose business it is to make laws, since they are acts of the general will; nor whether the prince is above the law, 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 can be both free and subject to the laws, since they are but registers of our wills.

We see further that, as the law unites universality of will with universality of object, what a man, whoever he be, commands of his own motion cannot be a law; and even what the Sovereign commands with regard to a particular matter is no nearer being a law, but is a decree, an act, not of sovereignty, but of magistracy.

I therefore give the name "Republic" to every State that is governed by laws, no matter what the form of its administration may be: for only in such a case does the public interest govern, and the *res publica* rank as a reality. Every legitimate government is republican; what government is I will explain later on.

Laws are, properly speaking, only the conditions of civil association. The people, being subject to the laws, ought to be their author: the conditions of the society ought to be regulated solely by those who come together to form it. But how are they to regulate them? Is it to be by common agreement, by a sudden inspiration? Has the body politic an organ to declare its will? Who can give it the foresight to formulate and announce its acts in advance? Or how is it to announce them in the hour of need? How can a blind multitude, which often does not know what it wills, because it rarely knows what is good for it, carry out for itself so great and difficult an enterprise as a system of legislation? Of itself the people wills always the good, but of itself it by no means always sees it. The general will is always in the right, but the judgment which guides it is not always enlightened. It must be got to see objects as they are, and sometimes as they ought to appear to

it; it must be shown the good road it is in search of, secured from the seductive influences of individual wills, taught to see times and spaces as a series, and made to weigh the attractions of present and sensible advantages against the danger of distant and hidden evils. The individuals see the good they reject; the public wills the good it does not see. All stand equally in need of guidance. The former must be compelled to bring their wills into conformity with their reason; the latter must be taught to know what it wills. If that is done, public enlightenment leads to the union of understanding and will in the social body: the parts are made to work exactly together, and the whole is raised to its highest power. This makes a legislator necessary.

### 7. The Legislator

IN order to discover the rules of society best suited to nations, a superior intelligence beholding all the passions of men without experiencing any of them would be needed. This intelligence would have to be wholly unrelated to our nature, while knowing it through and through; its happiness would have to be independent of us, and yet ready to occupy itself with ours; and lastly, it would have, in the march of time, to look forward to a distant glory, and, working in one century, to be able to enjoy in the next.[ It would take gods to give men laws.

What Caligula argued from the facts, Plato, in the dialogue called the *Politicus*, argued in defining the civil or kingly man, on the basis of right. But if great princes are rare, how much more so are great legislators? The former have only to follow the pattern which the latter have to lay down. The legislator is the engineer who invents the machine, the prince merely the mechanic who sets it up and makes it go. "At the birth of societies," says Montesquieu, "the rulers of Republics establish institutions, and afterwards the institutions mould the rulers."

He who dares to undertake the making of a people's institutions ought to feel himself capable, so to speak, of changing human nature, of transforming each individual, who is by himself a complete and solitary whole, into part of a greater whole from which he in a manner receives his life and being; of altering man's constitution for the purpose of strengthening it; and of substituting a partial and moral existence for the physical and independent existence nature has conferred on us all. He must, in a word, take away from man his own resources

and give him instead new ones alien to him, and incapable of being made use of without the help of other men. The more completely these natural resources are annihilated, the greater and the more lasting are those which he acquires, and the more stable and perfect the new institutions; so that if each citizen is nothing and can do nothing without the rest, and the resources acquired by the whole are equal or superior to the aggregate of the resources of all the individuals, it may be said that legislation is at the highest possible point of perfection.

The legislator occupies in every respect an extraordinary position in the State. If he should do so by reason of his genius, he does so no less by reason of his office, which is neither magistracy, nor Sovereignty. This office, which sets up the Republic, nowhere enters into its constitution; it is an individual and superior function, which has nothing in common with human empire; for if he who holds command over men ought not to have command over the laws, he who has command over the laws ought not any more to have it over men; or else his laws would be the ministers of his passions and would often merely serve to perpetuate his injustices: his private aims would inevitably mar the sanctity of his work.

When Lycurgus gave laws to his country, he began by resigning the throne. It was the custom of most Greek towns to entrust the establishment of their laws to foreigners. The Republics of modern Italy in many cases followed this example; Geneva did the same and profited by it. Rome, when it was most prosperous, suffered a revival of all the crimes of tyranny, and was brought to the verge of destruction, because it put the legislative authority and the sovereign power into the same hands.

Nevertheless, the decemvirs themselves never claimed the right to pass any law merely on their own authority. "Nothing we propose to you," they said to the people, "can pass into law without your consent. Romans, be yourselves the authors of the laws which are to make you happy."

He, therefore, who draws up the laws has, or should have, no right of legislation, and the people cannot, even if it wishes, deprive itself of this incommunicable right, because, according to the fundamental compact, only the general will can bind the individuals, and there can be no assurance that a particular will is in conformity with the general will, until it has been put to the free vote of the people. This I have said already; but it is worth while to repeat it.

Thus in the task of legislation we find together



two things which appear to be incompatible: an enterprise too difficult for human powers, and, for its execution, an authority that is no authority.

There is a further difficulty that deserves attention. Wise men, if they try to speak their language to the common herd instead of its own, cannot possibly make themselves understood. There are a thousand kinds of ideas which it is impossible to translate into popular language. Conceptions that are too general and objects that are too remote are equally out of its range: each individual, having no taste for any other plan of government than that which suits his particular interest, finds it difficult to realise the advantages he might hope to draw from the continual privations good laws impose. For a young people to be able to relish sound principles of political theory and follow the fundamental rules of statecraft, the effect would have to become the cause; the social spirit, which should be created by these institutions, would have to preside over their very foundation; and men would have to be before law what they should become by means of law. The legislator therefore, being unable to appeal to either force or reason, must have recourse to an authority of a different order, capable of constraining without violence and persuading without convincing.

This is what has, in all ages, compelled the fathers of nations to have recourse to divine intervention and credit the gods with their own wisdom, in order that the peoples, submitting to the laws of the State as to those of nature, and recognising the same power in the formation of the city as in that of man, might obey freely, and bear with docility the yoke of the public happiness.

