The Social Contract

by
Jean-Jacques Rousseau

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First Published

1762

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Glossary

agreement: The item that Rousseau calls a *convention* is an event, whereas what we call 'conventions' (setting aside the irrelevant 'convention' = 'professional get-together') are not events but enduring states of affairs like the conventions governing the meanings of words, the standards of politeness, etc. So 'convention' is a wrong translation; and 'agreement' is right.

alienate: To alienate something that you own is to bring it about that you no longer own it; in brief, to give it away or sell it,

arbitrary: It means 'brought into existence by the decision of some person(s)'. It's no part of the meaning here (as it is today) that the decision was frivolous or groundless.

censorship: This translates Rousseau's *censure*. It doesn't refer to censorship as we know it today; *censure* didn't have that meaning until the 19th century. Rousseau's topic is a role that certain officials had in some periods of the Roman republic, namely as guardians of, and spokesmen for, the people's *mœurs* (see below). They could be thought of as an institutionalising of the 'court of public opinion'. On page 67 we see him stretching the original sense.

compact, **contract:** These translate Rousseau's *pacte* and *contrat* respectively. He seems to mean them as synonyms.

constitution: In this work a thing's 'constitution' is the sum of facts about how something is *constituted*, how its parts hang together and work together (so the constitution of a state is nothing like a document). Items credited with 'constitutions' are organisms and political entities; the mention on page 66 of the constitution of *a people* seems aberrant.

magistrate: In this work, as in general in early modern times, a 'magistrate' is anyone with an official role in government. The magistracy is the set of all such officials, thought of as a single body.

mœurs: The *mœurs* of a people include their morality, their basic customs, their attitudes and expectations about how people will behave, their ideas about what is decent. . . and so on. This word—rhyming approximately with 'worse'—is left untranslated because there's no good English equivalent to it. English speakers sometimes use it, for the sort of reason they have for sometimes using *Schadenfreude*.

moral person: Something that isn't literally person but is being regarded as one for some theoretical purpose. See for example pages 9 and 36.

populace: Rousseau repeatedly speaks of a 'people' in the singular, and we can do that in English ('The English—what a strange people!'); but it many cases this way of using 'people' sounds strained and peculiar, and this version takes refuge in 'populace'. On page 4, for instance, that saves us from 'In every generation the people was the master. . . '.

prince: As was common in his day, Rousseau uses 'prince' to stand for the chief of the government. This needn't be a person with the rank of Prince; it needn't be a person at all, because it could be a committee.

sovereign: This translates *souverain*. As Rousseau makes clear on page 7, he uses this term as a label for the person or group of persons holding supreme power in a state. In a democracy, the whole people constitute a sovereign, and individual citizens are members of the sovereign. In Books 3

and 4 ‘sovereign’ is used for the legislator (or legislature) as distinct from the government = the executive.

subsistence: What is needed for survival—a minimum of food, drink, shelter etc.

wise: An inevitable translation of *sage*, but the meaning in French carries ideas of ‘learned’, ‘scholarly’, ‘intellectually able’, rather more strongly than whatever it is that you and I mean by ‘wise’.

you, we: When this version has Rousseau speaking of what ‘you’ or ‘we’ may do, he has spoken of what ‘one’ may do. It is normal idiomatic French to use *on* = ‘one’ much oftener than we can use ‘one’ in English without sounding stilted (Fats Waller: ‘One never knows, do one?’).

BOOK 1

This little treatise is salvaged from a much longer work that I abandoned long ago, having started it without thinking about whether I was capable of pulling it off. Of various bits that might be rescued from what I had written of that longer work, what I offer here is the most substantial and, it seems to me, the least unworthy of being published. None of the rest of it is.

I plan to address this question: With men as they are and with laws as they could be, can there be in the civil order any sure and legitimate rule of administration? In tackling this I shall try always to unite •what *right* allows with •what *interest* demands, so that •justice and •utility don't at any stage part company.

I start on this without showing that the subject is important. You may want to challenge me: 'So you want to write on politics—are you then a prince [see Glossary] or a legislator?' I answer that I am neither, and that is why I write on politics. If I were a prince or a legislator I wouldn't waste my time *saying* what should be done; I would *do* it, or keep quiet.

As I was born a citizen of a free state, and am a member of its sovereign [see Glossary], my right to vote makes it my duty to study public affairs, however little influence my voice can have on them. Happily, when I think about governments I always find that my inquiries give me new reasons for loving the government of my own country!

1. The subject of the first book

Man is born free, and everywhere he is in chains. Here's one who thinks he is the master of others, yet he is more enslaved than they are. How did this change come about? I don't know. What can make it legitimate? That's a question that I think I can answer.

If I took into account nothing but force and what can be done by force, I would say:

> 'As long as a people is constrained to obey, it does well to obey; as soon as it can shake off the yoke, it does even better to shake it off. ·If its right to do so is challenged, it can answer that·: it gets its liberty back by the same 'right'—·namely, force·—that took it away in the first place. Any justification for taking it away equally justifies taking it back; and if there was no justification for its being taken away ·no justification for taking it back is called for·.'

But the social order ·isn't to be understood in terms of force; it· is a sacred right on which all other rights are based. But it doesn't come from nature, so it must be based on agreements. Before coming to that, though, I have to establish the truth of what I have been saying.

2. The first societies

The most ancient of all societies, and the only *natural* one, is the society of the family. Yet the children remain attached to the father only for as 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, this is something they do not •naturally but

•voluntarily, and the family itself is then maintained only by agreement.

This common liberty is an upshot of the nature of man. His first law is to provide for his own preservation, his first cares are those he owes to himself; and as soon as he can think for himself he is the sole judge of the right way to take care of himself, which makes him his own master.

You could call the family the *prime model* of political societies: the ruler corresponds to the father, and the people to the children; and all of them—·ruler, people, father, children·—because they were born free and equal don't give up their liberty without getting something in return. The whole difference is that •in the family the father's care for his children is repaid by his love for them, whereas •in the state the ruler's care for the people under him is repaid not by love for them (which he doesn't have!) but by the pleasure of being in charge.

Grotius denies that all human power is established in favour of the governed, and cites slavery as a counterexample. His usual method of reasoning is to establish •right by •fact [meaning: . . . 'to draw conclusions about what should be the case from premises about what is the case']. Not the most logical of argument-patterns, but it's one that is very favourable to tyrants.

. . . .Throughout his book, Grotius seems to favour—as does Hobbes—the thesis that the human species is divided into so many herds of cattle, each with a ruler who keeps guard over them for the purpose of devouring them.

Philo tells us that the Emperor Caligula reasoned thus:

> As a shepherd has a higher nature than his flock does, so also the shepherds of men, i.e. their rulers, have a higher nature than do the peoples under them;

from which he inferred, reasonably enough, that either kings were gods or men were beasts.

This reasoning of Caligula's is on a par with that of Hobbes and Grotius. Aristotle, before any of them, had said that men are not naturally equal because some are born for slavery and others for command.

Aristotle was right; but he mistook the effect for the cause. Every man born *in* slavery is born *for* slavery—nothing is more certain than that. Slaves lose everything in their chains, even the desire to escape from them: they love their servitude, as Ulysses' comrades loved their brutish condition ·when the goddess Circe turned them into pigs·. So if there *are* slaves *by* nature, that's because there *have been* slaves *against* nature. Force made the first slaves, and their cowardice kept them as slaves.

I have said nothing about King Adam; or about Emperor Noah, the father of three great monarchs who shared out the universe (like Saturn's children, whom some scholars have recognised in them). [In *Genesis* 9 it is said that after the flood Noah's three sons ruled the world.] I hope to be given credit for my moderation: as a direct descendant of one of these princes—perhaps of the eldest branch—I don't know that a verification of titles wouldn't show me to be the legitimate king of the human race! Anyway, Adam was undeniably 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 nothing to fear from rebellions, wars, or conspirators.

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'—a phrase that one might think is meant ironically, but is actually laid down

as a basic truth. But will no-one ever *explain* this phrase? Force is a physical power; I don't see what moral effect it can have. Giving way to force is something you have to do, not something you choose to do; ·or if you insist that choice comes into it·, it is at most an act of •prudence. In what sense can it be a •duty?

Suppose for a moment that this so-called 'right ·of the strongest·' exists. I maintain that we'll get out of this nothing but a mass of inexplicable nonsense. If force makes right, then if you change the force you change the right (effects change when causes change!), so that when one force overcomes another, there's a corresponding change in what is right. The moment it becomes possible to disobey •with impunity it becomes possible to disobey •legitimately. And because the strongest are always in the right, the only thing that matters is to work to become the strongest. Now, what sort of right is it that perishes when force fails? If force *makes* us obey, we can't be morally obliged to obey; and if force doesn't make us obey, then ·on the theory we are examining· we are under no obligation to do so. Clearly, the word 'right' adds nothing to force: in this context it doesn't stand for anything.

'Obey the powers that be.' If this means submit to force, it is a good precept, but superfluous: I guarantee that it will never be violated! All power comes from God, I admit; but so does all sickness—are we then forbidden to send for the doctor? A robber confronts me at the edge of a wood: I am compelled to hand over my money, but is it the case that even if I *could* hold onto it I am morally obliged to hand it over? After all, the pistol he holds is also a power.

Then let us agree that force doesn't create right, and that legitimate powers are the only ones we are obliged to obey. Which brings us back to my original question.

4. Slavery

Since no man has a •natural authority over his fellow, and •force creates no right, we are left with •agreements [see Glossary] as the basis for all legitimate authority among men.

Grotius says:

> If an individual can alienate [see Glossary] his liberty and make himself the slave of a master, why couldn't a whole people alienate its liberty and make itself subject to a king?

This contains several ambiguous words that need to be explained, but let us confine ourselves to 'alienate'. To alienate something is to give or sell it. Now, a man who becomes the slave of another does not *give* himself—he *sells* himself at the rock-bottom price of his subsistence [see Glossary]. But when a people sells itself what price is paid? ·Not their subsistence:· Far from providing his subjects with their subsistence, a king gets his own subsistence only from them. . . . 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.

'The despot guarantees civic peace in the state', you may say. Granted; but what do the people gain if

- •the wars his ambition brings down on them,
- •his insatiable greed, and
- •harassments by his ministers

bring them more misery than they'd have suffered from their own dissensions ·if no monarchy had been established·? What do they gain if this *peace* is one of their miseries? You can live peacefully in a dungeon, but does that make it a good life? The Greeks imprisoned in the cave of the Cyclops lived there peacefully while waiting for their turn to be eaten.

To say that a man *gives* himself ·to someone else, i.e. hands himself over· *free*, is to say something absurd and

inconceivable; such an act is null and illegitimate, simply because the man 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 doesn't create any right.

Even if each man could alienate himself, he couldn't alienate his children: they are born men, and born free; their liberty belongs to them, and no-one else has the right to dispose of it. While they are too young to decide for themselves, their father can, in their name, lay down conditions for their preservation and well-being; but he can't make an irrevocable and unconditional *gift* of them; such a gift is contrary to the ends of nature, and exceeds the rights of paternity. So an arbitrary [see Glossary] government couldn't be legitimate unless in every generation the populace [see Glossary] was the master who was in a position to accept or reject it; but then the government would no longer be arbitrary!

To renounce your liberty is to renounce •your status as a man, •your rights as a human being, and even •your duties as a human being. There can't be any way of compensating someone who gives up everything. Such a renunciation is incompatible with man's nature; to remove all freedom from his will is to remove all morality from his actions. Finally, an 'agreement' to have absolute authority on one side and unlimited obedience on the other—what an empty and contradictory agreement that would have to be! Isn't it clear that if we are entitled to take anything and everything from a person, we can't be under any obligation to him? And isn't that fact alone—the fact that there is no equivalence, nothing to be exchanged, between the two sides—enough to nullify the 'agreement'? What right can my slave have against me? Everything that he has is mine; his right is mine; and it doesn't make sense to speak of my right against myself.

Grotius and company cite *war* as another source for the so-called right of slavery. The winner having (they say) the right to kill the loser, the latter can buy back his life at the price of his freedom; and this agreement is all the more legitimate in being to the advantage of both parties.

But this supposed right to kill the loser is clearly not an upshot of the state of war. Men are not *naturally* one anothers' enemies. [The next sentence is expanded in ways that the ·small dots· convention can't easily handle.] Any natural relations amongst them must exist when they are living in their primitive independence without any government or social structure; but at *that* time they have no inter-relations that are stable enough to constitute either the state of peace or the state of war. War is constituted by a relation between things, not between persons; and because the state of war can't arise out of simple personal relations but only out of thing-relations, there can't be a private war (a war of man against man) in the state of nature, where there is no ownership, or in the state of society, where everything is under the authority of the laws.

Individual combats, duels and encounters are acts that can't constitute a state. As for the private wars that were authorised by Louis IX of France. . . ., they were abuses of feudal government, which was itself an absurd system if ever there was one—contrary to the principles of natural right and to all good government.

So war 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 belonging to their country but as defenders of it.[1] And

[1] The Romans, who understood and respected the right of war more than any other nation on earth were so scrupulous about this that a citizen wasn't

the only enemies a state can have are other states; not men, because there can't be a real settled relation between things as radically different as states and men.

This principle squares with the established rules of all times and the constant practice of all civilised peoples. Declarations of war don't give notice to •powers as much as to •their subjects. A foreigner—whether king, individual, or whole people—who robs, kills or detains the subjects ·of a country· without first declaring war on their prince is not an enemy but a bandit. When a full-scale war is going on, a prince is entitled to help himself to anything in the enemy country that belongs to the public, but if he is just he will respect the lives and goods of individuals—he will respect rights on which his own are based. The purpose of the war is to destroy the enemy state, so we [see Glossary] have a right to kill its defenders while they are bearing arms; but as soon as they lay down their weapons and surrender, they stop being enemies or instruments of the enemy and resume their status as simply *men*, and no-one has any right to take their lives. Sometimes it is possible to kill a state without killing any of its members; and a war doesn't give any right that isn't *needed* for the war to gain its objective. These principles are not those of Grotius: they aren't based on the authority of poets, but are derived from the nature of things and are based on reason.

What about the 'right of conquest'? The only basis for that is 'the law of the strongest'! If war doesn't give the winner the right to massacre the conquered peoples, you can't cite *that* right—a 'right' that doesn't exist—as a basis for a right to enslave those peoples. No-one has a right to kill an enemy except when he can't make him a slave, so the right to enslave him can't be derived from the right to kill him: it's not fair dealing to make him spend his freedom so as to keep his life, over which the victor holds no right. Isn't it clear that there's a vicious circle in basing 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 someone enslaved in war isn't committed to do anything for his master except what he is compelled to do; and the same goes for a conquered people. [Rousseau's point here is that the enslaved individual or the conquered people doesn't *owe* the conqueror anything.] By taking an equivalent for his life, the winner hasn't done him a favour; instead of killing him without profit, he has killed him usefully. He is indeed so far from getting any •authority over the slave in addition to his •power over him, that the two are still in a state of war towards one another: their master/slave relation comes from that, and this enforcement of a right of war doesn't imply that there has been a peace-treaty! They have reached an agreement; but this agreement, far from ending the state of war, presupposes its continuance.

Whatever angle we look at it from, therefore, the 'right of slavery' is null and void—not only as illegitimate but also as absurd and meaningless. The words 'slave' and 'right' contradict each other, and are mutually exclusive. It will always be crazy to say to a man, or to a people: 'I make an agreement with you 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.'

allowed to serve as a volunteer without explicitly agreeing to serve against such-and-such a named enemy. [Rousseau throws in an anecdote about a soldier whose military oath had to be renewed because etc. He continues:] I know that the siege of Clusium and other isolated events can be cited against me; but I'm talking ·not about individual episodes, but· about laws and customs. The Romans obeyed their laws more than any other people, and they had better laws than any other people.

5. We must always go back to a first agreement

[For 'agreement' see Glossary.] Even if I granted everything that I have refuted up to here, the supporters of despotism would be no better off. Ruling a society will always be a quite different thing from subduing a multitude. If any number of scattered individuals were successively enslaved by one man, all I can see there is a master and his slaves, and certainly not a people and its ruler. It's a •cluster, if you will, but not an •association; there's no public good there, and no body politic. This man may have enslaved half the world but he is still only an individual; his interest, apart from that of others, is never anything but a purely private interest. When this man dies, the empire he leaves behind him will remains scattered and without unity, like an oak that falls into a fire and dissolves into a heap of ashes when the fire has consumed it.

A people, says Grotius, can give itself to a king; so he must hold that a people is *a people* before it gives itself to a king. This gift is itself a civic act, which has to arise from public deliberation. Before we examine **(2)** the act by which a people gives itself to a king, let's examine **(1)** the act by which the people became a people; for **(1)** must occur before **(2)**, so that **(1)** is the true foundation of society.

Indeed, if there were no prior agreement, what would give the minority any obligation to submit to the choice of the majority (unless the election was unanimous)? A hundred men want to have a master; what gives them the right to vote on behalf of ten who don't? The law of majority voting is itself something established by agreement, and it presupposes that on at least one occasion there was a unanimous vote.

6. The social compact

Let us take it that men have reached the point at which the obstacles to their survival in the state of nature overpower each individual's resources for maintaining himself in that state. So this primitive condition can't go on; the human race will perish unless it changes its manner of existence.

Now, men can't create new forces; they can only •bring together ones that already exist, and •steer them. So their only way to preserve themselves is to unite a number of forces so that they are jointly powerful enough to deal with the obstacles. They have to bring these forces into play in such a way that they act together in a single thrust.

For forces to *add up* in this way, many people have to work together. But each man's force and liberty are what he chiefly needs for his own survival; so how can he put them into this collective effort without harming his own interests and neglecting the care he owes to himself? This difficulty, in the version of it that arises for my present subject, can be put like this:

> Find a form of association that will bring the whole common force to bear on defending and protecting each associate's person and goods, doing this in such a way that each of them, while uniting himself with all, still obeys only himself and remains as free as before.'

There's the basic problem that is solved by the social contract. [This is the work's first occurrence of that phrase.]

The clauses of this contract are so settled by the nature of the act that the slightest change would make them null and void; so that although they may never have been explicitly stated, they are everywhere the same and everywhere tacitly accepted and recognised, until the social compact [see Glossary] is violated and each individual regains his •original

rights and resumes his •natural liberty, while losing the liberty-by-agreement which had been his reason for renouncing •them.

Properly understood, these clauses come down to one—the total alienation [see Glossary] of each associate, together with all his rights, to the whole community. ·This may seem drastic, but three features of it make it reasonable·. **(i)** Because each individual gives himself *entirely*, what is happening here for any one individual is the same as what is happening for each of the others, and, because this is so, no-one has any interest in making things tougher for everyone but himself.

(ii) Because the alienation is made without reserve, ·i.e. without anything being held back·, the union is as complete as it can be, and no associate has anything more to demand. ·To see why the association *has to* be done in this way, consider· what the situation would be if the individuals retained certain rights. In the absence of any superior to decide issues about this, each individual would be his own judge in the first case that came up, and this would lead him to ask to be his own judge across the board; this would continue the state of nature, and the association would necessarily become inoperative or tyrannical.

(iii) Each man in giving himself to everyone gives himself to no-one; and •the right over himself that the others get is matched by •the right that he gets over each of them. So he gains as much as he loses, and *also* gains extra force for the preservation of what he has.

Filtering out the inessentials, we'll find that the social compact comes down to this:

> '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.'

[This is the first occurrence in this work of the phrase 'the general will'.]

This act of association instantly replaces •the individual-person status of each contracting party by •a moral and collective body, composed of as many members as the assembly has *voix* [= 'voices' or 'votes']; and receiving from this act its unity, its common identity, its life and its will. This public person that is formed by the union of all the other persons used to be called a 'city',[2] and these days is called a 'republic' or a 'body politic'. Its members call it

- •a 'state' when thinking of it as passive,
- •a 'sovereign' when thinking of it as active, and
- •a 'power' when setting it alongside others of the same kind.

Those who are associated in it are collectively called 'a people', and are separately called 'citizens' (as sharing in the sovereign power) and 'subjects' (as being under the state's laws. But these terms are often muddled and confused with one another: it is enough to know how to distinguish them when they are being used with precision.

[2] The real meaning of 'city' has been almost wholly lost in modern times; most people mistake a town for a city, and a townsman for a citizen. They don't know that houses make a town, but citizens a city. . . . I have never read of the title 'citizens' being given to the subjects of any prince, not even the ancient Macedonians or the English of today, though they are nearer liberty than anyone else. Only the French casually adopt the label 'citizens'; that's because they have no idea of its real meaning (you can see that from their dictionaries!). . . . They think of the name as expressing •a virtue rather than •a right. When Bodin was trying to talk about our citizens and our townsmen, he blundered badly by confusing these two classes with one another. M. d'Alembert avoided that error in his article on Geneva, clearly distinguishing the four orders of men (or even five, counting mere foreigners) who dwell in our town, of which only two make up the republic. I don't know of any other French writer who has understood the real meaning of the word 'citizen'.

7. The sovereign

This formula shows us that •the act of association involves a two-way commitment between the public and the individuals ·belonging to it·, and •that each individual, in making a contract with himself (so to speak), acquires two commitments: **(a)** as a member of the state he has a commitment to the sovereign, and **(b)** as a member of the sovereign [see Glossary] he has a commitment to each of the individuals, he being one of them. There is a maxim of civil law that no-one is bound by undertakings he has made to himself, but that doesn't apply here, because the present topic is incurring an obligation to •a whole of which one is a part, and that is very different from incurring an obligation to •oneself.

The proceeding I have been describing can't give the sovereign a commitment to itself. As I have just pointed out, an individual subject can have a commitment to himself in this sense: as an individual he has a commitment to the sovereign, and as a member of the sovereign he has a commitment to himself. But the sovereign can't have a commitment to itself; it doesn't have two distinct roles ·such that a commitment could go from it in one role and towards it in the other·. For the sovereign to have a commitment to itself would be like an individual person having a commitment to himself; it just isn't possible. And so it is against the nature of the body politic for the sovereign to impose on itself a law that it can't infringe: there isn't and can't be any kind of basic law that is binding on the body of the people—even the social contract itself can't do that. This doesn't mean that the body politic can't enter into commitments with others [i.e. with other states]. . . . It *can* do that, because in relation to what is external to it—·i.e. in relation to other states or sovereigns·—the sovereign is just a simple being, an individual.

But the body politic, i.e. the sovereign, owes its very existence to the sanctity of •the contract; so it can never commit itself, even to another state, to do anything that conflicts with •that original act—e.g. to alienate any part of itself, or to submit to another sovereign. ·I'm saying not that the sovereign *ought* not to do such a thing, but that it *can't* do so·: violation of the act ·of contract-making· by which it exists would be self-annihilation; and nothing can be created by something that has gone out of existence!

As soon as this multitude is united into one body in this way, any offence against one of the members is an attack on the body, and any offence against the body will be resented by the members. Thus, the two contracting parties—the individual member and the body politic—are obliged by duty and by self-interest to give each other help. . . .

Now, because the sovereign is made out of nothing but its constituent individuals, it doesn't and can't have any interest contrary to theirs; so there's no need for it to provide its subjects with guarantee ·of treating them well·, because •the body can't possibly wish to hurt all its members, and—as we'll see later on—•it can't hurt any individual one of them either. The sovereign, merely by virtue of what it *is*, is always what it *ought to* be.

But the situation is different with respect to the relation of the subjects to the sovereign: despite their common interest, the sovereign would have no security that the subjects would behave as they have committed themselves to behaving unless it found some way to be assured of their fidelity.

The fact is that each individual •as a man can have a particular will that doesn't fit, and even conflicts with, the general will that he has •as a citizen. His individual self-interest may speak to him quite differently from how the common interest does. He looks at the situation in this way:

> 'I have an absolute and naturally independent existence; ·I'm not something that exists only because certain items have come together in an association·. So what I am said to 'owe' to the common cause—·i.e. to the body politic or sovereign whose existence *is* in that way dependent on the conduct of its members·—is really a gift, a hand-out; if I withhold it, that won't harm anyone else as much as it will benefit me. As for the 'moral person' that constitutes the state, that's not a man but a mere mental construct.'

So he may wish to enjoy the rights of citizenship without being ready to fulfill the duties of a subject; and if that went on for long enough it would destroy the body politic.

To protect the social compact from being a mere empty formula, therefore, it silently includes the undertaking that anyone who refuses to obey the general will is to be compelled to do so by the whole body. This single item in the compact can give power to all the other items. It means nothing less than that each individual **will be forced to be free**. ·It's obvious how *forcing* comes into this, but. . . *to be free*? Yes·, because this is the condition which, by **giving** each citizen to his country, secures him against all personal dependence, ·i.e. secures him against being **taken** by anyone or anything else·. This is the key to the working of the political machine; it alone legitimises civil commitments which would otherwise be absurd, tyrannical, and liable to frightful abuses.

8. The civil state

This passage from •the state of nature to •the civil state produces a very remarkable change in man: the role that instinct used to play in his conduct is now taken over by ·a sense of· justice, and his actions now have a moral aspect that they formerly lacked. The voice of duty has taken over from physical impulses and ·a sense of what is· right has take over from appetite; and now—only now—the man who has until now considered only himself finds himself forced to act on different principles and to consult his reason before listening to his inclinations. In this ·civil· state he is deprived of many advantages that he got from nature, but he gets enormous benefits in return—his faculties are so stimulated and developed, his ideas are extended, his feelings ennobled, and his whole soul uplifted. All this happens to such an extent that if the abuses of this new condition didn't often pull him down to something lower than he was in •the state of nature, he would be bound to bless continually the happy moment that took him from •it for ever, and out of a dull and limited animal made a thinking being, a man.

Let us get a statement of profit and loss in terms that make it easy to compare the two sides. What man loses by the social contract is

- •his natural liberty and
- •an unrestricted right to anything he wants and can get.

What he gains

- •civil liberty and
- •the ownership of everything he possesses.

If we're to weigh these up accurately, we must distinguish

- •**natural** liberty, which is limited only by the individual's powers, from
- •**civil** liberty, which is limited by the general will.

And we must distinguish

- •**possession**, which is merely the effect of force or the principle of 'first come, first served', from
- •**property**, which can only be based on a positive title.

We could add on the 'profit' side the fact that in the civil state a man acquires moral liberty, which alone makes him truly

master of himself; for the drive of sheer appetite is •slavery, while obedience to a law that we prescribe to ourselves is •liberty. But I have said too much about this in other places; and the philosophical meaning of the word 'liberty' doesn't concern us here.

9. Real estate

At the moment when the community comes into existence, each of its members *gives himself to it*—himself just as he is, with any powers that he has, including all his possessions. It is *not* the case that this transfer of all his goods changes them from being •possessions in his hands to being •property in the hands of the sovereign; but because the city's powers are incomparably greater than any individual's, public possession is stronger and more irrevocable, without being any more legitimate. [The rest of this paragraph is expanded in ways that the ·small dots· convention can't easily signify.] Actually, from the point of view of the members of this state its possession of each member's goods *[is* legitimate, because the state is the master of all their goods by the social contract which is the basis of all rights *within the state*. But it's not legitimate from the point of view of a foreigner, because from that point of view this state has its possessions only through the 'first come, first served' principle as applied to its members and then passed on from them to the state.

Of the two ways of getting a right to something in the state of nature, namely

(i) being the first occupier of it, and

(ii) being the strongest,

(i) provides a right—'·first come, first served·'—that is more real than **(ii)** does; but it doesn't become a true right until *property*-rights are established. Every man has naturally a right to everything he needs; but the positive act that makes something his *property* excludes him from everything else. Having acquired share, he ought to limit himself to that, and can't have any further claim on the community. That's why the first-occupier right, which is so weak in the state of nature, claims the respect of every man in civil society. What a man respects in this right is not so much •what belongs to someone else as •what doesn't belong to him.

In general, to authorize a first occupier's right over any bit of ground three conditions must be satisfied:

- •the ground wasn't already occupied by someone else;
- •he occupies only as much as he needs for his subsistence;
- •he takes possession of this ground not by an empty ceremony but by labour and cultivation.

His work on the land is the only sign of ownership that others should respect if he doesn't have a legal title.

In allowing the right of first occupancy on condition that the land was needed and was worked on, aren't we stretching that right as far as it can go? Could such a right be left with no limits or restrictions? To claim to be the master of a plot of common ground will it be enough merely to set foot on it? If a man has the strength to expel others for a moment, does that deprive them of any right to return? If a man or a people seize an immense territory and shut out the rest of the world, won't this be merely a *grab* that ought to be punished? ·The answer is surely 'yes'·, because such an act steals from others the living-space and means of subsistence that nature gave them in common. When Balboa stood on the sea-shore and took possession of the south seas and the whole of South America in the name of the Spanish crown, was that enough to dispossess all their actual inhabitants and to shut out from those territories all the princes of the world? If so, there's no need for all these ceremonies; the Catholic King can take possession of the whole universe all

at once, tacking on a rider excluding from his claim any territories that were already possessed by other princes!

We can imagine •how adjacent pieces of land belonging to individuals become, when they are combined, public territory, and •how the right of sovereignty over the subjects comes to be extended to being a right over their real estate. This makes the land-owners even more dependent ·on the sovereign·; ·they have more to lose if things go wrong between them and the sovereign; and· this is a guarantee of their fidelity. The advantage of this apparently wasn't felt by ancient monarchs, who called themselves kings of **the Persians**, **the Scythians**, or **the Macedonians**, apparently regarding themselves as rulers of men rather than as masters of a country. Today's kings are cleverer: they call themselves kings of **France**, of **Spain**, of **England** and so on. Holding the land in this way, they are quite confident of holding the inhabitants.

This alienation in which individuals transfer their goods to the community has a special feature, namely that far from •depriving the individuals of their goods it •assures them of legitimate possession, changing

- •'I have taken possession of this (somehow)' into 'I have a genuine right to this', and
- •'I have the enjoyment of this' into 'I own this'.

Thus the possessors, •in their role as those to whom the public good has been entrusted, and •having their rights respected by all the state's members and maintained against foreign aggression by all its forces, have made a transfer that benefits both the public and still more themselves, thereby acquiring (as it were) everything that they gave up. This paradox is easily explained by distinguishing the sovereign's right from the owner's rights over the same estate—as we shall see later on.

It can also happen that men •begin to unite before they possess anything, •subsequently occupy a tract of land that is enough for them all, and then •enjoy it in common, or share it out among themselves (either equally or in proportions fixed by the sovereign). But however the acquisition is made, each individual's right to his own estate is always subordinate to the community's right over everyone's estate; without this, the social tie would be fragile and the exercise of sovereignty would be feeble.

To bring this chapter and this book to an end, I'll remark on a fact that should be the basis for any social system, namely: The basic compact doesn't **destroy** natural inequality; rather, it **replaces** •such physical inequalities as nature may have set up between men by •an equality that is moral and legitimate, so that men who may be unequal in strength or intelligence become equal by agreement and legal right.[3]

[3] Under bad governments, this equality is only apparent and illusory: all it does is to keep the pauper in his poverty and the rich man in the position he has usurped. Laws in fact are always useful to those who have possessions and harmful to those who don't; from which it follows that the social state is advantageous to men only when everyone has something and no-one has too much.

BOOK 2

1. Sovereignty is inalienable

The first and most important consequence of the principles I have laid down is that the directing of the state in the light of the object for which it was instituted, i.e. the common good, must be done by the general will. The •clashing of particular interests made it •necessary to establish a society, and the •agreement of those same interests made it •possible to do so. It's the common element in these different interests that forms the social tie; and if there were there nothing that they all had in common, no society could exist. It is solely by 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 [see Glossary], and that the sovereign, which is nothing but a collective being, can't be represented except by itself: the power indeed may be transmitted, but not the will.

Perhaps a particular will *could* agree on some point with the general will, but at least it's impossible for such an agreement to be lasting and constant. Why? Because it's of the very nature of a particular will to tend towards •favouritism, be •partial [i.e. to favour some people over others], whereas the general will tends towards •equality. It is even more impossible to have any guarantee of this agreement; for even if it did always exist that would be the effect not of skill but of chance. The sovereign may indeed say:

> 'Right now I will what that man wills (or at least what he says he wills)',

but it can't say

> 'What that man wills tomorrow, I too shall will',

because it's absurd for the will to bind itself for the future, and no will is obliged to consent to anything that isn't for the good of the being whose will it is. If then the populace 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 isn't to deny that rulers' commands can count as general wills, if the sovereign is free to oppose them and doesn't do so. In such a case, universal silence should be taken to show the people's consent. I'll explain this fully later on.

2. Sovereignty is indivisible

For the same reason that makes it inalienable, sovereignty is indivisible. Here is why. Either will **(a)** is general[4] or it **(b)** isn't; it is the will either of **(a)** the body of the people or of **(b)** only a part of it. When it is declared, then, either **(a)** it is an act of sovereignty and constitutes law, or **(b)** it is merely a particular will or

the rest of the sentence: *un acte de magistrature ; c'est un décret tout au plus.*

which literally means: an act of magistracy—at the most a decree.

what Rousseau was getting at: regulations laid down by high-level bureaucrats, not basic laws issuing from the legislature, the sovereign. [Re 'magistracy', see Glossary.]

But our political theorists, unable to divide sovereignty on

[4] To be general, a will need not always be unanimous; but every vote must be counted: any exclusion is a breach of generality.

the basis of its •source, divide it according to its •object. They divide it into

•force and will,
•legislative power and executive power,
•rights of taxation, justice and war,
•internal affairs and foreign relations.

Sometimes they run these sections together and sometimes they separate 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 else! We're told that the jugglers of Japan dismember a child before the eyes of the spectators; then they throw the pieces into the air one after another, and the child falls down alive and whole. The conjuring tricks of our political theorists are pretty much like that: having dismembered the body politic by a huckster's trick they then re-asssemble it. . . somehow!

This error comes from a failure to think precisely about the sovereign authority, regarding as different •parts of it what are really just different •emanations from it.

[Rousseau seems to mean that they are just different actions that are performed under the authority of the sovereign. In distinguishing **(a)** parts of the sovereign authority from **(b)** actions performed not by the sovereign authority but by subordinate governmental agencies, he may be

distinguishing parts of x from actions of x, or
distinguishing the sovereign's actions from those of subordinate agencies.

In fact he seems to be thinking only of the second of these distinctions. Read on.] Thus, for example, the acts of declaring war and making peace have been regarded as acts of sovereignty, but they aren't. None of them are laws; each of them simply applies a law to a particular case, involving a decision ·not about what the law is to be, but only· about how the law applies in this case. This will be clear when the idea attached to the word 'law' has been fixed.

If we track the other divisions in the same way, we would find that whenever anyone takes sovereignty to be divided there is a mistake: the rights that are taken as being part of sovereignty are really all subordinate, and always presuppose the existence of supreme wills that they are merely applying.

This lack of exactness has thrown a cloud of obscurity over the conclusions of writers on political right who have laid down principles on the basis of which to pass judgment on the respective rights of kings and peoples. When I try to say how much obscurity, words fail me! Everyone can see in Grotius's work (Book 1 chapters 3 and 4) how the learned man and his translator, Barbeyrac, entangle and confuse themselves with 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 placate. Grotius, a refugee in France, discontented with his own country [Holland], and wanting to pay court to Louis XIII, to whom his book is dedicated, will go to any lengths to strip the peoples of all their rights and clothe kings in them with every conceivable decoration. This would also have been much to the taste of Barbeyrac, who dedicated his translation to George I of England. But unfortunately ·for him· the expulsion of James II, which Barbeyrac called his 'abdication', compelled him to be on his guard, to shuffle and switch positions, in order to avoid making William ·of Orange, who succeeded James on the throne· a usurper. If these two writers had adopted the true principles, all ·their· difficulties would have been removed, and they would have been always consistent; but they'd have told the truth *sadly*, and they wouldn't have been paying court to anyone except the people. Well, the truth is no road to fortune, and the populace doesn't give out ambassadorships, university chairs, or pensions.

3. Can the general will be wrong?

It follows from all this that the general will is always in the right and always works for the public good; but it doesn't follow that the people's deliberations are always equally correct. Our will is always for our own good, but we don't always see what that is; the populace is never corrupted, but it is often deceived, and then—but only then—it seems to will something bad. [The French for Rousseau's endorsement of the general will is *toujours droite*, which has been translated as 'always right' and also as 'always within its rights'; the matter is controversial. The rendering 'in the right'—here and twice more—is a cowardly compromise.]

The •will of all is very different from the •general will; the latter looks only to the common interest, while the former looks to private interest and is no more than a sum of particular wills: but remove from these same wills the pluses and minuses that cancel one another[5] and what is left of the particular wills adds up to constitute the general will. [In that sentence, and four times in the next paragraph, 'particular will(s)' translates Rousseau's *différence(s)*', which in this one context he uses in an oddly non-relational way.]

If the populace held its deliberations (on the basis of adequate information) without the citizens communicating with one another, what emerged from all the little particular wills would always be the general will, and the decision would always be good. But when plots and deals lead to the formation of •partial associations at the expense of •the big association, the will of each of these associations—the general will of its members—is still a particular [*particulière*] will so far as the state is concerned; so that it can then be said that *as many votes as there are men* is replaced by *as many votes as there are associations*. The particular wills become less numerous and give a less general result. And when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small particular wills but a single particular will; and then there is no longer a general will, and the opinion that prevails is purely particular [*particulier*].

If the general will is to emerge clearly it's important that there should be no partial society within the state, and that each citizen should think only his own thoughts:[6] which was indeed the sublime and unique system established by the great Lycurgus. And if there *are* partial societies, it's best to have as many as possible and to prevent them from becoming unequal, as was done by Solon, Numa and Servius. These precautions are the only ones that can ensure that the general will is always enlightened and that the populace is never in error.

4. The limits of the sovereign power

If the state or city is nothing but a moral person whose life consists in the union of its parts, and if its most important concern is for its own preservation, it must have a universal force to move and place each part in the way that is most advantageous to the whole. Just as nature gives each man absolute power over all his members, the social compact

[5] 'Every interest', says the Marquis d'Argenson, 'has different principles. What brings **two** particular interests into agreement is their ·shared· opposition to **a third**.' He could have added that what brings **all** interests into agreement is their ·shared· opposition to **each**. If individual interests didn't differ from one another, the common interest would have nothing to bump up against, and so it would hardly be felt. . . .

[6] 'In fact,' says Machiavelli, 'some divisions are harmful to a republic and some are advantageous. Those that stir up sects and parties are harmful; those attended by neither are advantageous. So, since the founder of a Republic can't help enmities arising, he ought at least to prevent them from growing into sects' (*History of Florence*, Book 7).

gives the body politic absolute power over all *its* members; and I repeat that it is this power which, under the direction of the general will, is called 'sovereignty'.

But as well as the public person, we have to consider the private persons who compose it, and whose life and liberty are naturally independent of it. So now there's the matter of clearly distinguishing

- •the citizens' rights from the sovereign's,[7] and
- •the citizens' duties as subjects from their natural rights as men.

Agreed: each man alienates by the social compact only the part of his powers, goods and liberty that it is important for the community to control. But something else should also be agreed: the sovereign is sole judge of what is important.

Any service a citizen can give to the state should be performed as soon as the sovereign demands it; but the sovereign on its side can't impose upon its subjects any fetters that are useless to the community. Indeed it can't even *want* to do so, because ·there's no reason for it to want to, and· 'Nothing can happen without a cause' applies under the law of reason as much as it does under the law of nature.

The undertakings that bind us to the social body are obligatory only because they go both ways; and their nature is such that in fulfilling them we can't work for others without working for ourselves. Why is the general will always in the right, and why do •all continually will the happiness of •each? It can only be because there's not a man who doesn't think of 'each' as meaning *him*, and considers himself in voting for all? This shows that equality of rights, and the idea of justice arising from it, originate in •the preference each man gives to himself, and accordingly •in human nature. It shows •that the general will, to be really general, must be

- general in its object as well as its essence; i.e. must come from all and apply to all;

and •that when it is directed to some particular and determinate object it loses its natural rightness, because in such a case we—·the joint owners of the general will·—are judging of something foreign to us, so that we don't have any genuine standards to guide us.

Indeed, as soon as a question of particular fact or right arises in some context that hasn't already been regulated by a general agreement, the matter becomes contentious. It is a case—·like a trial in a court of law·—where the individuals concerned are on one side and the public are on the other; but I can't see what law should be followed or what judge should decide. Couldn't we ask the general will for an explicit decision on this matter? That is an absurd proposal: the deliverance of the general will can only be the conclusion of one of the sides and will therefore be seen by the other as merely an external and particular will that is subject to error and has on this occasion fallen into injustice. Thus, just as a particular will can't represent the general will, the general will. . . .—just because it is general—can't pronounce on a particular man or fact. When for instance the Athenian populace nominated or displaced its rulers, decreeing honours for one and penalties for another, and by hosts of particular decrees exercised all the functions of government indiscriminately, it no longer had a general will in the strict sense; it was acting no longer as sovereign, but as magistrate [see Glossary]. This will seem contrary to current views; but you should give me time to expound my own.

So you can see that what makes the will *general* is less the number of voices than the common interest uniting them; for under this system each person necessarily submits to

[7] Attentive readers, please don't rush in with the charge that I am contradicting myself. The poverty of the language has forced this on me; but wait and see.

the conditions he imposes on others; and this admirable alignment of •interest with •justice gives to the common deliberations a quality of fairness, evenness of balance, which is visibly absent from the discussion of any particular issue, in the absence of a common interest that would bring unity. . . .

From whatever direction we approach our principle, we always reach the same conclusion: the social compact creates an equality among the citizens so that they all commit themselves to observe the same conditions and should all have the same rights. Thus, from the very nature of the compact, every act of sovereignty—i.e. every authentic act of the general will—obliges or favours all the citizens equally; so that the sovereign recognises only the body of the nation and doesn't distinguish among the individuals of whom it is made up. Then what strictly speaking *is* an act of sovereignty? It's not an agreement between a superior and an inferior, but an agreement between the body and each of its members—an agreement that is

- •legitimate, because it is based on the social contract,
- •equitable, because everyone takes part in it,
- •useful, because the only object it can have is 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 agreements of this sort, they don't obey anyone—only their own will; and to ask how far the respective rights of the sovereign and the citizens extend is to ask ·not two questions but only one, namely·: Up to what point can the citizens make commitments to themselves, each to all and all to each?