This sublime reason, far above the range of the common herd, is that whose decisions the legislator puts into the mouth of the immortals, in order to constrain by divine authority those whom human prudence could not move. But it is not anybody who can make the gods speak, or get himself believed when he proclaims himself their interpreter. The great soul of the legislator is the only miracle that can prove his mission. Any man may grave tablets of stone, or buy an oracle, or feign secret intercourse with some divinity, or train a bird to whisper in his ear, or find other vulgar ways of imposing on the people. He whose knowledge goes no further may perhaps gather round him a band of fools; but he will never found an empire, and his extravagances will quickly perish with him. Idle tricks form a passing tie; only wisdom can make it lasting. The Judaic law, which still subsists, and that of the child of Ishmael,

which, for ten centuries, has ruled half the world, still proclaim the great men who laid them down; and, while the pride of philosophy or the blind spirit of faction sees in them no more than lucky impostures, the true political theorist admires, in the institutions they set up, the great and powerful genius which presides over things made to endure.

We should not, with Warburton, conclude from this that politics and religion have among us a common object, but that, in the first periods of nations, the one is used as an instrument for the other.

## Book III

### 1. Government in General

I WARN the reader that this chapter requires careful reading, and that I am unable to make myself clear to those who refuse to be attentive. Every free action is produced by the concurrence of two causes; one moral, i.e., the will which determines the act; the other physical, i.e., the power which executes it. When I walk towards an object, it is necessary first that I should will to go there, and, in the second place, that my feet should carry me. If a paralytic wills to run and an active man wills not to, they will both stay where they are. The body politic has the same motive powers; here too force and will are distinguished, will under the name of legislative power and force under that of executive power. Without their concurrence, nothing is, or should be, done.

We have seen that the legislative power belongs to the people, and can belong to it alone. It may, on the other hand, readily be seen, from the principles laid down above, that the executive power cannot belong to the generality as legislature or Sovereign, because it consists wholly of particular acts which fall outside the competency of the law, and consequently of the Sovereign, whose acts must always be laws.

The public force therefore needs an agent of its own to bind it together and set it to work under the direction of the general will, to serve as a means of communication between the State and the Sovereign, and to do for the collective person more or less what the union of soul and body does for man. Here we have what is, in the State, the basis of government, often wrongly confused with the Sovereign, whose minister it is.

What then is government? An intermediate body

set up between the subjects and the Sovereign, to secure their mutual correspondence, charged with the execution of the laws and the maintenance of liberty, both civil and political.

The members of this body are called magistrates or kings, that is to say governors, and the whole body bears the name prince. Thus those who hold that the act, by which a people puts itself under a prince, is not a contract, are certainly right. It is simply and solely a commission, an employment, in which the rulers, mere officials of the Sovereign, exercise in their own name the power of which it makes them depositaries. This power it can limit, modify or recover at pleasure; for the alienation of such a right is incompatible with the nature of the social body, and contrary to the end of association.

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

In government reside the intermediate forces whose relations make up that of the whole to the whole, or of the Sovereign to the State. This last relation may be represented as that between the extreme terms of a continuous proportion, which has government as its mean proportional. The government gets from the Sovereign the orders it gives the people, and, for the State to be properly balanced, there must, when everything is reckoned in, be equality between the product or power of the government taken in itself, and the product or power of the citizens, who are on the one hand sovereign and on the other subject.

Furthermore, none of these three terms can be altered without the equality being instantly destroyed. If the Sovereign desires to govern, or the magistrate to give laws, or if the subjects refuse to obey, disorder takes the place of regularity, force and will no longer act together, and the State is dissolved and falls into despotism or anarchy. Lastly, as there is only one mean proportional between each relation, there is also only one good government possible for a State. But, as countless events may change the relations of a people, not only may different governments be good for different peoples, but also for the same people at different times.

In attempting to give some idea of the various relations that may hold between these two extreme terms, I shall take as an example the number of a people, which is the most easily expressible.

Suppose the State is composed of ten thousand citizens. The Sovereign can only be considered

collectively and as a body; but each member, as being a subject, is regarded as an individual: thus the Sovereign is to the subject as ten thousand to one, i.e., each member of the State has as his share only a ten-thousandth part of the sovereign authority, although he is wholly under its control. If the people numbers a hundred thousand, the condition of the subject undergoes no change, and each equally is under the whole authority of the laws, while his vote, being reduced to a hundred-thousandth part, has ten times less influence in drawing them up. The subject therefore remaining always a unit, the relation between him and the Sovereign increases with the number of the citizens. From this it follows that, the larger the State, the less the liberty.

When I say the relation increases, I mean that it grows more unequal. Thus the greater it is in the geometrical sense, the less relation there is in the ordinary sense of the word. In the former sense, the relation, considered according to quantity, is expressed by the quotient; in the latter, considered according to identity, it is reckoned by similarity.

Now, the less relation the particular wills have to the general will, that is, morals and manners to laws, the more should the repressive force be increased. The government, then, to be good, should be proportionately stronger as the people is more numerous.

On the other hand, as the growth of the State gives the depositaries of the public authority more temptations and chances of abusing their power, the greater the force with which the government ought to be endowed for keeping the people in hand, the greater too should be the force at the disposal of the Sovereign for keeping the government in hand. I am speaking, not of absolute force, but of the relative force of the different parts of the State.

It follows from this double relation that the continuous proportion between the Sovereign, the prince and the people, is by no means an arbitrary idea, but a necessary consequence of the nature of the body politic. It follows further that, one of the extreme terms, viz., the people, as subject, being fixed and represented by unity, whenever the duplicate ratio increases or diminishes, the simple ratio does the same, and is changed accordingly. From this we see that there is not a single unique and absolute form of government, but as many governments differing in nature as there are States differing in size.

If, ridiculing this system, any one were to say that, in order to find the mean proportional and

give form to the body of the government, it is only necessary, according to me, to find the square root of the number of the people, I should answer that I am here taking this number only as an instance; that the relations of which I am speaking are not measured by the number of men alone, but generally by the amount of action, which is a combination of a multitude of causes; and that, further, if, to save words, I borrow for a moment the terms of geometry, I am none the less well aware that moral quantities do not allow of geometrical accuracy.

The government is on a small scale what the body politic which includes it is on a great one. It is a moral person endowed with certain faculties, active like the Sovereign and passive like the State, and capable of being resolved into other similar relations. This accordingly gives rise to a new proportion, within which there is yet another, according to the arrangement of the magistracies, till an indivisible middle term is reached, i.e., a single ruler or supreme magistrate, who may be represented, in the midst of this progression, as the unity between the fractional and the ordinal series.

Without encumbering ourselves with this multiplication of terms, let us rest content with regarding government as a new body within the State, distinct from the people and the Sovereign, and intermediate between them.

There is between these two bodies this essential difference, that the State exists by itself, and the government only through the Sovereign. Thus the dominant will of the prince is, or should be, nothing but the general will or the law; his force is only the public force concentrated in his hands, and, as soon as he tries to base any absolute and independent act on his own authority, the tie that binds the whole together begins to be loosened. If finally the prince should come to have a particular will more active than the will of the Sovereign, and should employ the public force in his hands in obedience to this particular will, there would be, so to speak, two Sovereigns, one rightful and the other actual, the social union would evaporate instantly, and the body politic would be dissolved.

However, in order that the government may have a true existence and a real life distinguishing it from the body of the State, and in order that all its members may be able to act in concert and fulfil the end for which it was set up, it must have a particular personality, a sensibility common to its members, and a force and will of its own making for its preservation. This particular existence implies

assemblies, councils, power and deliberation and decision, rights, titles, and privileges belonging exclusively to the prince and making the office of magistrate more honourable in proportion as it is more troublesome. The difficulties lie in the manner of so ordering this subordinate whole within the whole, that it in no way alters the general constitution by affirmation of its own, and always distinguishes the particular force it possesses, which is destined to aid in its preservation, from the public force, which is destined to the preservation of the State; and, in a word, is always ready to sacrifice the government to the people, and never to sacrifice the people to the government.

Furthermore, although the artificial body of the government is the work of another artificial body, and has, we may say, only a borrowed and subordinate life, this does not prevent it from being able to act with more or less vigour or promptitude, or from being, so to speak, in more or less robust health. Finally, without departing directly from the end for which it was instituted, it may deviate more or less from it, according to the manner of its constitution.

From all these differences arise the various relations which the government ought to bear to the body of the State, according to the accidental and particular relations by which the State itself is modified, for often the government that is best in itself will become the most pernicious, if the relations in which it stands have altered according to the defects of the body politic to which it belongs.

## **2. The Constituent Principle in the various Forms of Government**

TO set forth the general cause of the above differences, we must here distinguish between government and its principle, as we did before between the State and the Sovereign.

The body of the magistrate may be composed of a greater or a less number of members. We said that the relation of the Sovereign to the subjects was greater in proportion as the people was more numerous, and, by a clear analogy, we may say the same of the relation of the government to the magistrates.

But the total force of the government, being always that of the State, is invariable; so that, the more of this force it expends on its own members, the less it has left to employ on the whole people.

The more numerous the magistrates, therefore, the weaker the government. This principle being

fundamental, we must do our best to make it clear.

In the person of the magistrate we can distinguish three essentially different wills: first, the private will of the individual, tending only to his personal advantage; secondly, the common will of the magistrates, which is relative solely to the advantage of the prince, and may be called corporate will, being general in relation to the government, and particular in relation to the State, of which the government forms part; and, in the third place, the will of the people or the sovereign will, which is general both in relation to the State regarded as the whole, and to the government regarded as a part of the whole.

In a perfect act of legislation, the individual or particular will should be at zero; the corporate will belonging to the government should occupy a very subordinate position; and, consequently, the general or sovereign will should always predominate and should be the sole guide of all the rest.

According to the natural order, on the other hand, these different wills become more active in proportion as they are concentrated. Thus, the general will is always the weakest, the corporate will second, and the individual will strongest of all: so that, in the government, each member is first of all himself, then a magistrate, and then a citizen — in an order exactly the reverse of what the social system requires.

This granted, if the whole government is in the hands of one man, the particular and the corporate will are wholly united, and consequently the latter is at its highest possible degree of intensity. But, as the use to which the force is put depends on the degree reached by the will, and as the absolute force of the government is invariable, it follows that the most active government is that of one man.

Suppose, on the other hand, we unite the government with the legislative authority, and make the Sovereign prince also, and all the citizens so many magistrates: then the corporate will, being confounded with the general will, can possess no greater activity than that will, and must leave the particular will as strong as it can possibly be. Thus, the government, having always the same absolute force, will be at the lowest point of its relative force or activity.

These relations are incontestable, and there are other considerations which still further confirm them. We can see, for instance, that each magistrate is more active in the body to which he belongs than each citizen in that to which he belongs, and that consequently the particular will has much

more influence on the acts of the government than on those of the Sovereign; for each magistrate is almost always charged with some governmental function, while each citizen, taken singly, exercises no function of Sovereignty. Furthermore, the bigger the State grows, the more its real force increases, though not in direct proportion to its growth; but, the State remaining the same, the number of magistrates may increase to any extent, without the government gaining any greater real force; for its force is that of the State, the dimension of which remains equal. Thus the relative force or activity of the government decreases, while its absolute or real force cannot increase.

Moreover, it is a certainty that promptitude in execution diminishes as more people are put in charge of it: where prudence is made too much of, not enough is made of fortune; opportunity is let slip, and deliberation results in the loss of its object.

I have just proved that the government grows remiss in proportion as the number of the magistrates increases; and I previously proved that, the more numerous the people, the greater should be the repressive force. From this it follows that the relation of the magistrates to the government should vary inversely to the relation of the subjects to the Sovereign; that is to say, the larger the State, the more should the government be tightened, so that the number of the rulers diminish in proportion to the increase of that of the people.

It should be added that I am here speaking of the relative strength of the government, and not of its rectitude: for, on the other hand, the more numerous the magistracy, the nearer the corporate will comes to the general will; while, under a single magistrate, the corporate will is, as I said, merely a particular will. Thus, what may be gained on one side is lost on the other, and the art of the legislator is to know how to fix the point at which the force and the will of the government, which are always in inverse proportion, meet in the relation that is most to the advantage of the State.

### 3. The Division of Governments

WE saw in the last chapter what causes the various kinds or forms of government to be distinguished according to the number of the members composing them: it remains in this to discover how the division is made.