This shows •that the sovereign power—utterly absolute, sacred and inviolable as it is—doesn't and can't cross the boundaries set by general agreements, and •that every man can do what he likes with any goods and liberty that these agreements leave him; so that it is never right for the sovereign to burden one subject more heavily than another, because that involves a particular decision and ·therefore· isn't within the range of the sovereign's legitimate activity.

Once these distinctions are admitted, it is ·seen to be· false that the social contract involves any real renunciation on the part of the individuals; *so* false that the situation that the contract puts them into is really preferable to the one they were in before. Instead of an alienation [see Glossary], they have made an advantageous exchange, trading in

- •an uncertain and precarious way of living for •one that is better and more secure;
- •natural independence for •liberty,
- •the power to harm others for •security for themselves, and
- •their strength, which others might overcome, for •a right that social union makes invincible.

Even their life, which they have dedicated to the state, is constantly protected by it; and when they risk it in the state's defence, aren't they just giving back what they have received from it? What are they doing that they wouldn't do oftener and more dangerously in the state of nature, in which they would inevitably have to risk their lives in battles in defence of their means of survival? Everyone does indeed have to fight when his country needs him; but then no-one ever has to fight for himself. We may have to run certain risks on behalf of the source of our security; the alternative is to lose our security and run greater risks on behalf of ourselves; haven't we profited by this exchange?

5. The right of life and death

This question has been raised: 'Given that individuals have no right to dispose of their own lives, how can they give that right to the sovereign, transferring something that they don't possess?' This looks hard to answer only because it is wrongly stated. Every man has a right to risk his own life in order to preserve it. A man who jumps from a high window to escape from a fire—is he ever said to be guilty of suicide? Has that crime been alleged against anyone perishes in a storm that he knew, when he went on board, had some probability of occurring?

The social treaty aims for the preservation of the contracting parties. He who wills •the end also wills •the means, and the means must involve some risks, and even some losses. Someone who is willing to save •his life at others' expense should also be ready to give •it up for their sake, when there is a need for this. Now, the citizen is no longer the judge of the risks that the law wants him to run, and when the prince says to him: 'It is expedient for the state that you should die', *he ought to die*. Why? Because his life is no longer merely a natural good, but is a gift made conditionally by the state; ·it is conditional on his always meeting the state's demands, and· it's only on that condition that he has been living in security up to the present.

The death-penalty for criminals can be seen in much the same light: it is in order to save ourselves from assassins that we consent to die if we become assassins. In this treaty—·this social contract·—so far from disposing of our own lives, we think only of securing them; and it isn't to be assumed that any of the parties then expects to get himself hanged!

Every criminal by attacking social rights becomes a rebel and a traitor to his country; by violating its laws he stops being a member of it—he even *makes war* on it. The state's survival is inconsistent with his survival, and one of the two must die; when we put the guilty to death, we're doing this not so much to a citizen as to an enemy. He has broken the social treaty—the investigation and trial show this, and the judgment declares it—so he is no longer a member of the state. But he has recognised himself as a member if only by living there; so he must be lopped off

by exile, as a violator of the compact, or
by death, as a public enemy.

Such an enemy isn't a •moral person [see Glossary], he's a •man; and in such a case the right of war is to kill the vanquished.

You'll say 'But the condemnation of a criminal is a particular act ·and is therefore, according to your chapter 4 of this Part, not something that the sovereign can do·. Right! But this condemnation is not something the sovereign does; it's a right the sovereign that can confer without being able itself to exert it. All my ideas hang together, but I can't expound them all at once.

We may add that frequent punishments [*supplices* = 'punishments involving death or torture'] are always a sign that the government is weak or lazy. *Every* wrong-doer could be turned to some good. There's no right to put to death, even for the sake of making an example, anyone who could safely be left alive.

The right of pardoning a guilty man, or letting him off from a penalty imposed by the law and pronounced by the judge, belongs only to the authority that is above the judge and the law, i.e. the sovereign; and even *its* right in this matter is far from clear, and it's hardly ever called for. A well-governed state has few punishments, not because there are many pardons, but because criminals are rare: it's easier to get away with crimes when there are a great many of them and the state is terminally ill. In the Roman republic

neither the senate nor the consuls ever offered to pardon ·anyone·; nor did the populace, though it sometimes revoked its own decision. Frequent pardons are an announcement that before long crime *will* pay, and anyone can see where 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 never stand in need of pardon!

6. The law

By the social compact we have given the body politic •existence and •life; now it is up to legislation to give it •movement and •will. The basic act that forms the body and pulls it together does nothing to settle what it must do in order to survive.

It's the nature of things that makes an item good and in conformity with order—human agreements don't come into it. All justice comes from God, who is its sole source; but if we knew how to draw it from that high source we wouldn't need government or laws! No doubt there is a universal justice emanating from reason alone, but this justice can be admitted among us only if it is mutual. In the absence of natural sanctions. . . .the laws of justice are ineffective among men. . . . Agreements and laws are needed to join rights to duties and relate justice to its object. In the state of nature where everything is common, I don't owe anything to someone to whom I haven't promised anything; I recognise as belonging to others only what is of no use to me. It's not like that in the state of society, where all rights are fixed by law.

But what, when we come down to it, *is* a law? As long as we settle for attaching only metaphysical ideas to the word, we'll go on arguing without understanding one another. If someone tells us what a law of nature is, that won't bring us any nearer to knowing what a law of the state is.

I have already said [page 15] that there is no general will directed to a particular object. [Rousseau's proof of that, which follows, is severely compressed. The present version eases it out in ways that the ·small dots· convention can't easily signify.] We are to suppose that the general will of populace x dictates that (for example) individual person y is to be given a pension. Either y is a member of x or he isn't. **(i)** If he isn't, then x's will doesn't count as a general will in relation to him—it may have absolutely nothing to do with y's own will. **(ii)** If y is a member of x, i.e. a part of x, then x's will that y receive a pension is a relation between whole and part that makes them two separate beings, •x-without-y and •y. But x-without-y isn't the whole; and while this relation persists it's a relation between 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 ·not looking outside itself, but· considering only itself; and if a relation is then formed, it is ·not between two separate objects, but only· between two aspects of a single entire object, with no need to split it into two parts. 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 collectively and considers *kinds* or actions, never a particular person or action. Thus the law can decree that there shall be privileges, but it can't name anyone who is to get them. It can set up different classes of citizens, and even stipulate the qualifications for belonging to each of these classes, but it can't pick out any individuals as belonging to this or that class. It can establish a monarchy with hereditary succession, but it can't choose

a king or name a royal family. In short, any action that has an individual object falls outside the scope of the legislative power.

We see at once that on this account of things certain questions can be laid aside. 'Whose business it is to make laws?' (They are acts of the general will.) 'Is the prince is above the law? (·No·, because he is a member of the state.) 'Can the law be unjust?' (·No·, because nothing is unjust towards itself.) 'How can we be both •free and •subject to the laws? (·There's no problem about this·, because the laws are nothing but records of our volitions.)

We see further that because the law unites universality of will with universality of object, nothing that a man—*any* man—commands on his own initiative can be a law. That holds even for the sovereign: what he or it commands with regard to a particular matter is not a law but a decree, an act not of sovereignty but of magistracy.

So I give the name 'republic' to any state governed by laws, whatever form its administration takes; for only when the laws govern does the public interest govern, and the public thing is something real. [Rousseau expected his readers to recognize that *chose publique* (= 'public thing') is in Latin *res publica*, which is the origin of *république* (= 'republic').] Every legitimate government is republican;[8] what government is I will explain later on.

Laws are really only the conditions of civil association. Because the populace is subject to the laws, it 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 will they do this? By a common agreement? By a sudden inspiration? Does the body politic have an organ—·like vocal cords and a tongue·—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 doesn't know what it wills because it rarely knows what is good for it, carry out for itself such a great and difficult enterprise as a system of legislation? The populace left to itself always wills the good, but left to itself it doesn't always see what that is. The general will is always in the right, but the judgment that guides it isn't always enlightened. It ought to be

- •made to see objects as they are, and sometimes as they ought to appear to it;
- •shown the good road it is in search of,
- •secured from the seductive influences of individual wills,
- •taught to look carefully at other places and times, and
- •made to weigh the attractions of present and sensible advantages against the danger of distant and hidden evils.

Individuals see the good that they reject; the public wills the good that it doesn't see. Both need guidance. Individuals must be made to bring their wills into line with their reason; the populace 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. For this there has to be a law-maker.

[8] I apply this word not merely to aristocracies and democracies but quite generally to *any* government directed by the general will, which is the law. To be legitimate, the government must be not identical with the sovereign, but its minister; so even a monarchy can be a republic. I'll clarify this in Book 3.

7. The law-maker

What would be needed to discover the best rules of society. . . .is a superior intelligence that could see all men's passions without having any of them. This intelligence would have to meet these conditions:

- •it is wholly unrelated to our nature, while knowing it through and through;
- •its happiness is doesn't depend on us, yet it concerns itself with our happiness; and lastly
- •it can take the long view, working in one century for something to be enjoyed in the next.[9]

It would take gods to give men laws!. . . . But if a great prince is a rare kind of man, what will a great legislator be? All the prince has to do is to follow the pattern that the law-giver has to lay down in the first place. The law-giver is the engineer who invents the machine; the prince is 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 then the institutions mould the rulers' (*The Greatness and Decadence of the Romans*, ch. 1.)

Someone who ventures to tackle the task of making a *people* needs to have a sense of being able

- •to change human nature, so to speak—to transform each individual, who on his own is a complete and solitary whole, into part of a greater whole from which he in a way receives his life and his being;
- •to alter man's constitution in order to strengthen it;
- •to replace the physical and independent existence that nature gave us by a partial and moral existence.

[In the French, as in this version, it's clear that Rousseau is presenting these not as three tasks but as three ways of looking at one task.] In short, he must deprive man of •his own resources, replacing them by •new ones that are alien to him and that he can't employ without help from others. The more completely those natural resources are annihilated, the greater and more lasting are the new ones that he acquires, and the more stable and perfect are the new institutions. ·If you find that last statement extravagant, consider·: If each citizen is nothing and can do nothing without all the others, and if the resources acquired by the whole are equal or superior to the natural forces of all the individuals put together, it can be said that legislation is at the highest point of perfection.

The law-giver is an extraordinary man in the state. If his intellectual abilities make him so, his office [here = 'job'] does also. It's not magistracy or sovereignty. This work that •constitutes the republic isn't part of its •constitution; it is an individual and superior role that has nothing in common with human power; for if anyone who commands men oughtn't to have command over the laws, then anyone who has command over the laws oughtn't to have it over men; for if he did, his laws would be the servants of his passions and would often merely perpetuate his injustices; his private aims would *inevitably* mar the sanctity of his work.

When Lycurgus gave laws to his country, he began by abdicating as king. It was the custom of most Greek towns to have foreigners establish their laws. The republics of modern Italy in many cases followed this example; Geneva did the same and profited by it.[10] Rome was at its most prosperous

[9] A people becomes famous only when its legislation begins to decline. We don't know for how many centuries the system of Lycurgus made the Spartans happy before the rest of Greece took any notice of it.

[10] Those who know Calvin only as a theologian much under-estimate the extent of his genius. The codification of our wise edicts, in which he played a large part, does him great honour. . . . Whatever revolution time may bring in our religion, so long as the spirit of patriotism and liberty still lives among us the memory of this great man will be for ever blessed.

when it suffered a revival of all the crimes of tyranny and came close to death, because it put the legislative authority and the sovereign power into the same hands.

[In the next sentence, *Decemviri* = 'ten men', referring to the men who in the 5th century BCE were delegated to draw up a code of laws for the Roman republic.] Nevertheless, the *Decemviri* 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 that are to make you happy.'

So he who draws up the laws doesn't or shouldn't have any *right* to legislate; and the populace can't deprive itself of this non-transferable right, even if it wants to, because according to the basic compact the only thing that can bind individuals is the general will, and the only way to be sure that a particular will is in conformity with the general will is to put it to a free vote of the people. I have already said this, but it's worth repeating it.

Thus in the task of law-giving we find two things together that seem incompatible: an enterprise that surpasses human powers, and for its execution an authority that isn't anything!

Another difficulty deserves attention. Wise [see Glossary] men who try to speak in their language to the common herd, instead speaking as the herd does, have no chance of being understood. There are countless kinds of ideas that can't possibly be translated into •the language of the people. Views that are too broad and objects that are too distant are equally out of •its range: each individual, having no taste for any plan of government that doesn't suit his particular interests, can't easily see the advantages he would get as payback for the continual privations that good laws impose on him. For a populace that is just coming into being ·as a body· 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 that is to be created by these institutions would have to preside over their very foundation; and men would have to be, •in advance of the laws, what they should become •by means of the laws. So the law-maker, being unable to appeal either to •force or to •reason, must resort to an authority of a different order that can •constrain without violence and

Rousseau's next three words: *persuader sans convaincre.*

flatly translated: persuade without convincing.

probable meaning: get people on-side without giving them reasons for this.

That's what has down the centuries compelled •the fathers of the nations to appeal 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 the laws of nature, and recognising the power that formed the city as the very one that formed mankind—might obey freely, and bear with docility the yoke of the public happiness.

What the legislator puts into the mouth of the immortals are decisions based on a high-flying reason that is far above the range of the common herd, the aim being to constrain by divine authority those who can't be moved by human prudence. But it's not just anyone who can make the gods speak, or be believed when he claims to be their interpreter. The only miracle that can prove a legislator's mission is his great soul. Any man can

- •engrave words on tablets of stone, or
- •purchase the services of an oracle, or
- •fake secret communication with some god, or
- •train a bird to whisper in his ear, or

find other crude devices for imposing on the people. Someone who can't do better than *that* may perhaps gather round

him a band of fools; but he'll never found an empire, and whatever crazy thing he does found will die soon after he does. Idle tricks create a temporary bond; only wisdom can make it permanent. The Judaic law, which still survives, and Islamic law that has ruled half the world for ten centuries, still today proclaim the great men who laid them down; and while •proud philosophy and •the blind spirit of political partisanship sees those men as nothing but lucky impostors, the true political theorist admires in the institutions they set up the great and powerful genius that presides over durable political structures.

The right conclusion to draw from all this is not. . . .that among us politics and religion have a common object, but that when nations are first starting up religion is used as an instrument for politics.

8. The people

Before putting up a large building, the architect surveys and tests the ground to see if it can support the weight; and in the same way the wise legislator doesn't start by laying down his good laws but by investigating whether the populace they are intended for is in a condition to receive them. Plato refused to legislate for the Arcadians and the Cyreniens because he knew that both peoples were rich and couldn't put up with equality; and Crete had good laws and bad men because all Minos had done was to impose discipline on a people already burdened with vice.

A thousand nations that *shone* around the earth couldn't endure good laws for long, and most couldn't have endured them at all. Most peoples, like most men, are teachable only in youth; as they grow old they become impossible to correct. Once customs have become established and prejudices are dug in, trying to reform them is dangerous and useless; the populace can't stand having anyone *touch* its faults, even to remedy them; it's like the foolish and cowardly patients who tremble at sight of the doctor.

I'm not denying that there are times in the history of states when. . . .violence and revolutions jolt the populace into remembering the past, so that the state, set on fire by civil wars, is so to speak born again from its ashes, and with a renewed vigour of youth springs from the jaws of death. Examples: Sparta at the time of Lycurgus, Rome after the Tarquins, and in our own day Holland and Switzerland after the expulsion of the tyrants.

But such events are rare; they are exceptions, always to be explained in terms of the particular constitution [see Glossary] of the exceptional state. They can't even happen twice to the same people, for a populace can make itself free as long as it is merely uncivilized, but not when the civic spring has wound down. Then disturbances can destroy it, but revolutions can't rebuild it: it needs a master, not a liberator. Free peoples, remember this maxim: 'Liberty can be gained, but it can never be recovered.'

Youth is not infancy. For nations, as for men, there is a period of young adulthood—we may call it 'maturity'—before which a nation shouldn't be made subject to laws; but it isn't always easy to recognise a people's maturity, and if political developments are set going before that, the developments will fail. One people is amenable to discipline from the beginning; another, not after ten centuries. The Russians will never be really civilised, because they were 'civilised' too soon. Peter ·the Great· had a genius for imitation, but he didn't have the true creative genius that makes everything from nothing. Some of the things he did were good, but most of them were wrong for that time and place. He saw that his populace was barbarous, but didn't see that it was not ripe for civilisation: he wanted to civilise it when all it needed was to be prepared

for war. At first he wanted to make Germans, Englishmen, when he ought to have started by making Russians; he blocked his subjects from ever becoming what they could have been, by persuading them that they were what they are not. This was like a French teacher who shapes his pupil to be an infant prodigy, and for the rest of his life to be nothing. The empire of Russia will try to conquer Europe, and will itself be conquered. The Tatars, its subjects or neighbours, will become its masters and ours, by a revolution that seems to me inevitable. Indeed, all the kings of Europe are working together to speed it along.

9. The people (continued)

Just as nature has set limits to the size of a well-made man, and outside those limits makes only giants and dwarfs, so also for the constitution of a state to be at its best, there are upper and lower bounds to the size of the state if it isn't to be too large for good government or too small for self-maintenance. Every body politic has a maximum strength that it can't exceed, and that it won't even reach that maximum if it becomes too large. Every extension of the social tie slackens it; and generally speaking a small state is stronger in proportion than a great one. There are countless reasons why this is so. ·I shall present one of them, and then a cluster of others·.

(1) ·The burden of government:· Long distances make administration more difficult, just as a weight becomes heavier at the end of a longer lever. The further up the hierarchy you go, the more burdensome the administrations is. First, each •city has its own ·government·, which is paid for by the people; so does each •district, still paid for by the people; then each •province, then the •great governments. . . .and so on, always costing more the higher you go, and always at the expense of the unfortunate people! Last of all comes the supreme administration, which swamps all the rest. These costs are a continual drain on the subjects; and far from being better governed by all these different levels of government they're much worse governed than they would be if they had only a single authority over them. And with all this going on, there are hardly any resources remaining to meet emergencies; and whenever these are needed the state is on the brink of destruction.

(2) ·The effectiveness of government:· When part of a nation is far distant from the seat of government, this has bad effects on both sides. On the one hand, the government is weaker and slower

- •in law-enforcement there,
- •in preventing people from ill-treating one another there,
- •in correcting abuses there,
- • guarding against seditious undertakings begun there;

and on the other hand the populace of that region has less affection for

- •its rulers, whom it never sees,
- •its country, which to its eyes seems like the world, and
- •its fellow-citizens, most of whom are unknown to it.

The same laws can't suit so many diverse provinces with different *mœurs* [see Glossary] and utterly different climates, differing also in what kind of government they can put up with. '·Well, then, let the government have different laws for different provinces.' No, because· different laws lead only to trouble and confusion among populations which—living under the same rulers and in constant communication with one another—intermingle and intermarry, and when they come under the sway of new customs don't know whether they can call their family fortune their own. Among such

a multitude of men who don't know one another, crammed together at the seat of the central administration, talent is buried, virtue unknown and vice unpunished. The leaders, overwhelmed with business, don't see anything for themselves; the state is governed by bureaucrats. Finally, the measures that have to be taken to maintain the general authority, which all these distant officials wish to evade or abuse, absorb all the governmental energy, so that there's none left for the happiness of the people, and barely enough to defend it when need arises. That's what happens when a body is too big for its constitution: it cracks, and falls crushed under its own weight.

On the other hand, ·it's bad for a state to be too small·. A state needs a secure base if it is to be stable—not shaken to pieces by •the shocks that are bound to come its way or by •the efforts it will be forced to make to maintain itself. All populations have a kind of centrifugal force by which they •continually act against one another, and •tend to enlarge themselves at their neighbours' expense—like Descartes's vortices! Thus the weak run the risk of being soon swallowed up; and it is almost impossible for any one ·state· to survive except by putting itself in a sort of equilibrium with all ·the others· so that the pressure on all sides is about equal.

So you can see that there are reasons for contraction and reasons for expansion; and it's no small part of the statesman's skill to balance out the two sides in the way that is best for the preservation of the state. It can be said that

> the reasons for expansion, being merely external and relative,

should be subordinate to

> the reasons for contraction, which are internal and absolute.

A strong and healthy constitution is the first thing to look for; and it is better to count on the vigour that comes from good government than on the resources a great territory furnishes.

I would add that we have known states that •were so constituted that the need to make conquests entered into their very constitution, and •had to expand ceaselessly merely in order to survive. Perhaps they congratulated themselves greatly on this fortunate necessity; yet what it marked out for them were the limits of their greatness and the inevitable moment of their fall.

10. The people (further continued)

A body politic can be measured by the extent of its territory or by the number of its people; and the relation between these two needs to be right if a state is to be really great. The men make the state, and the territory sustains the men; so the right relation is this:

> the land should suffice to maintain the inhabitants, and there should be as many inhabitants as the land can feed.