In the first place, the Sovereign may commit the charge of the government to the whole people or to

the majority of the people, so that more citizens are magistrates than are mere private individuals. This form of government is called democracy.

Or it may restrict the government to a small number, so that there are more private citizens than magistrates; and this is named aristocracy.

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

It should be remarked that all these forms, or at least the first two, admit of degree, and even of very wide differences; for democracy may include the whole people, or may be restricted to half. Aristocracy, in its turn, may be restricted indefinitely from half the people down to the smallest possible number. Even royalty is susceptible of a measure of distribution. Sparta always had two kings, as its constitution provided; and the Roman Empire saw as many as eight emperors at once, without it being possible to say that the Empire was split up. Thus there is a point at which each form of government passes into the next, and it becomes clear that, under three comprehensive denominations, government is really susceptible of as many diverse forms as the State has citizens.

There are even more: for, as the government may also, in certain aspects, be subdivided into other parts, one administered in one fashion and one in another, the combination of the three forms may result in a multitude of mixed forms, each of which admits of multiplication by all the simple forms.

There has been at all times much dispute concerning the best form of government, without consideration of the fact that each is in some cases the best, and in others the worst.

If, in the different States, the number of supreme magistrates should be in inverse ratio to the number of citizens, it follows that, generally, democratic government suits small States, aristocratic government those of middle size, and monarchy great ones. This rule is immediately deducible from the principle laid down. But it is impossible to count the innumerable circumstances which may furnish exceptions.

#### 4. Democracy

HE who makes the law knows better than any one else how it should be executed and interpreted. It seems then impossible to have a better constitution than that in which the executive and legislative powers

are united; but this very fact renders the government in certain respects inadequate, because things which should be distinguished are confounded, and the prince and the Sovereign, being the same person, form, so to speak, no more than a government without government.

It is not good for him who makes the laws to execute them, or for the body of the people to turn its attention away from a general standpoint and devote it to particular objects. Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of the laws by the government is a less evil than the corruption of the legislator, which is the inevitable sequel to a particular standpoint. In such a case, the State being altered in substance, all reformation becomes impossible. A people that would never misuse governmental powers would never misuse independence; a people that would always govern well would not need to be governed.

If we take the term in the strict sense, there never has been a real democracy, and there never will be. It is against the natural order for the many to govern and the few to be governed. It is unimaginable that the people should remain continually assembled to devote their time to public affairs, and it is clear that they cannot set up commissions for that purpose without the form of administration being changed.

In fact, I can confidently lay down as a principle that, when the functions of government are shared by several tribunals, the less numerous sooner or later acquire the greatest authority, if only because they are in a position to expedite affairs, and power thus naturally comes into their hands.

Besides, how many conditions that are difficult to unite does such a government presuppose! First, a very small State, where the people can readily be got together and where each citizen can with ease know all the rest; secondly, great simplicity of manners, to prevent business from multiplying and raising thorny problems; next, a large measure of equality in rank and fortune, without which equality of rights and authority cannot long subsist; lastly, little or no luxury — for luxury either comes of riches or makes them necessary; it corrupts at once rich and poor, the rich by possession and the poor by covetousness; it sells the country to softness and vanity, and takes away from the State all its citizens, to make them slaves one to another, and one and all to public opinion.

This is why a famous writer has made virtue the fundamental principle of Republics;<sup>E1</sup> for all these conditions could not exist without virtue. But,



for want of the necessary distinctions, that great thinker was often inexact, and sometimes obscure, and did not see that, the sovereign authority being everywhere the same, the same principle should be found in every well-constituted State, in a greater or less degree, it is true, according to the form of the government.

It may be added that there is no government so subject to civil wars and intestine agitations as democratic or popular government, because there is none which has so strong and continual a tendency to change to another form, or which demands more vigilance and courage for its maintenance as it is. Under such a constitution above all, the citizen should arm himself with strength and constancy, and say, every day of his life, what a virtuous Count Palatine said in the Diet of Poland: *Malo periculosam libertatem quam quietum servitium*. Were there a people of gods, their government would be democratic. So perfect a government is not for men.

### 5. Aristocracy

WE have here two quite distinct moral persons, the government and the Sovereign, and in consequence two general wills, one general in relation to all the citizens, the other only for the members of the administration. Thus, although the government may regulate its internal policy as it pleases, it can never speak to the people save in the name of the Sovereign, that is, of the people itself, a fact which must not be forgotten.

The first societies governed themselves aristocratically. The heads of families took counsel together on public affairs. The young bowed without question to the authority of experience. Hence such names as priests, elders, senate, and gerontes. The savages of North America govern themselves in this way even now, and their government is admirable.

But, in proportion as artificial inequality produced by institutions became predominant over natural inequality, riches or power were put before age, and aristocracy became elective. Finally, the transmission of the father's power along with his goods to his children, by creating patrician families, made government hereditary, and there came to be senators of twenty.

There are then three sorts of aristocracy — natural, elective and hereditary. The first is only for simple peoples; the third is the worst of all governments; the second is the best, and is aristocracy properly

so called.

Besides the advantage that lies in the distinction between the two powers, it presents that of its members being chosen; for, in popular government, all the citizens are born magistrates; but here magistracy is confined to a few, who become such only by election. By this means uprightness, understanding, experience and all other claims to pre-eminence and public esteem become so many further guarantees of wise government.

Moreover, assemblies are more easily held, affairs better discussed and carried out with more order and diligence, and the credit of the State is better sustained abroad by venerable senators than by a multitude that is unknown or despised.

In a word, it is the best and most natural arrangement that the wisest should govern the many, when it is assured that they will govern for its profit, and not for their own. There is no need to multiply instruments, or get twenty thousand men to do what a hundred picked men can do even better. But it must not be forgotten that corporate interest here begins to direct the public power less under the regulation of the general will, and that a further inevitable propensity takes away from the laws part of the executive power.

If we are to speak of what is individually desirable, neither should the State be so small, nor a people so simple and upright, that the execution of the laws follows immediately from the public will, as it does in a good democracy. Nor should the nation be so great that the rulers have to scatter in order to govern it and are able to play the Sovereign each in his own department, and, beginning by making themselves independent, end by becoming masters.