That's the proportion that provides the maximum strength of a given number of people. If there's too much land, it will be troublesome to protect, inadequately cultivated, and over-productive; it will give rise to defensive wars; if there isn't enough land, the state has to depend on its neighbours to meet some of its needs; this will give rise to offensive wars. Any population whose geographical situation forces it to choose between commerce and war is intrinsically weak: it depends on its neighbours, depends on outcomes; its existence will be uncertain and short. It either conquers others and changes its ·geographical· situation, or it is conquered and becomes nothing. Only insignificance or greatness can keep it free.

There's no way of stating the ideal relation of size to population—n hectares per m people—because that varies according to differences in •the quality and fertility of the land, in •the nature of what grows on it, in •the climate, and in •the temperaments of the people who live on the land. Some people live in a fertile countryside and consume little, others living on poor soil eat a lot. The legislator also has to take into account regional differences in the fertility of women, in how favourable the land is to the growth of population, and in how much difference is likely to be made by governmental activity. So the legislator should go not by what he •sees but by what he •foresees; he shouldn't settle for the actual level of the population but should aim for the level that it ought naturally to attain. Lastly, there are countless situations where the particular local circumstances demand or allow the acquisition of more territory than seems necessary. Thus, expansion will be great in a mountainous territory where the natural products—i.e. woods and pastures—need less labour, where it turns out that women are more fertile than in the plains, and where a great expanse of slope presents only a small level stretch that can be relied on for growing things. On the other hand, contraction is possible on the coast, even in territories of rocks and nearly barren sands, because •there fishing largely makes up for the lack of land-produce, because •the inhabitants have to cluster together order to repel pirates, and further because •it is easier to get rid of excess population by starting up colonies.

To these conditions for establishing a people there's another that must be added; it doesn't take the place of any of the others, but without it they are all useless. This is the enjoyment of peace and plenty. ·The threat posed by want or warfare is especially grave·, because when a state is initially getting itself in order it is at its least capable of offering resistance and is easiest to destroy. (A battalion that is in process of forming up is vulnerable in the same way.) It could resist better at a time of absolute chaos than at a moment of ·politically creative· agitation, when everyone is occupied with his own status and not with the danger. If war, famine, or sedition breaks out at this time of crisis, the state will inevitably be overthrown.

It's true that many governments have been set up during such storms; but in those cases it was the governments themselves that destroyed the state. Usurpers always create or select times of disturbance and public fear to get destructive laws passed—laws that the people would never have adopted when they were thinking coolly. One of the surest ways of distinguishing a legislator's work from a tyrant's is through the question: *When* did he choose to act?

Then what people is a fit subject for legislation? One

- •which is already held together by some unity of origin, interest, or agreement, and has never yet felt the real yoke of law;
- •which doesn't have deeply ingrained customs or superstitions,
- •which isn't afraid of being overwhelmed by sudden invasion,
- •which, without entering into its neighbours' quarrels, can resist each of them unaided or can get the help of one to repel another,
- •in which each member can be known by every other, and there is no need to lay on any man burdens too heavy for a man to bear;
- •which doesn't need and isn't needed by other peoples,[11]

[11] If there were two neighbouring peoples, one of which *needed* the other, it would be very hard on the one and very dangerous for the other. Every wise nation, in such a case, would make it a priority to free the other from dependence. . . .

•which is neither rich nor poor, but self-sufficient; and finally
•which combines the solidity of an ancient people with the docility [here = 'willingness to be led'] of a new one.

What makes the work of legislation difficult is not so much what has to be constructed as what has to be destroyed; and what makes success so rare is the impossibility of finding •natural simplicity combined with •the features that are needed for society to be possible. All these conditions are indeed rarely found united, which is why few states have good constitutions.

There is still in Europe one country capable of being given laws—Corsica. That brave people has shown such valour and persistency in •regaining and •defending its liberty well that it deserves to have some wise man teach it how to •preserve it. I have a feeling that some day that little island will astonish Europe.

11. Differences among systems of legislation

What precisely is the greatest good of all, the good that should be the goal of every system of legislation? It comes down to two main things: •liberty and •equality—liberty because any constraint on one individual means that that much force is taken from the body of the state, and equality because liberty can't exist without it.

I have already defined civil liberty. As for equality: we should take this to mean not that the degrees of power and riches are to be absolutely the same for everyone, but that

•those with power shan't sink to the level of using violence, and that their power will always be exercised by virtue of rank and law;

and that

•No citizen will ever be wealthy enough to buy another, and none poor enough to be forced to sell himself[12]

—which implies, on the part of the great, no extremes of goods and credit [= 'borrowing power'] and on the side of the ordinary folk no extremes of miserliness or greed.

They say that this equality is a theoretical pipe-dream that can't exist in practice. But ·even· if it is certain to be abused, is that a reason for not at least making regulations concerning it? It's precisely because the forces at work in the world always tend to destroy equality that the force of legislation should always tend to maintain it.

But these general goals of any good constitution [see Glossary] need to be adapted in each country to the local situation and the character of the inhabitants; it's *these* that should determine the particular institutional system that is best, not perhaps in itself, but for the state in question. For example: what if the soil is barren and unproductive, or the land too crowded for its inhabitants? Then turn to industry and the crafts, and exchange what they produce for the commodities you lack. If on the other hand your territory is rich and fertile, focus your efforts on labour-intensive agriculture, and drive out the crafts that would only depopulate your territories by clustering what few inhabitants you have in a few towns.[13] If you live on an extensive and manageable

[12] Do you want the state to be solid? Then make the wealth-spread as small as you can; don't allow rich men or beggars. These two conditions are naturally inseparable: ·any state that has very wealthy citizens will also have beggars, and vice versa·. And they are equally fatal to the common good: one produces supporters of tyranny, the other produces tyrants. It is always between *them* that public liberty is put on sale: one buys, the other sells.

[13] 'Any branch of foreign commerce', says the Marquis d'Argenson, 'creates over-all only an apparent advantage for the kingdom in general; it may enrich some individuals, or even some towns, but the nation as a whole gains nothing by it and the populace is no better off.'

coast-line, cover the sea with ships and develop trade and navigation; your state will have a life that is brilliant and short! If on your coast the sea washes nothing but almost inaccessible rocks, settle for a primitive way of life based on fish-eating; you'll have a quieter life, perhaps a better one, certainly a happier one. In short, every nation has, along with principles that all nations have, something that gives them a particular application in its case, and makes its legislation strictly its own. Thus, among the Jews long ago and more recently among the Arabs, the main thing has been religion, among the Athenians literature, at Carthage and Tyre commerce, at Rhodes shipping, at Sparta war, at Rome virtue. The author of *The Spirit of the Laws* [Montesquieu] has shown with many examples the skills the legislator uses in directing the constitution in one or other of these directions.

What makes the constitution of a state really solid and lasting is its having a population whose members behave so decently to one another that natural relations are always in harmony with the laws, so that all the law does is, so to speak, to assure, accompany and adjust those natural relations. But if the legislator aims wrongly and adopts •a principle other than •the one that is rooted in the nature of things—

- •his makes for servitude while the natural one makes for liberty, or
- •his makes for riches, while the other makes for population-growth,
- •his makes for peace, while the other makes for conquest

—the laws will gradually lose their influence, the constitution will alter, and the state will have no rest from trouble till it is either destroyed or changed, and invincible nature has re-asserted its power.

12. Classifying laws

If the whole thing is to be set in order—i.e. if the public thing is to be put into the best possible shape—there are various relations to be taken account of. [Rousseau used *chose publique* = 'public thing' expecting his readers to know that the Latin for this is *res publica* = 'republic'.] **(1)** There is the action of the complete body upon itself, i.e. the relation of the whole to the whole, of the sovereign to the state. This relation is composed of the relations among the parts of the whole, as we shall see in due course.

The laws that regulate this relation are called **political laws**, and they deserve their name 'fundamental laws'—if they are well done. ·What does their quality have to do with their status as fundamental? Well·, if for each state there's only one good way of organising things, the populace that has found it should stick to it, ·which means that for them it is fundamental·; but if the established organisation is bad, why should laws that prevent it from being good be regarded as fundamental? Actually a people is *always* in a position to change its laws. Even if they are good laws? Yes; for if the populace chooses to do itself harm, who can have a right to stop it?

(2) Then there's the relation of the members **(a)** to one another or **(b)** to the body as a whole. There should be as little as possible of **(2a)** and as much as possible of **(2b)**. Each citizen would then be perfectly independent of all the rest, and at the same time very dependent on the city; and these two results are brought about always by the same means, because only **(2b)** the strength of the state can secure **(2a)** the liberty of its members. From this second relation arise **civil laws**.

(3) We may consider also a third kind of relation between the individual and the law, the relation of •disobedience to

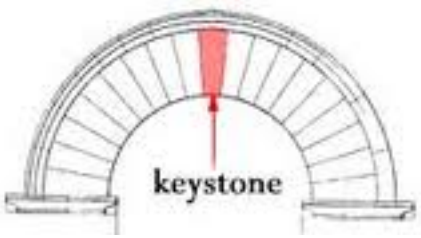
•punishment. This creates a need for **criminal laws**, which are basically not so much a kind of law as the sanction behind all the other laws.

(4) Along with these three kinds of law goes a fourth, most important of all, which

- •is inscribed not on tablets of marble or brass but on the hearts of the citizens;
- •forms the real constitution of the state;
- •takes on new powers every day;
- •restores or replace other laws when they decay or die out, keeps a people in the spirit in which it was established, and gradually replaces authority by the force of habit.

I am speaking of *mœurs* [see Glossary], of custom, above all of **public opinion**; an element in the situation that our political theorists don't recognise, though success in everything else depends on it. This is the element that the great legislator is secretly concerned with, though he seems to be attending only to particular regulations. The regulations are only the arc of the arch; *mœurs* come into it only later, but they eventually constitute the arch's immovable keystone.

[Rousseau is referring to the classical method of building stone arches:



The stones making the arc are held in place by external supports until the final stone, the keystone, is dropped into place, and then the whole thing holds itself up.]

Of these different sorts of laws the only ones that are relevant to my subject are the political laws, which determine the forms of the government.

BOOK 3

Before speaking of the different forms of government, let us try to fix the exact sense of the word 'government', which hasn't yet been thoroughly explained.

1. Government in general

I warn you that this chapter requires careful reading, and that I don't have the skill to make myself clear to someone who won't attend.

Every free action is produced by two causes working together: one is mental, namely the volition that determines the act; the other is physical, namely the power that carries the act out. When I walk towards something, it is necessary •that I should will to go there and •that my feet should carry me there. If a paralytic wills to run and an active man doesn't, they will both stay where they are. The body politic has the same motive powers, which again divide into will and force: will is called 'legislative power' and force is called 'executive power'. Nothing is done, nothing should be done, without the two of them acting together.

We have seen that the legislative power belongs to the people and can't belong anywhere else. But the principles I have laid down make it easy to see that the executive power can't belong to the people as legislature or sovereign [see Glossary], because it consists wholly of particular acts that fall outside the scope of the law, and consequently of the sovereign, whose acts must always be laws.

So the public force needs an agent of its own. . . .to •set it to work under the direction of the general will, to •put the state in touch with the sovereign, •to do for the collective person something like what the union of soul and body does for ·an individual· man. Here we have what is, in the state, the rationale of government; it's quite wrong to identify it with the sovereign—it *serves* the sovereign .

Then what *is* government? An intermediate body set up between the subjects and the sovereign to enable them to communicate with one another; it's job is to apply the laws and to maintain civil and political liberty.

The members of this body are called 'magistrates' [see Glossary] or 'kings', i.e. *governors*, and the body as a whole has the name 'prince'. Thus, those who claim that the act by which a people puts itself under leaders is not a •contract are quite right. It is simply a •commission, a •job, in which the leaders—mere officials of the sovereign—exercise in its name the power that it has lodged with them. The sovereign can limit this power, modify it or take it back, just as it wishes; because the alienation [see Glossary] of such a right is incompatible with the nature of the social body, and contrary to the goal of association.

So in my usage 'government' (or 'supreme administration') names the legitimate exercise of the executive power, and 'prince' or 'magistrate' names the man or the body entrusted with that administration.

[In the next couple of pages Rousseau uses technical terms from mathematics, in ways that are filtered out from the present version because they are too hard to make clear here. **(i)** He is using the terms in senses which they had then and don't have now. **(ii)** He also exploits the ambiguities of words that have (or had) mathematical and non-mathematical senses. **(iii)** It is pretty clear that these detours through mathematics—even if they don't deserve the mockery they have often attracted—don't really help us to understand Rousseau's theories of politics. **(iv)** For an extremely helpful discussion of this

matter (in French) see the discussion note by Marcel Françon at http://www.web.mdx.ac.uk/cahiers/vol08/cpa8.4.Francon.html.]

. . . .The **(b)** government gets from the **(a)** sovereign the orders it gives to the **(c)** people; and for the state to be properly balanced there must be a steady relationship between the a-to-b relation and the b-to-c relation. If any of these three terms were altered, the steady relationship would instantly be destroyed. [Rousseau puts that in terms of the breakdown of a mathematical ratio; that is part of the detour discussed in the preceding note.] If the **(a)** sovereign tries to govern, or the **(b)** magistrate tries to give laws, or if the **(c)** 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. . . ., there is also only one good government possible for a state; but as the relations within a people can change in countless ways, different governments may be good for different peoples or even for a single people at different times.

Trying to give some idea of the various relations that may hold between these two terms **(a)** and **(c)**, I shall take as an example the numerical size of a population, 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, in his role as a subject, is considered individually; so the sovereign is to the subject as ten thousand to one, meaning that each member of the state has as his share only a ten-thousandth part of the sovereign authority, although he is wholly under that authority's control. If the population numbers a hundred thousand, the condition of the subjects doesn't change; each of them is under the whole authority of the laws, while his vote. . . .now has only a tenth as much influence in drawing them up. Thus, the people-to-sovereign ratio increases with the number of the citizens, from which this follows: *The larger the state, the less the liberty. . . .*

Now, the larger the ratio of particular wills to the general will. . . ., the greater the repressive force should be. If the government is to be a good one, it should be proportionately stronger as the population is greater.

[Two remarks: **(i)** The ellipsis marks the place where Rousseau equates the relation

particular wills—the general will

with the relation

mœurs—lois [*lois* are laws; for *mœurs* see Glossary].

(ii) What Rousseau wrote means 'The smaller the ratio of particular wills. . . .', but that must have been a slip.]

On the other hand, the bigger the state the more temptations and chances the holders of the public authority have for abusing their power; so the greater the force government should have for keeping the people in hand, the greater the force the sovereign should have keeping the government in hand. I'm not talking about absolute amount-of-force, but of the comparative amounts of force of the different parts of the state.

This conceptual scheme of *ratios* of **(a)** the sovereign to **(b)** the prince (·or government·) and of the prince to **(c)** the people is not an arbitrary idea, but an inevitable consequence of the nature of the body politic. . . . One thing we learn from it is that there is no single unique and absolute form of government, but rather as many governments differing in nature as there are states differing in size.

In discussing this matter in terms of population-size, I am merely taking an example; the ratios that I am basically talking about are not measured by *the number of men*, but quite generally by *the amount of action*, which is a combination of a multitude of causes. As for my briefly borrowing terms from mathematics, let me say that I'm well aware that moral quantities don't allow of geometrical precision.

[At this point, Rousseau presents another mathematical flourish, and then pushes it aside:] Without wrestling with this proliferation of ·technical· terms, let us settle for ·something much simpler, namely· a view of **(b)** the government as a new body within the state, distinct from **(c)** the people and **(a)** the sovereign, and intermediate between them.

Between the government and the state there is this essential difference: the state exists in its own right, whereas the government exists only through the sovereign. Thus the prince's dominant will is, or should be, nothing but the general will or the law; his force is only the public force concentrated in his hands, and the moment he tries to base any absolute and independent act on his own authority, the whole structure starts to come apart. Look at it this way: If the prince came to have a particular will more active than the sovereign's, and employed the public force in his hands in obedience to this particular will, there would in effect be two sovereigns—one rightful and the other actual—and the social union would evaporate instantly, and the body politic would be dissolved.

However, for the government to have an existence and a real life distinguishing it from the body of the state, and for all its members to be able to act together towards the goal for which it was set up, it must have a particular *myself*, a sensibility shared among all its members, a force, a will of its own, that causally favours its preservation. This existence as a particular implies assemblies, councils, a power to deliberate and make decisions about the rights, titles, and privileges that are to belong exclusively to the prince, giving to his office as magistrate honours that are proportional to how arduous it is. It is difficult to organise things so that **(b)** this subordinate whole fits into **(c)** the big whole in such a way that in affirming it own constitution **(b)** doesn't alter the general constitution, and always distinguishes the particular force it possesses, which is meant for it its preservation, from the public force, which is the preservation of **(c)** the state; and, in short, is always ready to sacrifice **(b)** the government to **(c)** the people, and never to sacrifice the people to the government.

Although the artificial body of **(b)** the government is the work of **(a)** another artificial body, so that it has only a kind of borrowed and subordinate life, this doesn't prevent it from being able to act more or less vigorously and quickly, or from being in more or less robust health, so to speak. Finally, without moving directly away from the goal for which it was instituted, the government may deviate •somewhat from that goal—•how much depends on how it is constituted.

From all these differences arise the various relations that the government should have to the body of the state. ·The details of these relations· should vary with particular contingent changes that the state undergoes; for it often happens that an intrinsically excellent government becomes dreadful because its relations to the body politic haven't changed in response to defects in the body politic.

2. The source of the variety among forms of government

To set out the general cause of the above differences, we have to distinguish •the government from •the prince, as we earlier distinguished **(c)** the state from **(a)** the sovereign.

How many members the magistracy can have varies. I said that the ratio of the subjects to the sovereign was greater in proportion as the population was more numerous; and by an obvious and clear analogy we can say the same of the relation of the magistrates to the government.

Now, the total force of the government is always that of the state, so it doesn't vary; from which it follows that the more of this force the government spends on its own members the less it has left to employ on the whole people. Thus, the more magistrates there are, the weaker the government is. This principle is really basic, so we should do our best to get clear about it.

In the person of the magistrate we can distinguish three essentially different wills: **(i)** the private will of the individual, tending only to his personal advantage; **(ii)** the common will of the magistrates, which relates purely to the advantage of the prince (call this 'corporate will', which is general in relation to the government and particular in relation to the state of which the government is a part); and **(iii)** the will of the people, i.e. 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 government's corporate will should be thoroughly subordinate; and the general or sovereign will, therefore, should always predominate and should be the sole guide of all the rest.

It's just a fact of nature that these different wills become more active the more 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, ·answerable only to his own personal needs and desires·, then
- •a magistrate, ·answerable to the needs and duties of the magistracy, the government·, and then
- •a citizen, ·answerable to the needs of the state·

—in exactly the reverse order to what the social system requires.

This granted, if the whole government is in the hands of one man, his particular will is all of a piece with the corporate will ·of the government·, so that the latter—·the will of the government concentrated in a single man·—is at its highest *possible* degree of intensity. But •how much force a government employs depends on the •strength of its will, and the absolute force of the government is invariable; so it follows that the most active government is that of one man.

Suppose we go in the opposite direction, letting **(a)** the legislative authority be **(b)** the government—i.e. giving the role of **(b)** prince to **(a)** the sovereign—thereby turning **(c)** all the citizens into magistrates: then **(b)** the corporate will, being identified with **(a)** the general will, won't have any more activity than **(a)** does, leaving **(c)** 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 beyond question, and other considerations 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 is in the body to which *he* belongs, and that consequently each particular will has much more influence on the acts of the government than on those of the sovereign; for each magistrate is almost always assigned to some governmental function, whereas each citizen on his own exercises no function of sovereignty. Furthermore, the bigger the state grows, the more its real force increases, though not in direct proportion to its increase in size; but when the state remains the same, it won't do the magistracy any good to incease its numbers, because its force is that of the state, i.e. stays the same. . . .

Also, it's certain •that the more people are put in charge of some project, the longer it takes to get it going; •that in giving too much weight to prudence one doesn't make

enough allowance for ·the possibility of good· luck; and •that ·with too many people involved· an opportunity may be let slip so that all this deliberation results in the loss of the goal that the deliberation was *about*.

I have just shown that the government becomes slack in proportion to any increase in the number of magistrates; and I showed earlier [page 30] that the more people there are, the greater the repressive force needs to be. From this it follows that the ratio of magistrates to the government should vary inversely to the ratio of the subjects to the sovereign; which means that the larger the state is the more the government should shrink, so that the number of the rulers diminish in proportion to the increase in the population.

I am here speaking of the government's relative strength, not of its legitimacy. The more numerous the magistracy, the nearer the corporate will comes to the general will; whereas under a single magistrate this same corporate will is, as I said, nothing but a particular will. Thus, what is lost on one side may be gained on the other, and the art of the legislator is to know how to fix the point at which the government's •force and its •will, which are always in inverse proportion, intersect in the relation that is best for the state.

3. Classifying governments

The preceding chapter showed why we distinguish the various kinds or forms of government in terms of how many members they have; now we have to discover *how* this division is made.

(A) The sovereign may put the government in the hands of the whole people or of a majority of them, so that among the citizens the magistrates outnumber the merely private individuals. This form of government is called **democracy**.

(B) Or the sovereign may restrict the government to a small number of citizens, so that the private citizens outnumber magistrates; and this is called **aristocracy**.

(C) Or the sovereign may concentrate the whole government in the hands of a single magistrate from whom all the others—·i.e. all the other governmental officials·—hold their power. This third form is the most usual, and is called **monarchy**, or royal government.

Within each of these forms, or at least each of the first two, there can be differences of degree, including very wide ones. A democracy, for example, may include all the people or restricted to half of them. An aristocracy, in its turn, may be restricted indefinitely from half the people down to the smallest possible number. And even royalty is open to a certain amount of sharing out: Sparta always had two kings, as its constitution provided; and the Roman Empire had as many as eight emperors at once, without any splitting up of the Empire itself. Thus, each form of government passes into the next at a certain point, and it emerges that those three main headings cover as many possible forms of government as the state has citizens.

There are even more: a government can be subdivided along certain lines into parts that may be administered in different ways from one another, so the combination of the three forms may result in a multitude of mixed forms. . . .

There have always been fights about what the best form of government is, ignoring the fact each form is in some cases the best and in others the worst.

If in the different states the number of supreme magistrates ought to be in inverse ratio to the size of the population, it follows immediately that democratic government suits small states, aristocratic government those of middle size, and monarchy great ones. But there are countless possible circumstances that would provide exceptions.

4. Democracy

Whoever **(a)** makes a law knows better than anyone else how it should be **(b)** interpreted and applied. It seems then that the best possible constitution is one in which the **(b)** executive and **(a)** legislative powers are united; but this very union would make the government in certain respects inadequate, because it runs together things that should be distinguished; and the **(b)** prince and the **(a)** sovereign, being the same person, amount to no more than an ungoverned government.

It isn't good for **(a)** the person who makes the laws **(b)** to execute them, or for the body of the people to move the focus of its attention away from •general concerns towards •particular objects. Nothing is more dangerous than the influence of private interests in public affairs; it leads to the corruption of the legislator, which is an even worse evil than the abuse of the laws by the government; it makes a substantial change in the state, and all reformation becomes impossible, A people that would never misuse governmental powers would never misuse independence; a people that would always govern well wouldn't need to be governed.

There never was and never will be a real democracy in the strict sense of the word. It's against the natural order for the many to govern and the few to be governed. It is unimaginable that the people should be continually in session dealing with public affairs, and obviously they couldn't set up commissions for that purpose without changing the form of the administration.

In fact, I can confidently lay down as a principle that when the work of government is shared out among several tribunals, the less numerous ·of these· will eventually acquire the greatest authority, if only because it's a natural consequence of their ability to act quickly.

Besides, such a government requires so many conditions that are hard to satisfy all at once! •A small state, where the people can assemble easily and where it's not hard for each citizen to know all the rest; •simplicity of *mœurs* [see Glossary], to prevent complexity and controversy in public affairs; •a high degree of equality in rank and fortune, without which equality of rights and authority can't exist for long; and •little or no luxury—for luxury either comes from riches or makes them necessary. It corrupts both rich and poor, the rich by having it and the poor by wanting it; it sells the country to softness and vanity; it robs the state of all its citizens by putting some of them into the service of the others and putting all of them into the service of public opinion.

That's why a famous writer [Montesquieu] has made *virtue* the driving force of a republics; for none of these conditions could exist without virtue. But that great thinker didn't make all the needed distinctions, and that led him often to be inexact and sometimes to be obscure; he didn't see that because the sovereign authority is everywhere the same, the same driving force should be at work in every well-constituted state—more or less, it is true, depending on the form of the government.

There is no ·other· government so subject to civil wars and internal agitations as democratic or popular government, because there is none that •has such a strong and continual tendency to change to another form, or •that needs more vigilance and courage for its maintenance as it is. It is in a democratic system above all that the citizen should arm himself with strength and constancy, and say every day of his life what a virtuous Count Palatine said in the Polish parliament: 'I prefer liberty with danger to peace with slavery' [Rousseau quotes this in Latin].

A population of gods could have a democratic government. A government as perfect as that is not for men.

5. Aristocracy

We have here two quite distinct moral persons, **(b)** the government and **(a)** the sovereign. So there are two general wills, **(a)** one general in relation to all the citizens, **(b)** the other only for the members of the administration. Thus, although the government can regulate its internal workings as it pleases, it can speak to the people only in the name of the sovereign, i.e. of the people itself. This fact should not be forgotten.

The first societies were governed aristocratically. The heads of families consulted with one another on public affairs. The young had no problem giving way to the authority of experience. [Rousseau points out that many labels for political leaders began as words referring to *age*, for example 'senator'. Then:] The savages of North America govern themselves in this way even now, and their government is admirable.

But to the extent that inequalities produced by the social set-up came to predominate over **natural** inequality, riches or power were put before age, and aristocracy became **elective**. Finally, when the father's power was inherited by his offspring, along with his goods, this gave the whole family the status of 'nobles', thus making government **hereditary**—and there came to be 20-year-old senators!

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.

·Comparing aristocracy with democracy or popular government·: Besides the advantage that comes from keeping the two powers distinct from one another, aristocracy has the advantage that in it the government's members are *chosen*. In popular ·= democratic· government, all the citizens are born magistrates; but in aristocracy the role of magistrate is confined to a few, who are *elected* to that position.[14] By this means uprightness, understanding, experience and all other claims to pre-eminence and public esteem become further guarantees of wise government.

Moreover, •assemblies are more easily held, •affairs are discussed better and done with more order and diligence, and •the state's credibility in the eyes of other states is better maintained, by venerable senators than by a multitude that is unknown or despised.

In brief, the best and most natural arrangement is for *the wisest to govern the multitude*, when it is assured that they will govern for its profit and not for their own. Don't uselessly add to the wheels and springs of the government mechanism, getting thousands of men to do what a hundred picked men can do better. [Rousseau's next sentence is awkward and unclear. Its gist is that with a smallish government there will be a tendency for *its* interests to deflect its activities, so that some of the executive power will come from that source rather than from the wishes of the sovereign, i.e. the will of the entire population.]

In what circumstances is aristocracy the best form of government? Well, the state shouldn't be so small, or the people so simple and upright, that the execution of the laws follows immediately from the public will, as it would in a good democracy. Nor should the nation be so large that its rulers—scattered in order to govern it—are able to play the sovereign each in his own department, and make themselves independent as a step towards becoming masters.

[14] It matters greatly to have laws governing the form of the election of magistrates; for if that is left at the discretion of the prince the government will slide into being an *hereditary* aristocracy, as happened in the republics of Venice and Berne. Thus Venice collapsed as a state, long ago; but the republic of Berne is maintained through its senate's great wisdom; it is an exception—one that is very honourable and very dangerous!

But although aristocracy doesn't demand all the virtues needed by popular government, it demands others that are all its own; for instance, moderation on the part of the rich and contentment on the part of the poor. ·Note that I am not demanding the abolition of the rich/poor divide·, because it seems that thorough-going equality would be out of place; they didn't have it even at Sparta.

If this form of government carries with it a certain inequality of fortune, that is a good thing because it lets the administration of public affairs be entrusted to those who are most able to give them their whole time, but not for Aristotle' reason, namely that the rich should always be put first. On the contrary, it matters that an opposite choice should occasionally teach the people that men's merits are a weightier reason for preference than their wealth.

6. Monarchy

So far, we have considered the prince as a **moral** and collective person, unified by the force of the laws, and charged by the state with holding and exercising the executive power. Let us now consider this power when it is gathered into the hands of one **natural** person, one real man, who alone has the right to exercise it in accordance with the laws. Such a person is called a 'monarch' or 'king'.

Whereas in some forms of administration a collective being represents an individual, in this one an individual represents a collective being; so that the moral unity that constitutes the prince is at the same time a physical unity, and all the qualities that in the other case are laboriously brought together •by the law are here •naturally united.

Thus one single motive power generates

•the will of the people,

•the will of the prince,

•the public force of the state, and

•the particular force of the government.

All the springs of the machine are in the same hands, the whole moves towards the same end; there are no conflicting movements that could cancel one another out, and a small input of effort produces a large output of action—indeed we can't *imagine* a kind of constitution with a better input-output ratio. Archimedes, seated quietly on the bank and easily pulling a great vessel through the water ·with a long lever·, represents for me a skilful monarch, governing vast states from his study, moving everything while seeming, himself, not to move.

No government is more vigorous than this, and also there's no government in which the particular will holds more sway and more easily rules the other wills. It is indeed true that 'the whole moves towards a single end', but the end in question is *not* public happiness, and all the energy of this administration is constantly being used to harm the state.

Kings want to be absolute, and the distant cry comes to them 'The best way to do that is to be loved by your people'. This is a fine maxim, and there's even some truth in it; but unfortunately the court will always make fun of it. The power that comes from a people's love *is* no doubt the greatest; but it is precarious and conditional [= 'vulnerable to changes in circumstances'], and princes will never rest content with it. The best kings want to be so placed that they can be wicked if they want to, without losing their mastery. A political sermoniser may tell them that, because the people's strength is their own, their chief interest is that the people should be •prosperous, •numerous and •formidable; but there's no point in telling them this because they know very well that it's not true! Their first personal interest is that the people should be •weak, •wretched, and •unable to resist

them. I admit that the prince's interest would indeed be that his people should be powerful, so that its power, being his own, would make him formidable to his neighbours—that *would* be in his interests provided he could still keep his subjects in submission. But strength is incompatible with submission, so a prince has to choose; and he naturally gives the preference to the principle that is more to his immediate advantage. That is what Samuel put strongly before the Hebrews [1 *Samuel* 8:10–18], and what Machiavelli has clearly shown. While pretending to teach kings, he was really giving extensive lessons to the people. His *The Prince* is the book of Republicans.[15]

We have found, from general reasons concerning relations between different states, that monarchy is suitable only for great states, and this will be confirmed when we examine monarchy in itself. The more people there are in the public administration, the nearer the prince-to-subjects ratio comes to equality, so that in democracy—·where every member of the populace has a role in the government·—the ratio is 1:1, or absolute equality. And when the government is progressively restricted in numbers the ratio becomes steeper and reaches its maximum when the government is in the hands of a single person, ·so that the ratio is 1:n where n = the size of the population·. In that case, therefore, there's too much distance between prince and people, and the state isn't properly held together. To bind it there would have to be intermediate orders—dukes, grandees, nobles—to fill the space between the prince and the people. But none of that suits a small state, to which all class differences mean ruin. [In that passage, 'dukes' mistranslates Rousseau's *princes*. In using that word there, he was unwisely sliding from his usual use of *prince* to stand for whatever person or group governs the state to its more ordinary sense in which it is the label not for a function but for a rank.]

But if it is hard for a big state to be well governed, it's much harder still for it to be well governed by one man; and everyone knows what happens when kings substitute others for themselves!

Monarchical government has an essential and inevitable defect that will always put it below republican government, namely:

> Whereas in a **republic** the public voice hardly ever raises to the highest positions men who aren't enlightened and capable, men who will fill those positions honourably, in **monarchies** those who rise to the top are most often merely little muddle-heads, little crooks, little intriguers, whose little talents •get them into the highest positions at court and then, once they are there, •reveal to the public how incompetent they are. The populace is far less often mistaken in this choice than the prince is; 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 good luck one of these born governors takes the helm of the state in some monarchy that has been nearly ruined by those swarms of elegant and socially presentable administrators, there is amazement at the resources he discovers, and this marks an era in his country's history.

[15] Machiavelli was an honest man and a good citizen; but, being attached to the court of the Medici, he had to veil his love of liberty in the midst of his country's oppression. The choice of his detestable hero, ·Cesare Borgia·, clearly enough shows his hidden aim; and the contradiction between the teaching of *The Prince* and that of the *Discourses on Livy* and the *History of Florence* shows that this profound political thinker has so far been studied only by superficial or corrupt readers. The court of Rome sternly prohibited his book—*of course* it did! because that's the court that the book most clearly portrays.

[Notice that the defect of monarchy that Rousseau first called 'essential and inevitable' has turned out to be a defect of which monarchies are 'hardly ever' free.]

For a monarchical state to have a chance of being well governed, its population and geographical size must be suitable for 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; •holding it up needs the shoulders of Hercules. However small a state is, the prince is nearly always too small for it. And when on the other hand a state is too *small* for its ruler (this doesn't happen often!), it is still badly governed. That's because the ruler, constantly pursuing his great plans, forgets his people's interests and makes them as wretched by •misusing the talents he has as a more limited ruler would make them because of •the lack of the talents he didn't have. A kingdom should expand or contract, so to speak, with each reign, according to the how able each prince is; whereas ·in a republican system· the abilities of a senate are more constant, so that the state can have permanent frontiers without the administration suffering.

The disadvantage that is most felt in monarchical government is the lack of any such continuous succession as both the other forms ·of government, democracy and aristocracy· have to provide an unbroken bond of union. A king dies, another is needed; elections leave dangerous gaps and are full of storms; and unless the citizens are disinterested [= not *self*-interested'] and upright to a degree that very seldom goes with this kind of government, intrigue and corruption abound. Someone to whom the state has sold itself can hardly help selling it in his turn and getting back, at the expense of the weak, the money the powerful have extorted from him ·as their price for the throne·. Under such an administration, greed for money spreads through every part ·of the kingdom·, and peace enjoyed in *this* way under a king is worse than the disorders of an interregnum [i.e. a period between two kings].

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 when kings die. That is to say, the disadvantages of regency [= 'having a stand-in for the king'] have been put in place of the disadvantages of choice; apparent tranquility has been preferred to wise government; and men have preferred •the risk of having children, monstrosities, or imbeciles as rulers to •having disputes over the choice of good kings. It hasn't been taken into account that in thus exposing ourselves to that risk we are loading the dice against ourselves. 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?' 'Ah,' answered his son, 'your father wasn't a king.' [He meant: 'Your moral education had an advantage that mine didn't.' See the penultimate paragraph of this chapter.]

When a man is set in authority over others, everything conspires to rob him of his sense of justice and reason. Much trouble, we're told, is taken to teach young princes the art of •reigning; but it doesn't seem to do them much good. It would be better to begin by teaching them the art of •obeying. The greatest kings celebrated in history were not brought up to reign: reigning is a science that a man is never so far from having at his command as when he has learned too much of it—a science that he would acquire better by obeying than by commanding. 'The best and shortest way to find out what is good and what is bad is to consider what you would have wanted to happen or not to happen if someone else had been Emperor' (Tacitus, *Histories*, i. 16) [Rousseau quotes this in Latin].

One result of this lack of cohesion is the inconstancy of royal government; regulated now on this scheme and now on that, according to the character of the reigning prince or those who reign for him, such a government can't for long have a fixed objective or a consistent policy; it will always be shifting from slogan to slogan and from project to project—a variability that isn't found in the other forms of government, where the prince [see Glossary] is always the same. So we find that in general if a ·monarchical· court has more plotting, a senate has more wisdom, and republics advance towards their ends by more consistent and better considered policies; whereas every change of minister under a monarch creates a revolution in the state, because the principle that is adopted by all ministers and nearly all kings is to do in everything the reverse of what their predecessors did.

. . . .Royalist political writing likens civil government to domestic government, and the prince to the father of a family—this error has already been refuted—and also lavishly credits the prince with having all the virtues that it would be useful to him to have, and steadily supposes him to be what he ought to be. With the help of this supposition, it is easy to make out that royal government is preferable to all others, because it is unquestionably the •strongest; and in addition to that, all it needs to be the •best—·needs but doesn't have·—is a corporate will that is more in conformity with the general will.

But if Plato is right when he says in *The Statesman* that a 'king by nature' is a rarity, how often will nature and fortune work together to give him a crown? And, if royal education inevitably corrupts those who receive it, what can we hope to get from a series of men brought up to reign? Someone who confuses •royal government with •government by a good king is willfully deceiving himself. To see royal government as it is in itself, we must look at it under princes who are incompetent or wicked; for either they will be like that when they come to the throne or the throne will make them so.

Our writers know all this, but aren't troubled by it. The remedy, they say, is to obey without a murmur: God angrily sends bad kings, who must be endured as the scourges of heaven. Improving talk, no doubt; but wouldn't it be more in place in a pulpit than in a book on politics? What are we to say about a physician who promises miracles, and whose whole treatment is to urge the sufferer to be patient? When there's bad government we must put up with it—we *know* that already! The question is how to find a good one.

7. Mixed governments

Strictly speaking, there's no such thing as a simple ·or unmixed· government. An isolated ruler must have subordinate magistrates; a popular government must have a head. In the distribution of the executive power, therefore, there is always a gradation from larger to smaller numbers, with this variation: sometimes the greater number depends on the smaller, and sometimes it's the other way around.

Sometimes the distribution is equal: •the constituent parts are in mutual dependence, as in the government of England, or •the authority of each part of the government is independent, but incomplete—·part x has some authority, part y has some, and neither comes under the other·. This last form is bad because there's no unity in the government, and the state has nothing to hold it together.

Which is better, a simple government or a mixed one? Political writers are always debating this question, which should be answered in the same way that I earlier answered ·the corresponding question· about all forms of government.

Simple government is better in itself, just because it is simple. But when the executive power isn't sufficiently

dependent upon the legislative power, i.e. when the prince pushes harder on the sovereign than the people push on the prince, this imbalance should be cured by dividing the government; for all the parts still have as much authority over the subjects, while their division makes them all together less strong against the sovereign.

That same disadvantage is also prevented by the appointment of intermediate magistrates; that leaves the government undivided, and merely balances the two powers—·i.e. the government and the sovereign·—and maintains their respective rights. This is moderated government, not mixed government.

There's a similar cure for the opposite disadvantage: when the government is too slack, set up tribunals to make it pull itself together. That's what all the democracies do. In the first situation the government is divided to make it weak; in the second it is divided to make it strong; for the maxima of both strength and weakness are found in simple governments, while the mixed forms provide intermediate amounts of strength.

8. No one form of government suits all countries

Liberty isn't a fruit of every climate, so it isn't within the reach of every people. The more you think about this principle that Montesquieu laid down, the more you feel its truth; and the more you fight it, the more evidence you find in its favour.

In all the governments in the world the public person consumes without producing. Then where does it get the stuff it consumes? From the labour of its members. The public's necessities are supplied out of the individuals' surpluses. It follows that the civil state can survive only so long as men's labour brings them a return greater than their needs.

The amount of this excess isn't the same in all countries. In some it is considerable, in others middling, in yet others nil, in some even negative. This ·earned:needed· ratio depends on the fertility of the climate, on the kind of work the land demands, on the nature of its products, on the strength of its inhabitants, on how much or little they need to consume, and on other factors that also contribute to the over-all ratio.

On the other side ·of the ratio·, governments aren't all of the same nature: some are less voracious than others, and the differences between them are based on this second principle, that the further the public contributions are from their source, the more burdensome they are. That burden shouldn't be measured by the amount of money involved, but by the distance it has to travel in order to get back to those who paid it. When the circulation is fast and secure, it doesn't matter whether the amount is small or large; the populace is always rich and finances are always in good shape. In the opposite situation, however little the people gives, if that little doesn't get back to it then it is constantly giving, and before long it is exhausted; and in that case the state is never rich and the populace is always a beggar.

It follows that the greater the distance between people and government the more burdensome the taxes are: the people carry the lightest burden in a democracy, a heavier one in an aristocracy, and the heaviest in a monarchy. Thus, monarchy suits only wealthy nations, aristocracy suits ones of middling size and wealth, and democracy suits states that are small and poor.

In fact, the more you think about this the more you'll see it as a difference between free states and monarchies. In free states everything is used for the public advantage; in the others, there's an interplay between the public forces and those of individuals, and as either of them weakens the other

grows strong. In a nutshell: instead of governing subjects to make them happy, despotism makes them wretched in order to govern them.

Thus, in every climate there are natural causes that determine which form of government would be best for it; and we can even say what sort of inhabitants would be best for it.

Harsh and barren lands where the product isn't worth the labour should remain desert and uncultivated, or occupied only by savages; lands where men's labour brings in precisely the bare minimum needed for survival should be inhabited by barbarous peoples: no political structure is possible in such places; lands where there's a middling surplus of product over labour are suitable for free peoples; ones where the soil is abundant and fertile and yields a large product for a little labour call for monarchical government, so that the excessive surpluses among the subjects may be consumed by the luxury of the prince: for it's better for this excess to be absorbed by the government than scattered among the individuals. Yes, I know that there are exceptions; but these exceptions themselves confirm the rule, because sooner or later they produce revolutions that restore things to the natural order.

Let us never confuse general laws with particular causes that might modify the effects of a law. If all the south were covered with republics and all the north with despotic states, it would still be true that. . . .despotism is suitable to hot countries, barbarism to cold ones, and good polity to temperate regions. I see also that people who all accept the principle may disagree about its application; someone might say that some cold countries are very fertile, and some tropical ones are barren. But someone who thinks this is a difficulty ·for my position· hasn't looked into this matter thoroughly enough. I repeat, we have to take labour, strength, consumption etc. into account.

·To get an idea of what I am talking about·, consider this example:

- Two stretches of territory x and y, each has an area of a hundred square miles;
- x brings in five ·loads of corn· and y brings in ten;
- the inhabitants of x consume the equivalent of four loads of corn, while the inhabitants of y consume nine.

Here the amount of surplus is the same, but the ratios of surplus to product are different: in x the surplus is a fifth of the total, in y it is a tenth. . . .