But if aristocracy does not demand all the virtues needed by popular government, it demands others which are peculiar to itself; for instance, moderation on the side of the rich and contentment on that of the poor; for it seems that thorough-going equality would be out of place, as it was not found even at Sparta.

Furthermore, if this form of government carries with it a certain inequality of fortune, this is justifiable in order that as a rule the administration of public affairs may be entrusted to those who are most able to give them their whole time, but not, as Aristotle maintains, in order that the rich may always be put first. On the contrary, it is of importance that an opposite choice should occasionally teach the people that the deserts of men offer claims to pre-eminence more important than those of riches.

## 6. Monarchy

So far, we have considered the prince as a moral and collective person, unified by the force of the laws, and the depositary in the State of the executive power. We have now to consider this power when it is gathered together into the hands of a natural person, a real man, who alone has the right to dispose of it in accordance with the laws. Such a person is called a monarch or king.

In contrast with other forms of administration, in which a collective being stands for an individual, in this form an individual stands for a collective being; so that the moral unity that constitutes the prince is at the same time a physical unity, and all the qualities, which in the other case are only with difficulty brought together by the law, are found naturally united.

Thus the will of the people, the will of the prince, the public force of the State, and the particular force of the government, all answer to a single motive power; all the springs of the machine are in the same hands, the whole moves towards the same end; there are no conflicting movements to cancel one another, and no kind of constitution can be imagined in which a less amount of effort produces a more considerable amount of action. Archimedes, seated quietly on the bank and easily drawing a great vessel afloat, stands to my mind for a skilful monarch, governing vast states from his study, and moving everything while he seems himself unmoved.

But if no government is more vigorous than this, there is also none in which the particular will holds more sway and rules the rest more easily. Everything moves towards the same end indeed, but this end is by no means that of the public happiness, and even the force of the administration constantly shows itself prejudicial to the State.

Kings desire to be absolute, and men are always crying out to them from afar that the best means of being so is to get themselves loved by their people. This precept is all very well, and even in some respects very true. Unfortunately, it will always be derided at court. The power which comes of a people's love is no doubt the greatest; but it is precarious and conditional, and princes will never rest content with it. The best kings desire to be in a position to be wicked, if they please, without forfeiting their mastery: political sermonisers may tell them to their hearts' content that, the people's strength being their own, their first interest is that the people should

be prosperous, numerous and formidable; they are well aware that this is untrue. Their first personal interest is that the people should be weak, wretched, and unable to resist them. I admit that, provided the subjects remained always in submission, the prince's interest would indeed be that it should be powerful, in order that its power, being his own, might make him formidable to his neighbours; but, this interest being merely secondary and subordinate, and strength being incompatible with submission, princes naturally give the preference always to the principle that is more to their immediate advantage. This is what Samuel put strongly before the Hebrews, and what Machiavelli has clearly shown. He professed to teach kings; but it was the people he really taught. His *Prince* is the book of Republicans.

We found, on general grounds, that monarchy is suitable only for great States, and this is confirmed when we examine it in itself. The more numerous the public administration, the smaller becomes the relation between the prince and the subjects, and the nearer it comes to equality, so that in democracy the ratio is unity, or absolute equality. Again, as the government is restricted in numbers the ratio increases and reaches its maximum when the government is in the hands of a single person. There is then too great a distance between prince and people, and the State lacks a bond of union. To form such a bond, there must be intermediate orders, and princes, personages and nobility to compose them. But no such things suit a small State, to which all class differences mean ruin.

If, however, it is hard for a great State to be well governed, it is much harder for it to be so by a single man; and every one knows what happens when kings substitute others for themselves.

An essential and inevitable defect, which will always rank monarchical below the republican government, is that in a republic the public voice hardly ever raises to the highest positions men who are not enlightened and capable, and such as to fill them with honour; while in monarchies those who rise to the top are most often merely petty blunderers, petty swindlers, and petty intriguers, whose petty talents cause them to get into the highest positions at Court, but, as soon as they have got there, serve only to make their ineptitude clear to the public. The people is far less often mistaken in its choice than the prince; and a man of real worth among the king's ministers is almost as rare as a fool at the head of a republican government. Thus, when, by some fortunate chance, one of these born governors takes

the helm of State in some monarchy that has been nearly overwhelmed by swarms of "gentlemanly" administrators, there is nothing but amazement at the resources he discovers, and his coming marks an era in his country's history.

For a monarchical State to have a chance of being well governed, its population and extent must be proportionate to the abilities of its governor. It is easier to conquer than to rule. With a long enough lever, the world could be moved with a single finger; to sustain it needs the shoulders of Hercules. However small a State may be, the prince is hardly ever big enough for it. When, on the other hand, it happens that the State is too small for its ruler, in these rare cases too it is ill governed, because the ruler, constantly pursuing his great designs, forgets the interests of the people, and makes it no less wretched by misusing the talents he has, than a ruler of less capacity would make it for want of those he had not. A kingdom should, so to speak, expand or contract with each reign, according to the prince's capabilities; but, the abilities of a senate being more constant in quantity, the State can then have permanent frontiers without the administration suffering.

The disadvantage that is most felt in monarchical government is the want of the continuous succession which, in both the other forms, provides an unbroken bond of union. When one king dies, another is needed; elections leave dangerous intervals and are full of storms; and unless the citizens are disinterested and upright to a degree which very seldom goes with this kind of government, intrigue and corruption abound. He to whom the State has sold itself can hardly help selling it in his turn and repaying himself, at the expense of the weak, the money the powerful have wrung from him. Under such an administration, venality sooner or later spreads through every part, and peace so enjoyed under a king is worse than the disorders of an interregnum.

What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of succession has been set up, to prevent disputes from arising on the death of kings. That is to say, the disadvantages of regency have been put in place of those of election, apparent tranquillity has been preferred to wise administration, and men have chosen rather to risk having children, monstrosities, or imbeciles as rulers to having disputes over the choice of good kings. It has not been taken into account that, in so exposing ourselves to the risks this possibility entails, we are setting almost all

the chances against us. There was sound sense in what the younger Dionysius said to his father, who reproached him for doing some shameful deed by asking, "Did I set you the example?" "No," answered his son, "but your father was not king."

Everything conspires to take away from a man who is set in authority over others the sense of justice and reason. Much trouble, we are told, is taken to teach young princes the art of reigning; but their education seems to do them no good. It would be better to begin by teaching them the art of obeying. The greatest kings whose praises history tells were not brought up to reign: reigning is a science we are never so far from possessing as when we have learnt too much of it, and one we acquire better by obeying than by commanding. "Nam utilissimum idem ac brevissimum bonarum malarumque rerum delectus cogitare quid aut nolueris sub alio principe, aut volueris."

One result of this lack of coherence is the inconstancy of royal government, which, regulated now on one scheme and now on another, according to the character of the reigning prince or those who reign for him, cannot for long have a fixed object or a consistent policy — and this variability, not found in the other forms of government, where the prince is always the same, causes the State to be always shifting from principle to principle and from project to project. Thus we may say that generally, if a court is more subtle in intrigue, there is more wisdom in a senate, and Republics advance towards their ends by more consistent and better considered policies; while every revolution in a royal ministry creates a revolution in the State; for the principle common to all ministers and nearly all kings is to do in every respect the reverse of what was done by their predecessors.

This incoherence further clears up a sophism that is very familiar to royalist political writers; not only is civil government likened to domestic government, and the prince to the father of a family — this error has already been refuted — but the prince is also freely credited with all the virtues he ought to possess, and is supposed to be always what he should be. This supposition once made, royal government is clearly preferable to all others, because it is incontestably the strongest, and, to be the best also, wants only a corporate will more in conformity with the general will.

But if, according to Plato, the "king by nature" is such a rarity, how often will nature and fortune conspire to give him a crown? And, if royal education

necessarily corrupts those who receive it, what is to be hoped from a series of men brought up to reign? It is, then, wanton self-deception to confuse royal government with government by a good king. To see such government as it is in itself, we must consider it as it is under princes who are incompetent or wicked: for either they will come to the throne wicked or incompetent, or the throne will make them so.

These difficulties have not escaped our writers, who, all the same, are not troubled by them. The remedy, they say, is to obey without a murmur: God sends bad kings in His wrath, and they must be borne as the scourges of Heaven. Such talk is doubtless edifying; but it would be more in place in a pulpit than in a political book. What are we to think of a doctor who promises miracles, and whose whole art is to exhort the sufferer to patience? We know for ourselves that we must put up with a bad government when it is there; the question is how to find a good one.

### 7. Mixed Governments

STRICTLY speaking, there is no such thing as a simple government. An isolated ruler must have subordinate magistrates; a popular government must have a head. There is therefore, in the distribution of the executive power, always a gradation from the greater to the lesser number, with the difference that sometimes the greater number is dependent on the smaller, and sometimes the smaller on the greater.

Sometimes the distribution is equal, when either the constituent parts are in mutual dependence, as in the government of England, or the authority of each section is independent, but imperfect, as in Poland. This last form is bad; for it secures no unity in the government, and the State is left without a bond of union.

Is a simple or a mixed government the better? Political writers are always debating the question, which must be answered as we have already answered a question about all forms of government.

Simple government is better in itself, just because it is simple. But when the executive power is not sufficiently dependent upon the legislative power, i.e., when the prince is more closely related to the Sovereign than the people to the prince, this lack of proportion must be cured by the division of the government; for all the parts have then no less authority over the subjects, while their division makes them all together less strong against the Sovereign.

The same disadvantage is also prevented by the appointment of intermediate magistrates, who leave the government entire, and have the effect only of balancing the two powers and maintaining their respective rights. Government is then not mixed, but moderated.

The opposite disadvantages may be similarly cured, and, when the government is too lax, tribunals may be set up to concentrate it. This is done in all democracies. In the first case, the government is divided to make it weak; in the second, to make it strong: for the maxima of both strength and weakness are found in simple governments, while the mixed forms result in a mean strength.

## Book 4

### 8. Civil Religion

AT first men had no gods save the gods, and no government save theocracy. They reasoned like Caligula, and, at that period, reasoned aright. It takes a long time for feeling so to change that men can make up their minds to take their equals as masters, in the hope that they will profit by doing so.

From the mere fact that God was set over every political society, it followed that there were as many gods as peoples. Two peoples that were strangers the one to the other, and almost always enemies, could not long recognise the same master: two armies giving battle could not obey the same leader. National divisions thus led to polytheism, and this in turn gave rise to theological and civil intolerance, which, as we shall see hereafter, are by nature the same.

The fancy the Greeks had for rediscovering their gods among the barbarians arose from the way they had of regarding themselves as the natural Sovereigns of such peoples. But there is nothing so absurd as the erudition which in our days identifies and confuses gods of different nations. As if Moloch, Saturn, and Chronos could be the same god! As if the Phoenician Baal, the Greek Zeus, and the Latin Jupiter could be the same! As if there could still be anything common to imaginary beings with different names!

If it is asked how in pagan times, where each State had its cult and its gods, there were no wars of religion, I answer that it was precisely because each State, having its own cult as well as its own government, made no distinction between its gods and its laws. Political war was also theological; the

provinces of the gods were, so to speak, fixed by the boundaries of nations. The god of one people had no right over another. The gods of the pagans were not jealous gods; they shared among themselves the empire of the world: even Moses and the Hebrews sometimes lent themselves to this view by speaking of the God of Israel. It is true, they regarded as powerless the gods of the Canaanites, a proscribed people condemned to destruction, whose place they were to take; but remember how they spoke of the divisions of the neighbouring peoples they were forbidden to attack! "Is not the possession of what belongs to your god Chamos lawfully your due?" said Jephthah to the Ammonites. "We have the same title to the lands our conquering God has made his own." Here, I think, there is a recognition that the rights of Chamos and those of the God of Israel are of the same nature.

But when the Jews, being subject to the Kings of Babylon, and, subsequently, to those of Syria, still obstinately refused to recognise any god save their own, their refusal was regarded as rebellion against their conqueror, and drew down on them the persecutions we read of in their history, which are without parallel till the coming of Christianity.