There's no question of x's having twice the product that y has; and I don't think anyone would maintain that in general cold countries are as fertile as hot ones. But suppose that that is how things stand: England is on the same level of fertility as Sicily, and Poland as Egypt—further south we'll have Africa and the Indies; further north, nothing at all. To get this equality of product, what a difference there must be in farming practices! In Sicily they need only to scratch the ground, whereas in England, how men must toil! And where more hands are needed to get the same product, the surplus must be less.

Bear in mind also that men consume much less in hot countries. To stay healthy in those climes one must eat and drink frugally; Europeans who try to live there as they would at home all die of dysentery and indigestion. Chardin writes:

> 'We are carnivorous animals, wolves, in comparison with the Asians. Some attribute the Persians' frugality to their country's being less cultivated; but I think that that's back to front, and that really their country is less well supplied with foodstuffs because the inhabitants need less. If their frugality were an effect of the land's poverty, only the poor would eat

> little; whereas in fact everyone there eats little. Again the consumption level would differ in the different provinces, according to the fertility of their land, whereas in fact the same frugality with food and drink occurs throughout the kingdom. [Plus some remarks about diet in relation to skin-colour.]

The nearer you get to the equator, the less people live on. Meat they hardly touch; rice, maize, couscous, millet and cassava are their standard diet. There are millions of men in the Indies whose food-intake costs less than a halfpenny a day. Even in Europe we see considerable differences of appetite between northern and southern peoples: a Spaniard will live for a week on a German's dinner. . . .

Luxury in clothes shows similar differences. In climates where the seasons are fast and big, men have better and simpler clothes; in lands where they dress only for adornment, they care more about what is striking than about what is useful; clothes themselves are then a luxury. In Naples you can see. . . .men in gold-embroidered vests and no leg-coverings. It is the same with buildings; magnificence is all that matters when there's nothing to fear from the air. In Paris and London, you want to be lodged warmly and comfortably; Madrid has superb salons but no windows that close, and you go to bed in a mere hole.

In hot countries foods are much more substantial and more tasty, and this third difference is bound to have an influence on the second. [He means: an influence on how much people eat. He is evidently leaving clothes out of his enumeration of differences.] Why are so many vegetables eaten in Italy? Because there they are good, nutritious and excellent in taste. In France, where vegetables are nourished only on water, they don't provide nourishment and are hardly listed on menus. They don't take up less ground ·than in the south·, and are at least as much trouble to grow. It is a proved fact that the wheat of Barbary, in other respects inferior to that of France, yields much more flour, and that France's wheat in turn yields more than wheat in northern countries; from which it's a fair inference that this gradation ·in wheat-yield· holds generally, from equator to pole, is found generally. Well, now, isn't it an obvious disadvantage for an equal ·amount of· product to contain less nourishment?

A further difference ·between hot and cold countries· arises from the previous differences and also strengthens them, namely:

> Hot countries have less need of inhabitants than cold ones do, and can support more of them.

There is thus a double surplus—·more product, fewer consumers·—which is all to the advantage of despotism. **(i)** For any fixed number of inhabitants, the more they are geographically spread out the harder it becomes for them to revolt, because ·would-be revolutionaries· can't act together quickly or secretly: the government can easily unmask their activities ·thus defeating secrecy·, and cut communications ·thus defeating co-ordination among the revolutionary cells·. On the other hand, **(ii)** the more geographically concentrated a population is, the harder it is for the government to usurp the sovereign's place: the people's leaders can deliberate as safely in their houses as the prince can in council, and the crowd gathers as rapidly in the town squares as the prince's troops do in their barracks.

[Although his terminology differs a little, Rousseau is presenting **(i)** and **(ii)** as two sides of a single coin: what the geographical spread defeats, and the geographical concentration encourages, is action by the people (the people's leaders, the planners of revolt, the would-be revolutionaries) against attempts by the government to usurp the powers of sovereignty, thus becoming despotic.]

So a tyrannical government does best when acting at great distances. With the help of the rallying-points it establishes,

its strength grows with distance like that of a lever.[16] The people's strength, on the other hand, acts only when concentrated: when it is spread around it evaporates and is lost, like gunpowder powder scattered on the ground, which ·doesn't explode but· only catches fire grain by grain. The least populous countries are thus the fittest for tyranny: fierce animals reign only in deserts.

9. The signs of a good government

So if someone asks 'What is, over-all, the best government?' he has to be told that the question is unanswerable as well as being indeterminate; or you could say that it has as many good answers as there are possible combinations in the absolute and relative situations of all nations.

'Well, by what sign can we tell whether a given people is well or badly governed?'—that's a question of fact that does have an answer.

But we don't have *the* answer to it, because everyone wants to answer it in his own way:

- •Subjects praise public tranquility, citizens praise individual liberty;
- •some prefer security of possessions, others security of the person;
- •some hold that the best government is the most severe, others that it is the mildest;
- •some want crimes punished, others want them prevented;
- •some want the state to be feared by its neighbours, others prefers that it should ·keep a low profile and· be ignored;
- •some are content as long as money circulates, others demand that the people have bread.

Even if we reached agreement on points like these, would that be any sort of progress? Moral qualities can't be measured exactly, so agreement about •the signs of good government could still leave us disagreeing about •which actual governments are good ones.

I am continually astonished that such a simple sign ·of good government· isn't recognised, or perhaps men do recognise it but aren't honest enough to say so. What is the purpose of any political association? The preservation and prosperity of its members. And what is the surest sign of their preservation and prosperity? Their number and their population·-growth·. That's the sign you are looking for. Other things being equal, the unquestionably best government is the one under which the population increases most, without external help from naturalising foreigners or establishing colonies. The government under which the population shrinks is the worst. Over to you, Calculators—count, measure, compare!

·THE NEXT PARAGRAPH WAS ORIGINALLY A SINGLE FOOTNOTE·

That should also be the basis for deciding which centuries have been the best for human prosperity. There has been too much admiration for the times when arts and letters flourished, by people who didn't see the hidden object of their culture, and didn't take into account its fatal effect. 'What ignorant people called "civilized culture' was really an aspect of slavery' (Tacitus, *Agricola*, 31). Will we ever see in the maxims of any book a statement of the vulgar interest that

[16] This doesn't contradict what I said earlier [page 23] about the disadvantages of great states. The topic back there was the government's authority over its members, whereas the present topic is its force against the subjects. Its scattered members serve it as fulcrums for action at a distance ·by leverage· against the people; but the government has no fulcrum for direct action on its own members. Thus for the government the length of the lever is a weakness for one purpose and a strength for the other.

motivates the author? No! Whatever they say, when despite its renown a country is losing population it's not true that all is well there; a poet may have an income of 100,000 francs for saying that his age is the best of all, but that doesn't change anything. Less attention should be paid to •the apparent peace and tranquility of the rulers than to •the well-being of whole nations and especially those with the largest populations. A hail-storm lays several cantons to waste, but it doesn't often create a famine. Outbreaks and civil wars scare rulers, but they aren't the real misfortunes of peoples, who can even relax a little while there's a dispute going on about who shall tyrannise over them. Their real prosperities and calamities come from their permanent condition: it's when the whole remains crushed beneath the yoke that the whole falls into decay. That is when the rulers destroy them at will, and 'Where they create a waste-land, they call it peace' (Tacitus, *Agricola* 31) [Rousseau quotes Tacitus each time in Latin]. When the troubles among the great disturbed the kingdom of France, and the Assistant Bishop of Paris went to the Parliament with a dagger in his pocket, these things didn't prevent the people of France from prospering and multiplying in dignity, in free and honourable ease. There was a time when Greece flourished in the midst of the most savage wars; blood ran in torrents, yet the whole country was covered with inhabitants. It appeared, says Machiavelli, that in the midst of murder, proscription and civil war, our republic did well; the virtue, morality and independence of the citizens did more to strengthen it than all its dissensions had done to weaken it. A little disturbance energizes the soul; what makes our species truly prosperous is not so much peace as liberty.

10. How government is abused. Its tendency to degenerate

Just as the individual will is constantly acting in opposition to the general will, so the government is continually exerting itself against the sovereignty. The more strenuously it does this, the more the constitution changes; and because in this situation there's no other corporate will to create an equilibrium by resisting the will of the prince, eventually the prince will bear down hard on the sovereign and break the social treaty. [Remember that 'the prince' = 'the government', and 'the sovereign' = 'the general will'.] This is the inherent and inevitable defect which, from the very birth of the body politic, tends ceaselessly to destroy it, as age and death eventually destroy the human body.

How does a government degenerate? There are two basic ways: •it shrinks, or •the state is dissolved.

A government *contracts* when it changes from the many to the few, i.e. from democracy to aristocracy, and from aristocracy to monarchy. It has a natural tendency to move in that direction.[17] If a government took the reverse course

[17] The slow formation and the development of the Republic of Venice in its lagoons are a notable instance of this sequence; and it is most astonishing that after more than twelve hundred years' the Venetians seem to be still at the second stage, which they reached with the closing down of the Great Council in 1198.... Opponents of my view are sure to cite the Roman Republic, which they will say followed exactly the opposite course, going from monarchy to aristocracy and then to democracy. I don't look at it in anything like that way. What Romulus first set up was a mixed government, which soon deteriorated into despotism. From special causes, that state died an untimely death, as new-born children sometimes die without reaching manhood. The real birth of the Roman republic dates from the expulsion of the Tarquins; but at that time it didn't have a constant form because the job was only half-done: they didn't abolish the nobility. In that way hereditary aristocracy—the worst of all legitimate forms of administration—remained in conflict with democracy, and the form of the government was free-floating and uncertain. It didn't get fixed until this

from the few to the many, it could be said to be *relaxing*; but this reverse sequence is impossible.

Indeed, a government won't change its form unless its unwound spring leaves it too weak to keep the form that it has. If a government relaxed while extending its sphere, its force would become absolutely nil, and it would be even further from being able to survive. So ·when this starts to happen· it is necessary to go back and wind up the spring to get rid of the slack; otherwise the state that it sustains will come to grief.

[In the preceding two paragraphs, Rousseau has spoken of a government's **(i)** contracting or relaxing (= 'expanding'), and then of its **(ii)** being wound up tight or coming unwound. He uses the same French verbs for each of these contrasts. Are these meant to be a single contrast? Well, in the first contrast a government *se resserre* by **becoming smaller, involving fewer people**, whereas in the second contrast you *resserre* a government by **winding up its spring**. Those are not obviously equivalent, but read on.]

The dissolution of the state can come about in either of two ways.

(1) When the prince stops governing the state in accordance with the laws, and usurps the sovereign power. Then something remarkable happens: the government doesn't contract, but the state does; I mean that the great big state is dissolved, and another state is formed within it, •composed solely of the members of the government and •relating to the rest of the people as their master and tyrant. Thus, the moment the government usurps the sovereignty, the social compact is broken, and all private citizens recover by right their natural liberty; they are forced to obey, but they have no obligation to do so.

(2) When the members of the government individually usurp the power they should exercise only as a body. This is as great an infraction of the laws, and results in even greater disorders. When this happens there are as many princes as there are magistrates, so to speak, and the state, which is as divided as the government is, either perishes or changes its form.

When the state is dissolved, the abuse of government, whatever it is, bears the common name of 'anarchy'. . . ., democracy degenerates into ochlocracy [= 'mob rule'], and aristocracy degenerates into oligarchy. I would add that royalty degenerates into tyranny, but 'tyranny' is ambiguous and needs explanation.

In the everyday sense of the word, a tyrant is a king who governs with the help of violence and without regard

was achieved by the establishment of the system of tribunes (Machiavelli has proved this); only *then* was there a true government and a veritable democracy. In fact, the populace was then not only sovereign, but also magistrate and judge; the senate was only a subordinate tribunal, to moderate the government and give it focus; and even the consuls—though they were of the nobility, chief magistrates, absolute generals in war—were in Rome itself no more than the populace's *chairmen* [French *présidents*]. From then onwards the government followed its natural tendency, inclining strongly towards aristocracy. The nobility abolished itself, as it were, and the aristocracy was found no longer

in the body of the hereditary nobility, as at Venice and Genoa, but
in the body of the senate, which was composed of nobles and commoners, and even
in the body of tribunes when they began to usurp an active function.

(Don't let the labels get in the way of your thinking about the facts. When the people has rulers who govern for it, the government is an *aristocracy*, whatever label is put on its members.) The abuse of aristocracy led to the civil wars and the triumvirate. Sulla, Julius Caesar and Augustus became in fact real monarchs; and finally, under the despotism of Tiberius the state was dissolved. So Roman history doesn't invalidate the principle I have laid down; it confirms it!

for justice and the laws. In the word's precise sense, a tyrant is an individual who grabs the royal authority without having any right to it. That is how the Greeks understood the word 'tyrant': they applied it even-handedly to good and bad princes whose authority wasn't legitimate. . . . 'Tyrant' and 'usurper' are thus perfectly synonymous terms.

So as to have different labels for different things, I call someone who usurps the royal authority a tyrant, and him who usurps the sovereign power a *despot*. The tyrant is someone who illegally forces his way in, so as to govern in accordance with the laws; the despot is someone who sets himself above even the laws. Thus the tyrant needn't be a despot, but the despot is always a tyrant.

11. The death of the body politic

Death is the natural and inevitable tendency of the best constituted governments. If Sparta and Rome perished, what state can hope to last for ever? If we want to establish a long-lived form of government, let us not even *dream* of making it eternal! If we're to succeed, we mustn't attempt the impossible, or flatter ourselves that we are endowing the work of man with a stability that the human condition is not in fact capable of.

The body politic, like the human body, begins to die as soon as it is born, and carries in itself the causes of its destruction. But in each case the life-span may be longer or shorter, depending on whether the constitution is more or less robust. Man's constitution is the work of •nature; the state's constitution is the work of •art, ·i.e. it is man-made, *art*ificial, not natural·. It isn't in men's power to prolong their own lives; but it's up to them to give the state as long a life as possible by giving it the best possible constitution. Even the best constituted state will come to an end; but it will end later than any other, unless some unforeseen event brings about its premature destruction.

The body politic's source of life lies in the sovereign authority. The legislative power is the state's •heart, and the executive power is its •brain, which puts the parts into motion. It can happen that the brain becomes paralysed while the individual still lives. A man can be an imbecile while staying alive. But as soon as the heart ceases to perform its functions, the animal body is dead.

What keeps the state alive is not •the laws but •the legislative power. Yesterday's law is not binding to-day; but tacit consent is inferred from silence; and when there's a law that •the sovereign could abrogate but doesn't, •it is held to be continuously confirming it. confirm incessantly the laws it does not abrogate as it might. Anything that it has ever declared itself to will it wills always unless it says otherwise.

That's why so much respect is paid to old laws. We should accept that nothing could have preserved them for so long but their own excellence; if the sovereign hadn't recognised them as salutary, it would have cancelled them a thousand times. So in any well constituted state the laws continually grow (not weaker from old age, but) stronger. . . . And wherever the laws grow weak as they age, this shows •that there is no longer a legislative power, and that •the state is dead.

12. How the sovereign authority is maintained

The sovereign, having no force except the legislative power, acts only through the laws; and because the laws are just the authentic acts of the general will, the sovereign can't act except when the populace is assembled. 'The populace in assembly—what a fantasy!' you'll want to say. It is so today, but 2000 years ago it wasn't. Has man's nature changed?

The bounds of human possibility are not as confining as we think they are; they are made to ·seem to· be tight by our weaknesses, our vices, our prejudices that confine them. Low-grade souls have no belief in great men; vile slaves grin mockingly at the name of liberty.

Let's think about what *can be* done, remembering what *has been* done. I shan't discuss the ancient Greek republics; but the Roman republic strikes me as having been a great state, and the town of Rome a great town. The last census reported that Rome had four hundred thousand citizens capable of bearing arms, and the last statement of the population of the Empire showed over four million citizens—and that's not including subject peoples, foreigners, women, children or slaves.

Frequent assembling of the vast population of this capital and its neighbourhood—what a labour that must have been! Yet the Roman people did assemble almost weekly and sometimes even more often. The populace exercised the rights of sovereignty and also some of the rights of government. It transacted some business and judged some cases; and ·the members of· this whole population were in the public meeting-place as •magistrates almost as often as they were there as •citizens.

If we went back to the earliest history of nations, we would find that most of the ancient governments—even those of monarchical form, such as the Macedonian and the Frankish—had similar councils. Be that as it may, the one unquestionable fact that I have presented ·about assemblies in Rome· is an answer to all difficulties. 'Something exists, so it is possible'—that looks to me like good logic.

13. How the sovereign authority is maintained (continued)

It's not enough for the assembled people to have

- •fixed the state's constitution on one occasion by giving its assent to a body of laws; or to have
- •set up a perpetual government, or to have
- •provided once for all for the election of magistrates.

There must also be fixed periodical assemblies that can't be cancelled or postponed, so that on the proper day the populace is legitimately called together by law, without any need for a formal summoning. (This is additional to any special assemblies that may be required in emergencies.)

But apart from these assemblies authorised by their date alone, every assembly of the people not summoned by magistrates appointed for that purpose, in accordance with the prescribed forms, should be regarded as illegitimate, and all its acts as null and void, because *the law* has to be the source of the command to assemble.

How often should these lawful assemblies occur? That depends on so many considerations that exact rules for it can't be given. Still, one can say in general that the stronger a government is the more need there is for the sovereign to show itself often ·in assemblies of the people·.

'This may be all right for a single town,' you'll want to say, 'but what if the state includes several towns? **(i)** Is the sovereign authority to be divided? **(ii)** or concentrated in a single town to which all the rest are made subject?' Neither of those, I reply. **(i)** The sovereign authority is *one* and doesn't have parts; so it can't be divided without being destroyed. **(ii)** And one town can't legitimately be made subject to another, any more than one nation can; because the essence of the body politic lies in the harmony of •obedience with •liberty, and the words 'subject' and 'sovereign' are precisely

complementary, the concepts being united in the single word 'citizen'.

I reply also that it's always bad to unify several towns in a single city, and that anyone wanting to do this had better be ready for its natural disadvantages. [In the past several pages Rousseau has written not of 'cities' but of 'states', and in the next few paragraphs he flips back to 'states'. This confirms the apparent upshot of the footnote on page 7, where he seems to equate these two.]. . . . But how can small states be given the strength to resist great ones? ·By alliances·, as the Greek towns once resisted the great Persian king Xerxes, and as Holland and Switzerland, more recently, have resisted the House of Austria.

But if a state can't be kept within proper limits, there's one thing that can be done, namely:

> Don't have a capital, move the seat of government from town to town, and assemble by turn in each of the provincial estates of the country. Populate the territory evenly, extend the same rights to everyone, bring abundance and life everywhere.

By these means the state will become as strong and as well governed as it possibly could be. ·In preparing for such a state, don't make grandiose provision for government in each of the towns where it will temporarily reside·. Remember that the walls of towns are built entirely out of the ruins of the houses of the countryside! For every palace I see raised in a capital, my mind's eye sees a whole country made desolate.

14. How the sovereign authority is maintained (continued)

The moment the populace is legitimately assembled as a sovereign body, the jurisdiction of the government wholly lapses, the executive power is suspended, and the person of •a citizen at the bottom of the social heap is as sacred and inviolable as that of •the first magistrate; because representatives no longer exist in the presence of whatever it was they represented. Most of the tumults that arose in the *comitia* in Rome were due to ignorance or neglect of this rule. [Re *comitia*: see page 61.] The consuls were in them merely the people's chairmen; the tribunes were mere speakers;[18] the senate was nothing at all.

These intervals of suspension during which the prince recognises or ought to recognise an actual superior—·namely the assembled populace, the sovereign·—have always been, from his point of view, a threat; and these •assemblies of the people, which are the protective shield around the body politic and the curb on the government, have always been the horror of rulers. That's why rulers spare no pains, objections, difficulties, and promises to stop the citizens from having •them. When the citizens are greedy, cowardly, and small-minded, and love ease more than liberty, they don't long hold out against the redoubled efforts of the government; and thus, as the resisting force ·exercised by the government· keeps growing, the sovereign authority eventually disappears, and most cities fall and perish before their time. [In that paragraph, the words 'the prince. . . his. . . ' could as well have been 'the government. . . its. . . '; for Rousseau those are strictly equivalent. The two formulations don't feel as different in French, in which 'he' and 'his' are not distinguished from 'it' and 'its'.]

But between the •sovereign authority and •arbitrary government there sometimes comes to be an intervening power about which something must be said.

[18] In nearly the same sense as 'speaker' has in the English parliament. The similarity of these functions would have brought the consuls and the tribunes into conflict even when all jurisdiction had been suspended.

15. Deputies or representatives

As soon as public service stops being the chief business of the citizens, and they prefer to serve with their money rather than with their persons, the state is not far from its collapse. They are needed to march out to war? they pay troops and stay at home. They are needed to meet in council? they name deputies and stay at home. By force of laziness and money, they end up with soldiers to enslave their country and representatives to sell it.

It is through the hustle of commerce and the trades, through the greedy concern for profit, and through softness and love of amenities, that personal services are replaced by money. Men surrender a part of their profits so as to have time to increase them at leisure. ·And they don't see how dangerous this is·. Give money and before long you'll be in chains! This word 'finance' is slave talk; you won't encounter it in the city-state. In a truly free country the citizens do everything with their own muscles, and nothing with money; far from paying to be excused from their duties, they would even pay to be allowed to perform them. My view on this topic is far from the common one: I regard forced labour as less opposed to liberty than taxes are. [The French is *taxes*; it could mean something like 'fees imposed by the government'.]

The better a state's constitution is, the more public affairs outrank private concerns in the minds of the citizens. There won't even *be* as many private concerns ·as there are in a less well constituted state·, because the aggregate of the common happiness provides a bigger proportion of the happiness of each individual, so that there's less for him to do in taking care of his own needs and desires. In a well-ordered city every man flies to the assemblies; under a bad government no-one wants to take a step to get there, because

- no-one is interested in what happens there, and because
- it can be seen in advance that the general will won't prevail, and lastly because
- domestic cares are all-absorbing.

Good laws lead to the making of better ones; bad ones bring about worse. As soon as anyone says of the affairs of the state 'What do I care?', the state may be given up for lost.

The lukewarmness of patriotism, the activity of private interest, the vastness of states, conquest and the abuse of government suggested the method of having deputies or representatives of the people in the national assemblies. Some men in some countries have presumed to call these 'the Third Estate'; ·notice *third*·!—putting the individual interest of the nobility and the clergy first and second, and the public interest *third*.

Sovereignty can't be represented, for the same reason that it can't be alienated [see Glossary]; what sovereignty essentially *is* is the general will, and a will can't be represented; something purporting to speak for the will of x either is the will of x or it is something else; there is no intermediate possibility, ·i.e. something that isn't exactly x's will but isn't outright *not* x's will either·. The people's deputies, therefore, *can't* be its representatives: they are merely its agents, and can't settle anything by themselves. Any 'law' that the populace hasn't ratified in person is null and void—it isn't a law. The English populace regards itself as free, but that's quite wrong; it is free only during the election of members of parliament. As soon as they are elected, the populace goes into slavery, and is nothing. The use it makes of its short moments of liberty shows that it deserves to lose its liberty!

The idea of *representation* is modern; it comes to us from feudal government, from that iniquitous and absurd system that degrades humanity and dishonours the name of man.

In ancient republics and even in monarchies, the people never had representatives; the word itself was unknown. It is remarkable •that in Rome, where the tribunes were so sacrosanct, no-one ever imagined that they could usurp the functions of the people, and •that in the midst of so great a multitude they never tried to conduct a public referendum on their own authority. Still, we can gauge the difficulties sometimes caused by the size of those crowds from what happened at the time of the Gracchi, when some of the citizens had to cast their votes from the roof-tops.

Where right and liberty are everything, disadvantages are nothing. Among this wise people—·the ancient Romans·—everything was given its just value: its lictors were allowed to do what its tribunes would never have dared to do, because it had no fear that its lictors would try to represent it.

You'll understand how the tribunes *did* sometimes represent the people if you think about how the government represents the sovereign. Law being nothing but the declaration of the general will, it's clear that the populace in its law-making capacity can't be represented; but in respect of the executive power—which is only the force that is applied to ·implementing· the law—it can and *should* be represented. We thus see that if we looked closely into the matter we would find that very few nations have any laws! Be that as it may, it is certain that the tribunes, having no executive power, could never represent the Roman people •by right of the powers entrusted to them, but only •by usurping the rights of the senate.

In Greece, all that the populace had to do, it did for itself; it was constantly assembled in the public square. The Greeks lived in a mild climate; they weren't greedy; slaves did their work for them; their great concern was with liberty. Lacking those advantages, how can you preserve those rights? Your harsher climates add to your needs;[19] for half the year your public squares are uninhabitable; the flatness of your languages unfits them for being heard in the open air; you put more into profit than into liberty, and fear you slavery less than you fear poverty.

What?! Is liberty maintained only with help from slavery? It may be so. Extremes meet. Everything that isn't in the course of nature has its drawbacks, especially civil society. There are some unhappy circumstances where we can't keep our liberty except at others' expense, and where the citizen can be perfectly free only when the slave is most a slave. That's how things stood at Sparta. As for you, modern peoples, you don't *have* slaves but you *are* slaves; you pay for their liberty with your own. Boast away about this preference—I find in it more cowardice than humanity.

I don't mean that one ought to have slaves, or that the right of slavery is legitimate (I have shown that it isn't). I'm merely saying why modern peoples, thinking they are free, have representatives, whereas ancient peoples didn't. Be that as it may, the moment a people allows itself to be represented, it stops being free—it stops being.

All things considered, I don't see that it is any longer possible for the sovereign to preserve among us the exercise of its rights, unless the city is very small. But if it is very small, won't it be conquered? No. I'll show later on how a the external strength of a great people can be combined with the smooth politics and good order of a small state.[20]

[19] To adopt in cold countries the luxury and effeminacy of the East is to want to submit to its chains—indeed to bow to them far more inevitably in our case than in theirs.

[20] I had intended to do this in the sequel to the present work, when in dealing with external relations I came to the subject of confederations. The subject is quite new, and its principles have still to be laid down.

16. What establishes government isn't a contract

Once the legislative power has been well established, the next thing is to establish also the executive power; for this latter, which works only through particular actions, isn't part of the essence of the former and so is naturally separate from it. If the sovereign *qua* sovereign could possess the executive power, right and fact would be so mixed together that no-one could tell what was law and what wasn't; and the body politic, thus disfigured, would soon fall prey to the violence it was instituted to prevent.

Because the citizens are, by the social contract, all equal, they can all prescribe anything that all of them should do; whereas no-one has a right to demand that someone else shall do something that he doesn't do himself. It is *this* right that the sovereign, in instituting the government, confers upon the prince. It's a right that ·the prince has to have because it· is indispensable for giving life and movement to the body politic.

Many theorists have claimed that this act of establishment was a contract between the people and the rulers it sets over itself—a contract specifying the conditions under which one of the two parties was obliged to command and the other was obliged to obey. I'm sure you'll agree with me that that would be an odd kind of contract to enter into! But let us see if this view can be upheld. ·I'll give three reasons why it can't·.

(1) The supreme authority can no more be modified than it can be alienated; to limit it is to destroy it. It is absurd and contradictory to suppose that the sovereign might set a superior over itself; binding itself to obey a master would be returning to ·the terrible chaos of· absolute liberty.

(2) Moreover, it is clear that this contract between the people and such-and-such individuals would be a particular act; and from this is follows that it can't be a law or an act of sovereignty, and that consequently it would be illegitimate.

(3) It's obvious also that ·in this supposed contract· the contracting parties would be under nothing but the law of nature, with no guarantees of their mutual undertakings—which would be wholly at variance with the civil state. Someone who has force at his command is always in a position to control execution, so the idea that I'm attacking would be on a par with giving the label 'contract' to the act of one man who said to another: 'I give you all my goods, on condition that you give me back as much of them as you please.'

There's only one contract in the state; it is the contract of association, which single-handedly rules out any others. It is impossible to conceive of any public contract that wouldn't violate the first one.

17. What *does* establish government

Under what general idea then should we conceive the act by which government is instituted? I'll start by saying that the act is complex, i.e. is composed of two others—**(i)** the establishment of the law and **(ii)** the execution of the law.

By **(i)** the sovereign decrees that there's to be a governing body established in such-and-such a form; this act is clearly a law.

By **(ii)** the populace picks the rulers who are to run the government that has been established. This selection is a particular act; so it's clearly not another law, but merely a consequence of the first and a function of government [= 'an act of the government'].

But there's a difficulty: How can there be an act of the government before the government exists? And how can the populace, which is only •sovereign or •subject, become a prince or magistrate under certain circumstances?

[The former of those two questions arises straight out of what Rousseau has just been saying, but the latter question doesn't. We know his thesis that the populace—the totality of the people—is the •sovereign through the exercise of its general will, and is the set of •subjects because of their obligation to obey the government. And we recall that back at page 33 he seemed to countenance the idea that the governing body might reach the upper limit of numerousness by admitting every citizen into it. He raises the matter again here because, it seems, he thinks it helps him to answer the former of the two questions.]

At this point we encounter one of the astonishing properties of the body politic, by means of which it reconciles apparently contradictory operations: this is done by a sudden conversion of •sovereignty into •democracy, so that with no change that anyone could *see* and purely through a new relation of all to all, the citizens become magistrates and pass from general acts to particular acts, from legislation to the execution of the law.

This change of relationship isn't a theoretician's subtlety with no examples out there in the world. It happens every day in the English parliament, where on certain occasions the Lower House turns itself into a 'committee of the whole' so as to have a better discussion of affairs, so that from being at one moment a sovereign court it becomes at the next a mere commission, ·an organ of government·; then it reports the upshot of these discussions to itself as House of Commons, where it debates under one name what it has already settled under another.

That's the special advantage of democratic government—that it can be brought into existence by a simple act of the general will. And then this provisional government remains in power, if that's what was decided, or else it, acting in the name of the sovereign, establishes the government that is prescribed by law; and thus the whole thing is done by the rules. That's the only possible way to set up government legitimately and in accordance with the principles I have laid down.

18. How to protect the government from being taken over

What I have just said confirms chapter 16, and makes it clear •that the act that institutes government is not a contract, but a law; •that the recipients of the executive power are not the people's masters, but its officers; •that it can set them up and pull them down when it likes; •that for them there is no question of contract, but of obedience; and •that in taking over the functions the state has assigned to them they're only doing their duty as citizens, without having the any right to challenge the conditions.

So when the populace sets up a hereditary government—whether monarchical within one family or aristocratic within one ·social· class—it isn't making any promises. All it's doing is to give the administration a certain form, *provisionally*, to last until it pleases the people to make some other arrangement.

It's true that such changes are always dangerous, and that an established government shouldn't be touched unless it has come into conflict with the public good; but this is just a note of warning, a maxim of policy; it isn't a legal rule, and the state is no more bound to leave civil authority in the hands of its rulers than it is to leave military authority in the hands of its generals.

Care should be taken in such cases to observe all the formalities that are required if a regular and legitimate act is to be distinguished from a seditious tumult, and the will of a whole people distinguished from the clamour of a faction. 'Care should be taken'—it would be impossible to take too much care! [This next bit expands something that Rousseau wrote

using an old legal term.] Here above all the government, when confronted with claims of rights that it thinks would be especially dangerous to allow, should allow only what it legally *must*. This obligation gives the prince a great advantage in preserving his power despite the people, without its being possible to say he has usurped it; for, seeming only to •exercise his rights, he finds it very easy to •extend them, and to use the 'keeping the peace' excuse to prevent gatherings that were to have been aimed at restoring order. In this way he takes advantage of •a silence that he doesn't allow to be broken, or of •irregularities that he causes to be committed, to •assume that he has the support of those whom fear prevents from speaking, and to •punish those who dare to speak. That is how ancient Rome's decemvirs, first elected for one year and then kept on in office for a second, tried to make their power permanent by forbidding the *comitia* to assemble; and by this easy method every government in the world, once it is clothed with the public power, sooner or later usurps the sovereign authority. [The decemvirs were a ten-man committee which was, in Rousseau's sense of the word, 'a prince'. Of course a committee is an 'it', not a 'he' as a prince is—in English, but French doesn't have different words for 'he' and 'it'; see the note on page 48.]

The periodical assemblies that I spoke of earlier [page 47] are a device for preventing or postponing this calamity. Their chance of succeeding in that is greater if they don't have to be formally summoned, because then the prince can't stop them without openly declaring himself a law-breaker and an enemy of the state.

These assemblies, whose sole object is the maintenance of the social treaty, should open by the posing of two questions that •must never be suppressed and •should be voted on separately:

(1) 'Does it please the sovereign to preserve the present form of government?'

(2) 'Does it please the people to leave its administration in the hands of those who are currently in charge of it?'

I'm assuming here something that I think I have shown, namely that there is in the state no fundamental law that can't be revoked. Even the social compact itself can be revoked: if all the citizens came together for the agreed purpose of breaking the compact, there's no doubt that this would very legitimately break it. Grotius even thinks that each man can renounce his membership of his own state, and recover his natural liberty and his goods on leaving the country.[21] It would be absurd if all the citizens in assembly couldn't do something that each can do by himself.

[21] Provided, of course, that he doesn't leave to escape his obligations and avoid having to serve his country just when it needs him. Flight that case would be criminal and punishable; it wouldn't be a withdrawal but a desertion.

BOOK 4

1. The general will is indestructible

As long as a number of men gathered together regard themselves as a single body, they have only a single will, which is concerned with the survival and well-being of all of them. In this case, the state's machinery is all vigorous and simple and its rules clear and luminous; there's no tangle of hidden agendas; the common good is always obvious, and only good sense is needed to perceive it. Peace, unity and equality are enemies of political subtleties. Simple straightforward men are hard to deceive because of their simplicity; lures and ingenious excuses don't work with them—they aren't even subtle enough to be dupes! When among the world's happiest people we see a group of peasants gathered under an oak to regulate the state's affairs, and always acting wisely, can we help scorning the sophistication of other nations, which put so much skill and so much mystery into making make themselves illustrious and wretched?

A state governed like that doesn't need many laws; and when new ones are needed, everyone will see that they are. The first man to propose them is merely putting into words what they have all been thinking, and there's no place here for deals or for eloquence in order to get passed into law something that each of them has already decided to do as soon as he's sure that the rest will act with him.

Theorists are struck by the impossibility of applying such procedures to any state that they have seen; but they go wrong about this, because the only states they have looked at are ones that were badly constituted from the beginning. When they picture all the absurdities that a clever rascal or a charming speaker might get the people of Paris or London to believe, it makes them smile. They don't realize that Cromwell would have been sentenced to hard labour by the people of Berne, and the Duc de Beaufort would have been put in a reformatory by the Genevese!

But when the social bond begins to slacken and the state to grow weak, when particular interests start to make themselves felt and the smaller societies begin to influence the larger one, the common interest changes and comes to have opponents; votes are no longer unanimous; the general will is no longer the will of all; contradictory views are presented and debates start up; and the best advice isn't accepted without question. Finally,

- when the nearly ruined state exists only in an illusory and empty form, when
- in every heart the social bond is broken, and when
- the meanest interest brazenly helps itself to the sacred name of 'public good',

the general will falls silent: all men, guided by secret motives, stop giving their views as citizens (it's as though there had never been a state); and wicked decrees directed solely to private interest get passed off as 'laws'.

Does it follow from this that the general will is exterminated or corrupted? Not at all: it continues to be constant, unalterable and pure; but it is pushed aside by other wills that invade its territory. Each man, in distinguishing *his* interests from the common interest, sees clearly that he can't entirely separate them, ·i.e. that his pursuit of his own interests will have some negative effect on the common good·; but he sees •his share in the public misfortunes as negligible compared with •the private good that he is laying claim to. Apart from this private good, he wills the general

good as strongly as anyone else because it's in his interests to do so. Even when he sells his vote for money, he does not extinguish the general will in himself, but only dodges around it. The wrong thing he does is to *change the question*, answering a different question from the one he was asked. Instead of giving a vote that says

> 'It is to the state's advantage that such-and-such should happen',

he says through his vote

> 'It is to x's advantage that such-and-such should happen',

where x is some man or faction. The law of public order—·i.e. the thing that it matters most to have happen·—in assemblies is not so much •*maintaining* the general will as •ensuring that it is consulted and that *it* answers.

I could offer many reflections on the simple right of voting in every act of sovereignty—a right that no-one can take from the citizens—and also on the right of stating views, making proposals, dividing and discussing, which the government is always most careful to leave solely to its members; but this important subject would need a book to itself—I can't say everything in this one.

2. Voting

You [see Glossary] can see from the last chapter that a pretty good indication of the current state of *mœurs* [see Glossary] and the health of the body politic is given by the facts about how general business is managed by it. . . . The nearer opinion comes to unanimity, the greater is the dominance of the general will; whereas long debates, dissensions and tumult proclaim •the domination by particular interests and •the decline of the state.

This seems less obvious when a state's constitution contains two or more orders of citizens, like ancient Rome's nobility and plebeians, whose quarrels often disturbed the *comitia* [see page 61], even in the best days of the Republic. But the exception is apparent rather than real; because in that case the inherent defect in the body politic brings it about that there are, so to speak, two states in one, and what's not true of the two together is true of each separately. Indeed, even in the most stormy times, the plebiscites of the people—as long as the Senate didn't get involved—always went through quietly and by large majorities: the citizens had only one interest, so the people had only one will.

At the other end of the political spectrum, unanimity circles back: that's when the citizens, having fallen into servitude, no longer have any liberty or any will. Fear and flattery then convert •voting into •acclamation; no-one considers issues any more; all they do is to fawn ·on those in power· or to curse ·their rivals·. Such was the vile manner in which the senate expressed its 'views' under the Emperors. It did so sometimes with absurd precautions: Tacitus reports that under the emperor Otho the senators, in heaping curses on Vitellius, arranged to make a deafening noise so that if Vitellius ever became their master he wouldn't know what each of them had said!

What rules should govern the methods of counting votes and comparing opinions? That depends on the factors I have been discussing, i.e. on how easy or hard it is to discover what the general will is, and on how far along the state is in its decline.

There's only one law that from its very nature needs unanimous consent, namely the social compact; for civil association is the most voluntary of all acts. Every man is born free and his own master, so no-one on any pretext—*any* pretext—can make any man a subject without his consent.

To rule that the son of a slave is born a slave is to rule that he isn't born a man.

So if the social compact has opponents at the time when it is made, their opposition doesn't invalidate the contract; it merely prevents them from being included in it, making them foreigners among citizens. Once a state has been instituted, residence constitutes consent; to live within its territory is to submit to its sovereignty.[22]

Apart from this primal contract, the vote of the majority always binds all the rest. This follows from the contract itself. [That is the last mention of the social contract until the last page or two of the work.]

You will ask: 'How can a man be both •free and •forced to conform to wills that are not his own. How are the opponents at once free and subject to laws they have not agreed to? I reply that the question is wrongly put. The citizen gives his consent to *all* the laws, including ones that are passed against his opposition, and even laws that punish him when he dares to break any law. The constant will of all the members of the state is the general will; by virtue of it they are citizens and free.[23] When a law is proposed to the assembled people, what they are being asked is not

(1) Do you approve or reject this proposal?

but rather

(2) Is this proposal in conformity with the general will?

—the general will being *their* will. Each man's vote gives his opinion on that point, ·i.e. his answer to question **(2)**·; and the general will is found by counting votes. When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. [Rousseau is avoiding saying that a merely majority vote could **express the general will**; all it does, he says, is to **express an opinion about what the general will is**.]. . . .

This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

In my earlier demonstration [page 14] of how particular wills are substituted for the general will in public deliberations, I said enough about the workable methods for avoiding this abuse; and I'll return to them later on. I also set out the principles for deciding how big a majority is needed for a declaration of that will. A difference of one vote destroys equality; a single opponent destroys unanimity; but between 50-50 and unanimity there are many grades of unequal division—·many differences in how steep the majority-to-minority slope is·—and which of these is sufficient for a decision to be made will vary according to the needs of the body politic in question.

Two general rules provide guidance to the decisions about majorities. **(i)** The more serious and important the question that is being put to the vote, the nearer to unanimity the threshhold should be set. **(ii)** The more the subject of the question calls for speed, the smaller the majority can be allowed to be; and where an instant decision has to be

[22] This should of course be understood as applying to a free state. In any other kind of state a man may be kept in a country against his will—by considerations of family, goods, lack of a refuge, necessity, or violence—and then his dwelling there no longer by itself implies anything about his attitude—either way—to the contract.

[23] At Genoa, the word 'Liberty' appears over the front of the prisons and on the chains of the prisoners serving in the galleys. This use of the device is good and just. Indeed it's only the criminals—rich, poor, and middling—who prevent the citizen from being free. In a country where all such men were pulling oars in the galleys, the most perfect liberty would be enjoyed.

reached, a majority of one vote should be enough. Of these two rules, **(i)** seems more in harmony with the laws, and **(ii)** seems more in harmony with practical affairs. Anyway, it's the combination of them that does the best job of deciding what size of majority a given question needs.

3. Elections

In the elections of the prince and the magistrates (which are, I repeat, complex acts) there are two possible ways to proceed, •choosing and •drawing lots. Both have been used in various republics, and a highly complicated mixture of the two still survives in the election of the Doge at Venice.

'Election by lottery', says Montesquieu, 'is democratic in nature'. I agree that it is, but *how* is it? 'The lottery', he goes on, 'is a way of electing that isn't unfair to anyone; it leaves each citizen with a reasonable hope of serving his country.' Those aren't *reasons*!

If we bear in mind that the election of rulers is something done by government, not by sovereignty, we'll see ·the real reason· why the lottery is the more natural for democracy—a form of government where the administration is better in proportion as the number of its acts is small.

In any real democracy, magistracy isn't a benefit—it's a burdensome responsibility that can't fairly be imposed on one individual rather than another. If the individual is selected by a lottery, the selection is being made by the law that establishes the lottery; but the law doesn't lose its universality by itself picking out one individual, and no choice has been made that depends on any human will.

In an aristocracy, the prince chooses the prince, the government is preserved by itself, and that's the right kind of situation for voting.