Every religion, therefore, being attached solely to the laws of the State which proscribed it, there was no way of converting a people except by enslaving it, and there could be no missionaries save conquerors. The obligation to change cults being the law to which the vanquished yielded, it was necessary to be victorious before suggesting such a change. So far from men fighting for the gods, the gods, as in Homer, fought for men; each asked his god for victory, and repayed him with new altars. The Romans, before taking a city, summoned its gods to quit it; and, in leaving the Tarentines their outraged gods, they regarded them as subject to their own and compelled to do them homage. They left the vanquished their gods as they left them their laws. A wreath to the Jupiter of the Capitol was often the only tribute they imposed.

Finally, when, along with their empire, the Romans had spread their cult and their gods, and had themselves often adopted those of the vanquished, by granting to both alike the rights of the city, the peoples of that vast empire insensibly found themselves with multitudes of gods and cults, everywhere almost the same; and thus paganism throughout the known world finally came to be one and the same religion.

It was in these circumstances that Jesus came

to set up on earth a spiritual kingdom, which, by separating the theological from the political system, made the State no longer one, and brought about the internal divisions which have never ceased to trouble Christian peoples. As the new idea of a kingdom of the other world could never have occurred to pagans, they always looked on the Christians as really rebels, who, while feigning to submit, were only waiting for the chance to make themselves independent and their masters, and to usurp by guile the authority they pretended in their weakness to respect. This was the cause of the persecutions.

What the pagans had feared took place. Then everything changed its aspect: the humble Christians changed their language, and soon this so-called kingdom of the other world turned, under a visible leader, into the most violent of earthly despotisms.

However, as there have always been a prince and civil laws, this double power and conflict of jurisdiction have made all good polity impossible in Christian States; and men have never succeeded in finding out whether they were bound to obey the master or the priest.

Several peoples, however, even in Europe and its neighbourhood, have desired without success to preserve or restore the old system: but the spirit of Christianity has everywhere prevailed. The sacred cult has always remained or again become independent of the Sovereign, and there has been no necessary link between it and the body of the State. Mahomet held very sane views, and linked his political system well together; and, as long as the form of his government continued under the caliphs who succeeded him, that government was indeed one, and so far good. But the Arabs, having grown prosperous, lettered, civilised, slack and cowardly, were conquered by barbarians: the division between the two powers began again; and, although it is less apparent among the Mahometans than among the Christians, it none the less exists, especially in the sect of Ali, and there are States, such as Persia, where it is continually making itself felt.

Among us, the Kings of England have made themselves heads of the Church, and the Czars have done the same: but this title has made them less its masters than its ministers; they have gained not so much the right to change it, as the power to maintain it: they are not its legislators, but only its princes. Wherever the clergy is a corporate body, it is master and legislator in its own country. There are thus two powers, two Sovereigns, in England and in Russia, as well as elsewhere.



Of all Christian writers, the philosopher Hobbes alone has seen the evil and how to remedy it, and has dared to propose the reunion of the two heads of the eagle, and the restoration throughout of political unity, without which no State or government will ever be rightly constituted. But he should have seen that the masterful spirit of Christianity is incompatible with his system, and that the priestly interest would always be stronger than that of the State. It is not so much what is false and terrible in his political theory, as what is just and true, that has drawn down hatred on it.

I believe that if the study of history were developed from this point of view, it would be easy to refute the contrary opinions of Bayle and Warburton, one of whom holds that religion can be of no use to the body politic, while the other, on the contrary, maintains that Christianity is its strongest support. We should demonstrate to the former that no State has ever been founded without a religious basis, and to the latter, that the law of Christianity at bottom does more harm by weakening than good by strengthening the constitution of the State. To make myself understood, I have only to make a little more exact the too vague ideas of religion as relating to this subject.

Religion, considered in relation to society, which is either general or particular, may also be divided into two kinds: the religion of man, and that of the citizen. The first, which has neither temples, nor altars, nor rites, and is confined to the purely internal cult of the supreme God and the eternal obligations of morality, is the religion of the Gospel pure and simple, the true theism, what may be called natural divine right or law. The other, which is codified in a single country, gives it its gods, its own tutelary patrons; it has its dogmas, its rites, and its external cult prescribed by law; outside the single nation that follows it, all the world is in its sight infidel, foreign and barbarous; the duties and rights of man extend for it only as far as its own altars. Of this kind were all the religions of early peoples, which we may define as civil or positive divine right or law.

There is a third sort of religion of a more singular kind, which gives men two codes of legislation, two rulers, and two countries, renders them subject to contradictory duties, and makes it impossible for them to be faithful both to religion and to citizenship. Such are the religions of the Lamas and of the Japanese, and such is Roman Christianity, which may be called the religion of the priest. It leads to a sort of mixed and anti-social code which has no

name.

In their political aspect, all these three kinds of religion have their defects. The third is so clearly bad, that it is waste of time to stop to prove it such. All that destroys social unity is worthless; all institutions that set man in contradiction to himself are worthless.

The second is good in that it unites the divine cult with love of the laws, and, making country the object of the citizens' adoration, teaches them that service done to the State is service done to its tutelary god. It is a form of theocracy, in which there can be no pontiff save the prince, and no priests save the magistrates. To die for one's country then becomes martyrdom; violation of its laws, impiety; and to subject one who is guilty to public execration is to condemn him to the anger of the gods: *Sacer estod*.

On the other hand, it is bad in that, being founded on lies and error, it deceives men, makes them credulous and superstitious, and drowns the true cult of the Divinity in empty ceremonial. It is bad, again, when it becomes tyrannous and exclusive, and makes a people bloodthirsty and intolerant, so that it breathes fire and slaughter, and regards as a sacred act the killing of every one who does not believe in its gods. The result is to place such a people in a natural state of war with all others, so that its security is deeply endangered.

There remains therefore the religion of man or Christianity — not the Christianity of to-day, but that of the Gospel, which is entirely different. By means of this holy, sublime, and real religion all men, being children of one God, recognise one another as brothers, and the society that unites them is not dissolved even at death.

But this religion, having no particular relation to the body politic, leaves the laws in possession of the force they have in themselves without making any addition to it; and thus one of the great bonds that unite society considered in severally fails to operate. Nay, more, so far from binding the hearts of the citizens to the State, it has the effect of taking them away from all earthly things. I know of nothing more contrary to the social spirit.

We are told that a people of true Christians would form the most perfect society imaginable. I see in this supposition only one great difficulty: that a society of true Christians would not be a society of men.

I say further that such a society, with all its perfection, would be neither the strongest nor the most lasting: the very fact that it was perfect would

rob it of its bond of union; the flaw that would destroy it would lie in its very perfection.

Every one would do his duty; the people would be law-abiding, the rulers just and temperate; the magistrates upright and incorruptible; the soldiers would scorn death; there would be neither vanity nor luxury. So far, so good; but let us hear more.

Christianity as a religion is entirely spiritual, occupied solely with heavenly things; the country of the Christian is not of this world. He does his duty, indeed, but does it with profound indifference to the good or ill success of his cares. Provided he has nothing to reproach himself with, it matters little to him whether things go well or ill here on earth. If the State is prosperous, he hardly dares to share in the public happiness, for fear he may grow proud of his country's glory; if the State is languishing, he blesses the hand of God that is hard upon His people.

For the State to be peaceable and for harmony to be maintained, all the citizens without exception would have to be good Christians; if by ill hap there should be a single self-seeker or hypocrite, a Catiline or a Cromwell, for instance, he would certainly get the better of his pious compatriots. Christian charity does not readily allow a man to think hardly of his neighbours. As soon as, by some trick, he has discovered the art of imposing on them and getting hold of a share in the public authority, you have a man established in dignity; it is the will of God that he be respected: very soon you have a power; it is God's will that it be obeyed: and if the power is abused by him who wields it, it is the scourge wherewith God punishes His children. There would be scruples about driving out the usurper: public tranquillity would have to be disturbed, violence would have to be employed, and blood spilt; all this accords ill with Christian meekness; and after all, in this vale of sorrows, what does it matter whether we are free men or serfs? The essential thing is to get to heaven, and resignation is only an additional means of doing so.

If war breaks out with another State, the citizens march readily out to battle; not one of them thinks of flight; they do their duty, but they have no passion for victory; they know better how to die than how to conquer. What does it matter whether they win or lose? Does not Providence know better than they what is meet for them? Only think to what account a proud, impetuous and passionate enemy could turn their stoicism! Set over against them those generous peoples who were devoured by ardent love of glory and of their country, imagine your Christian republic

face to face with Sparta or Rome: the pious Christians will be beaten, crushed and destroyed, before they know where they are, or will owe their safety only to the contempt their enemy will conceive for them. It was to my mind a fine oath that was taken by the soldiers of Fabius, who swore, not to conquer or die, but to come back victorious — and kept their oath. Christians would never have taken such an oath; they would have looked on it as tempting God.

But I am mistaken in speaking of a Christian republic; the terms are mutually exclusive. Christianity preaches only servitude and dependence. Its spirit is so favourable to tyranny that it always profits by such a régime. True Christians are made to be slaves, and they know it and do not much mind: this short life counts for too little in their eyes.

I shall be told that Christian troops are excellent. I deny it. Show me an instance. For my part, I know of no Christian troops. I shall be told of the Crusades. Without disputing the valour of the Crusaders, I answer that, so far from being Christians, they were the priests' soldiery, citizens of the Church. They fought for their spiritual country, which the Church had, somehow or other, made temporal. Well understood, this goes back to paganism: as the Gospel sets up no national religion, a holy war is impossible among Christians.

Under the pagan emperors, the Christian soldiers were brave; every Christian writer affirms it, and I believe it: it was a case of honourable emulation of the pagan troops. As soon as the emperors were Christian, this emulation no longer existed, and, when the Cross had driven out the eagle, Roman valour wholly disappeared.

But, setting aside political considerations, let us come back to what is right, and settle our principles on this important point. The right which the social compact gives the Sovereign over the subjects does not, we have seen, exceed the limits of public expediency. The subjects then owe the Sovereign an account of their opinions only to such an extent as they matter to the community. Now, it matters very much to the community that each citizen should have a religion. That will make him love his duty; but the dogmas of that religion concern the State and its members only so far as they have reference to morality and to the duties which he who professes them is bound to do to others. Each man may have, over and above, what opinions he pleases, without it being the Sovereign's business to take cognisance of them; for, as the Sovereign has no authority in the other world, whatever the lot of its subjects may be

in the life to come, that is not its business, provided they are good citizens in this life.

There is therefore a purely civil profession of faith of which the Sovereign should fix the articles, not exactly as religious dogmas, but as social sentiments without which a man cannot be a good citizen or a faithful subject. While it can compel no one to believe them, it can banish from the State whoever does not believe them — it can banish him, not for impiety, but as an anti-social being, incapable of truly loving the laws and justice, and of sacrificing, at need, his life to his duty. If any one, after publicly recognising these dogmas, behaves as if he does not believe them, let him be punished by death: he has committed the worst of all crimes, that of lying before the law.

The dogmas of civil religion ought to be few, simple, and exactly worded, without explanation or commentary. The existence of a mighty, intelligent and beneficent Divinity, possessed of foresight and providence, the life to come, the happiness of the just, the punishment of the wicked, the sanctity of the social contract and the laws: these are its positive dogmas. Its negative dogmas I confine to one, intolerance, which is a part of the cults we have

rejected.

Those who distinguish civil from theological intolerance are, to my mind, mistaken. The two forms are inseparable. It is impossible to live at peace with those we regard as damned; to love them would be to hate God who punishes them: we positively must either reclaim or torment them. Wherever theological intolerance is admitted, it must inevitably have some civil effect; and as soon as it has such an effect, the Sovereign is no longer Sovereign even in the temporal sphere: thenceforth priests are the real masters, and kings only their ministers.

Now that there is and can be no longer an exclusive national religion, tolerance should be given to all religions that tolerate others, so long as their dogmas contain nothing contrary to the duties of citizenship. But whoever dares to say: Outside the Church is no salvation, ought to be driven from the State, unless the State is the Church, and the prince the pontiff. Such a dogma is good only in a theocratic government; in any other, it is fatal. The reason for which Henry IV is said to have embraced the Roman religion ought to make every honest man leave it, and still more any prince who knows how to reason.

Jean Jacques Rousseau. *The Social Contract*. London: J.M. Dent and Sons, 1920.

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