The way they elect the Doge of Venice doesn't squash this distinction; it confirms it. The mixed form of election suits a mixed government. ·And the government of Venice *is* indeed mixed·; for it is an error to think it is a real aristocracy. Granted, the populace has no share in the government; but in Venice the nobility is the populace. That includes a host of poor younger sons—·and younger sons of younger sons—of noble families·; *they* never get near to having any position in the government, and all their 'nobility' brings them is •the silly right to be addressed as 'Your Excellency' and •the right to sit in the Great Council—which has as many members as our General Council at Geneva, so that its 'illustrious' members have no more privileges than do our plain citizens. It is indisputable that although the two republics are extremely different in many ways, the bourgeoisie of Geneva exactly matches the nobility of Venice; our natives and inhabitants match the townsmen and the people of Venice; our peasants match the ·Venetian· subjects on the mainland ·as distinct from the ones who live on the cluster of islands that constitute the historic heart of Venice·; and whatever way you look at it (setting aside its size), Venice's government is no more aristocratic than our own. The whole difference is that we have no need to use the lottery, because our rulers are not appointed for life as Venice's are.

Election by lottery would have few drawbacks in a real democracy, where it would hardly matter who was chosen because all the people would be on a par as regards *mœurs* and talents as well as principles and fortunes. But I have already said that there aren't any democracies. [The end of 3:4 on page 34]

When choice and lottery are combined, positions that require special talents, such as military posts, should be filled by choice; the lottery serves for the likes of judicial offices, in which good sense, justice, and integrity are all

that's needed, because in a well constituted state these qualities are common to all the citizens.

Neither lottery nor vote has any place in monarchical government. The monarch being by right sole prince and only magistrate, it is for him alone to choose his lieutenants. When the Abbé de Saint-Pierre proposed that the Councils of the King of France should be multiplied, and their members elected by ballot, he didn't see that he was proposing to change the ·fundamental· *form* of government.

I should now speak of the methods of giving and counting opinions in the assembly of the people; but perhaps an historical account of this aspect of Roman politics will give you more of a sense of the rules I could lay down. It is worth the while of a judicious reader to follow in some detail the working of public and private affairs in a council with two hundred thousand members.

4. The *comitia* in ancient Rome

We have no reliable records of Rome's early years; it seems very likely, indeed, that most of the stories told about it are fables. In general, the most instructive part of the history of peoples, namely the past dealing with their foundation, is just what we have least of. Experience teaches us every day what causes generate the revolutions of empires; but new peoples are not formed these days, so we have almost nothing beyond conjecture to go upon in explaining how they were created.

The customs we find established show at least that these customs had an origin. The traditions that go back to those origins, and have the greatest authorities behind them, and are confirmed by the strongest evidence, should count as the most certain. These are the rules I have tried to follow in investigating how the freest and most powerful people on earth exercised its supreme power.

After the foundation of Rome, the new-born republic—i.e. the army of its founder, composed of Albans, Sabines and foreigners—was divided into three classes which then came to be called 'tribes'. Each of these tribes was subdivided into ten *curiae*, and each *curia* into *decuriae*, headed by leaders called *curiones* and *decuriones*.

Besides this, out of each tribe was taken a body of one hundred cavalrymen or knights, called a 'century', which shows that these divisions, being unnecessary in a town, were at first merely military. But an instinct for greatness seems to have led the little town of Rome to provide itself in advance with a political system suitable for the capital of the world.

[Regarding this next paragraph: Servius was a king of Rome in the sixth century BCE.] Out of this original division an awkward situation soon arose. The tribes of the Albans and the Sabines remained always in the same condition, while that of the foreigners continually grew as more and more foreigners came to live in Rome, so that it soon surpassed the others ·in strength·. Servius remedied this dangerous fault by abolishing the racial basis for the division into tribes, replacing it by a geographical one—four tribes now, each containing the inhabitants of one of the hills of Rome, after which it was named. In this way, while fixing the immediate inequality problem Servius also provided for the future; and so that the division might be one of persons as well as localities, he forbade the inhabitants of one quarter to migrate to another, and so prevented the mingling of the races.

He also doubled ·the size of· the three old 'centuries' of knights, and added twelve more, still keeping the old names, and by this simple and prudent method he drew a line between the body of knights and the people, without a murmur from the people.

To the four urban tribes Servius added fifteen others called rural tribes, because they consisted of those who lived in the country, divided into fifteen cantons. Subsequently, fifteen more were created, and the Roman people finally found itself divided into thirty-five tribes, as it remained down to the end of the Republic.

The distinction between urban and rural tribes had one effect that is worth noting, because •it is the only example of its kind, and because •Rome owed to it the preservation of her *mœurs* [see Glossary] and the enlargement of her empire. One would have expected that the urban tribes would soon monopolise power and honours, losing no time in pushing the rural tribes down into poverty and weakness; but what happened was exactly the reverse. The taste of the early Romans for country life is well known. They owed this taste to their wise founder, who made rural and military labours go along with •liberty and (as it were) pushed off into the town •arts, •trades, •intrigue, •luck, and •slavery. [By 'their wise founder', Rousseau means Romulus—a purely mythical founder of Rome, though Rousseau may have thought he was real, as did all the Roman historians on whose work he relies.]

Thus, because all Rome's most illustrious citizens lived in the fields and tilled the earth, the countryside came to be the only place where they looked for the people who would keep the republic running. This rural way of life, being that of the best nobles, was honoured by everyone; the simple and hard-working life of the villager was preferred to the slack and idle life of the bourgeoisie of Rome; and someone who in the town would have been a wretched proletarian became, as a labourer in the fields, a respected citizen. Our great-souled ancestors, says Varro, knew what they were doing when they established in the villages the nursery of the tough, brave men who •defended them in time of war and •fed them in time of peace. Pliny says explicitly that the rural tribes were honoured because of the men of whom they were composed; and their way of dishonouring a coward was to subject him to the public disgrace of being transferred into an urban tribe. . . . Freed slaves always entered the urban tribes, never the rural ones; and although freed slaves could become citizens, there isn't a single example, throughout the Republic, of a freed slave reaching any magistracy [= 'being appointed to a position as a government official'].

This was an excellent rule; but it was carried so far that in the end it led to a change and certainly to an abuse in the political system.

First the censors, after many years of claiming the right to choose what tribe a citizen could be transferred to, eventually allowed most people to enroll themselves in whatever tribe they pleased. This permission certainly did no good, and deprived the censorship of one of its main sources of power. Moreover, as the great and powerful all had themselves enrolled in the country tribes, while the freed slaves who had become citizens remained with the populace in the town tribes, the tribes in general soon stopped having any local or territorial meaning, and all were so confused that the members of one could not be told from those of another except through the membership lists; so that the idea of 'tribe' became personal instead of real, or rather came to be little more than a chimera.

It happened also that the urban tribes, being more on the spot, were often the stronger in the •*comitia* and sold the state to those who stooped to buy the votes of the rabble composing •them. [The *comitia* will be explained on page 61.]

As the founder had set up ten *curiae* in each tribe, the whole Roman people then contained within the town walls consisted of thirty *curiae*, each of which had its temples, its gods, its officers, its priests and its festivals. . . .

When Servius made his new division, as the thirty *curiae* couldn't be shared equally between his four tribes, and he didn't want to interfere with them; so they became a further division of the inhabitants of Rome, quite independent of the tribes. But *curiae* didn't have any bearing on the rural tribes or their members, because for them the tribes had become a purely civil institution, and a new system for raising troops had been introduced, making the military divisions of Romulus superfluous. [Rousseau hasn't said explicitly that the division into *curiae* was a military one; the reader is presumably expected to know this,] Thus, although every citizen was enrolled in a tribe, many of them were not members of a curia.

Servius also made a third division—quite distinct from the two I have mentioned—and the effects of this made it the most important of the three. He sorted the whole Roman people into six classes, distinguished not by place or person but by *wealth*; the first classes included the rich, the last the poor, and those in between included people of moderate means. These six classes were subdivided into 183 other bodies, called 'centuries', which were distributed in such a way that the first class alone comprised more than half of them, while the last class comprised only one. Thus the class that had the fewest members contained the most centuries, and the whole of the last class—which included more than half the inhabitants of Rome—only counted as a single subdivision, ·a single century·.

To veil the results of this arrangement from the people, Servius tried to give it a military tone: in the second class he inserted two centuries of armourers, and in the fourth two of ·makers of· weapons; and in each class except the last he distinguished young from old, i.e. distinguished those who were obliged to bear arms from those whose age gave them legal exemption. (It was this distinction, rather than that of wealth, that created the need for frequent repetition of the census.) Lastly, he ordered that the assembly should be held in the Campus Martius, and everyone whose age made him liable for military service should bring his weapons.

Why didn't he divide the last class into young and old? Because its members weren't given the right to bear arms for the country: to have the right to defend hearth and home, a man had to *have* a hearth and home! Of all the countless troops of beggars who to-day lend lustre to the armies of kings, there is perhaps not one who wouldn't have been scornfully driven out of a Roman platoon back in the days when soldiers were the defenders of liberty.

[Rousseau will now refer to certain people (in Latin) as *capite censi* = 'head-count people'. They couldn't figure in a census through their number of houses, businesses, animals, slaves etc., because they didn't own anything.] But this last class *was* further divided into •proletarians and the •*capite censi*. The proletarians, not quite reduced to nothing, at least gave the state citizens and in some times of great need even gave it soldiers. The *capite censi*, who had nothing at all and could be numbered only by counting heads, were regarded as zeroes, and Marius—·four centuries after Servius·—was the first who stooped to enroll them.

Without deciding now whether this third arrangement was good or bad in itself, I think I can say that it couldn't have worked if it weren't for the early Romans' simple *mœurs* [see Glossary], disinterestedness, liking for agriculture, and scorn for commerce and the profit motive. Where is the modern people among whom consuming greed, restlessness, intrigue, continual promotions and demotions, and perpetual changes of fortune, could leave such a system in place for ·even· twenty years without toppling the entire state? I should add that *mœurs* and the censorship [see Glossary], being stronger than this institution, corrected its defects at Rome—·for example·, a rich man who made too much

display of his riches found himself degraded to the class of the poor! [By 'stronger than this institution' Rousseau may have meant 'stronger than any tendencies in ancient Rome to greed, restlessness, intrigue etc.'.]

So it's easy to see why usually only five classes are mentioned, though there were really six. Because the sixth didn't provide soldiers for the army or votes in the Campus Martius,[24] and was almost without function in the state, it was seldom regarded as of any account.

These were the various ways in which the Roman people was divided. Let us now see how these divisions affected the assemblies. When lawfully summoned, these assemblies were called *comitia*: they were usually held in the public square or in the Campus Martius, and were of three kinds:

(1) the *comitia curiata*, which were founded by Romulus,
(2) the *comitia centuriata*, which were founded by Servius, and
(3) the *comitia tributa* which were founded by the tribunes of the people.

No law received its sanction and no magistrate was elected except in the *comitia*; and as every citizen was enrolled in a curia, a century, or a tribe, it follows that every citizen had the right to vote, and that the Roman populace was truly sovereign—both •as a matter of law and •in fact.

For the *comitia* to be lawfully assembled, and for their acts to have the force of law, three conditions had to be met. **(a)** The body or magistrate convoking them had to have the authority to do so. **(b)** The assembly had to be held on a day allowed by law. **(c)** The auguries had to be favourable.

The reason for **(a)** needs no explanation. **(b)** is a matter of policy; for example, the *comitia* were not to held on festivals or market-days, when the country-folk coming to Rome on business didn't have time to spend the day in the public square. By means of **(c)**, the senate kept a tight rein on the proud and restive people, and (when this was needed) restrained the ardour of seditious tribunes; though the tribunes found more than one way of getting around this hindrance.

The *comitia* passed judgment on more than merely laws and the election of rulers; the Roman populace took on itself the most important functions of government. It can be said that the fate of Europe was regulated in its assemblies! The variety of things they dealt with created variety in the forms they took.

To form a judgment about these various forms, all we need do is to compare them. When Romulus set up the *curiae*, his aim was to use the people to check the senate, and the senate to check the people, while continuing to dominate both. So he set things up in such a way that the people would have all the authority of •numbers to balance the authority of •power and riches, which he left to the nobility. But in the spirit of monarchy he gave a greater advantage to the nobility through the influence of their clients on vote-numbers. This admirable institution of •patron and •client was a masterpiece of statesmanship and humanity without which the nobility as a class, being flagrantly in contradiction to the republican spirit, couldn't have survived. Rome alone has the honour of having given to the world this great example, which never led to any abuse but has never been followed.

The assemblies by *curiae* persisted under the kings till the time of Servius. . . . Under the Republic the *curiae*, still confined to the four urban tribes and containing only the populace of Rome, didn't suit the senate (which led

[24] I say 'in the Campus Martius' because that is where the *comitia* assembled by centuries; in its two other forms the populace assembled in the forum or elsewhere; and then the 'counted heads' had as much influence and authority as the foremost citizens.

the 'nobles') or the tribunes (who, though plebeians, led the well-to-do citizens). They therefore fell into disrepute, and their degradation was such that what the ·full· *comitia curiata* should have done was done by an assembly of their thirty lictors.

The division by centuries was so favourable to the aristocracy that it's hard to see at first how the senate ever failed to prevail in the *comitia* bearing their name—·the *comitia centuriata*·—by which the consuls, the censors and the other senior magistrates were elected. Indeed, of the 193 centuries into which the six classes of the whole Roman people were divided, the first class contained 98; and, as voting went solely by centuries, this class alone had a majority over all the rest. When all those centuries were in agreement, the rest of the votes weren't even taken; the decision of the smallest number counted as the decision of the multitude, and it's fair to say that in the *comitia centuriata* decisions were regulated by amounts of money more than by numbers of votes.

But this extreme authority was modified in two ways. First, the tribunes usually belonged to the class of the rich, and so did many plebeians; so they counterbalanced the influence of the nobles in the first class.

The second way was this. Instead of having the centuries vote in order, so that the first century always voted first, the Romans always chose *by lottery* one century that went ahead and voted, and then *on another day* the remaining centuries were called to vote in the order of their ranks. They usually agreed with the vote of the first one that voted. In this way, the authority of example—·i.e. the influence you get from going first·—was handed out not according to rank but by lottery, on a democratic principle.

This custom had a further advantage. The citizens from the countryside had time, between the two elections, to inform themselves of the merits of the candidate who had been voted for first time around, and didn't have to vote without knowledge of the case. But under the pretext of avoiding delays this custom was eventually abolished, and both elections were held on the same day.

The *comitia tributa* were properly a council of the Roman people. Only the tribunes could call them together; at them the tribunes were elected and conducted their plebiscites. The senate had no standing in them, and wasn't even entitled to be present; and the senators, being forced to obey laws that they couldn't vote on, were in this respect less free than the lowest citizens. This injustice was entirely wrong, and was alone enough to invalidate the decrees of a body to which all its members were not admitted. If the nobles had attended the *comitia* by virtue of their right as citizens, they would have been there as mere private individuals, and would have had very little influence on a vote reckoned by counting heads, where the lowest proletarian was as good as the leader of the senate.

So you can see •that *order* was achieved by these various ways of dividing up this great people and taking its votes; and •that the different divisions didn't have at their basis some *neutral* way of carving up the population. Each one of them was preferred because of what was expected to result from it.

Never mind the further details. What I have said shows that

- •the *comitia tributa* were the most favourable to popular government [= 'democracy'],
- •the *comitia centuriata* were the most favourable to aristocracy, and
- •the *comitia curiata*, in which the populace of Rome formed the majority, was good for nothing but to further tyranny and evil designs.

Naturally the *comitia curiata* fell into disrepute, and even seditious persons abstained from using this method because is would too clearly show what they were up to. There's no question about it: the whole majesty of the Roman people lay solely in the *comitia centuriata*, the only *comitia* that included everyone; for the *comitia curiata* excluded the rural tribes and the *comitia tributa* excluded the senate and the nobility.

As for the method of taking the vote, among the ancient Romans that was as simple as their *mœurs*, though Sparta's was even simpler. Each man declared his vote aloud, and a clerk duly wrote it down; the majority in each tribe determined the vote of the tribe, the majority of the tribes that of the people; similarly with *curiae* and centuries. This custom was good as long as honesty was triumphant among the citizens, and each man was ashamed to vote publicly in favour of an unjust proposal or an unworthy person; but when the people grew corrupt and votes were bought, it was fitting that voting should be secret so as to deter purchasers who wouldn't trust ·that the votes they had bought would be delivered· and to give rogues a way of not being traitors.

(I know that Cicero attacks this change ·to secrecy in voting· and gives it some of the blame for the ruin of the Republic. I feel the weight that Cicero's authority must carry on a point like this, but I can't agree with him; I hold, on the contrary, that the destruction of a state will be hastened if changes like this are *not* made. Just as the regimen of health doesn't suit the sick, it's wrong to try to govern a corrupted people by laws that would be right for a good people. There's no better evidence for this thesis than the long life of the Republic of Venice. It still exists—or anyway a shadow of it does—solely because its laws are suitable only for wicked men.)

So the citizens were provided with tablets with which each man could vote without anyone knowing how he voted: new procedures were also introduced for collecting the tablets, for counting votes, for comparing numbers, etc.; yet despite all this the good faith of the officers charged with these functions. . . . was often suspect. Finally, to prevent intrigues and trafficking in votes, edicts were issued; but their very number proves how useless they were.

Towards the end of the Republic, it was often necessary to bring in special procedures in order to make up for the inadequacy of the laws. Sometimes miracles were supposed—·i.e. the authorities reported miraculous events that pointed to the need for some political question to be answered one way rather than another·—but this method, while it might deceive the populace, couldn't deceive those who governed it. Sometimes an assembly ·for voting· was called together suddenly, leaving the candidates with no time to form their factions. Sometimes, when it was seen that the people were already primed to vote ·in what the authorities thought to be· the wrong way, the entire meeting was allowed to play itself out in talk, ·with no vote being taken·. But in the end ambition always got away. The most incredible fact of all is that in the midst of all these abuses this enormous populace relied on its ancient regulations and went ahead electing magistrates, passing laws, judging cases, and carrying through public and private business, doing all this almost as easily as the senate itself could have done.

5. Tribunes

When an exact proportion can't be established between the constituent parts of a state, or when the relation of one part to another is constantly being altered by some cause that can't be stopped, a special kind of governmental entity is

instituted, one which

- •isn't an integral part of any larger governmental body,
- •gets each term—·each bit of the political structure·—back into its right relation with the others, and
- •is a middle term connecting the prince with people, or the prince with the sovereign, or both at once if need be.

This body, which I shall call 'the tribunate', is the guardian of the laws and of the legislative power. Sometimes it protects the sovereign against the government, as the tribunes of the people did in Rome; sometimes it upholds the government against the people, as the Council of Ten does now in Venice; and sometimes it maintains the balance between the two, as the Ephors did in Sparta.

[This paragraph will use the word 'city' for the first time since page 50. Recall Rousseau's distinction in the footnote on page 7 between 'city' and 'town'.] The tribunate isn't a constituent part of the city, and should have no share in either the legislative or the executive power; but this very fact makes its own power the greater, because while it can't *do* anything it can prevent anything from *being done*. It is more sacred and more revered as the defender of the laws than the prince that applies them or the sovereign that issues ordains them. This was seen very clearly at Rome, when the proud nobles who always scorned the people were forced to bow before a mere officer of the people—·a tribune·—who

Rousseau's next phrase: *n'avait ni auspices ni juridiction.*

what it means: didn't have **(i)** auspices or **(ii)** jurisdiction.

what he may have been getting at: didn't have any **(ii)** legal say over anything or any **(i)** priests confirming the authority of the tribunes by announcing the meanings of cloud-shapes, bird-entrails, or whatever.

The tribunate, wisely tempered, is the strongest support a good constitution can have; but if its strength is even slightly excessive, it overturns everything. As for weakness—that's not in its nature; provided it is something, the tribunate is never less than it should be.

It degenerates into tyranny when it

usurps the executive power that it should be moderating, and when it

tries to dispense with the laws that it should be protecting.

The immense power of the Ephors, harmless as long as Sparta preserved its *mœurs* [see Glossary], hastened Sparta's corruption when once it had begun. . . . Rome perished in the same way: the excessive power of the tribunes, which they had acquired by *decreeing* that they had it, finally used laws that had been made to secure liberty as a protective shield for the emperors who destroyed liberty. As for the Venetian Council of Ten, it is a tribunal of blood, an object of horror for nobles and people alike. Far from providing a lofty protection for the laws, it does nothing, now that the laws have become degraded, but strike in the darkness blows that no-one dares to notice.

The tribunate, like the government, weakens as its membership grows. The tribunes of the Roman people started at two, then went up to five; and when they wanted to double that number, the senate let them do so, in the confidence that it could play them off against one another, which indeed it did!

The best way to prevent such a formidable body from getting out of hand—though no government has yet tried this—would be to have regular periods during which it doesn't exist, rather than its being at work continuously. These intermissions shouldn't be long enough to give abuses time to grow strong; the law establishing them should be

framed in such a way that the intermissions can easily be shortened when there's a need for that.

I can't see that this method has any drawbacks, because the tribunate—as I said before—isn't part of the constitution, so that its removal won't do the constitution any harm. It also seems to be efficacious, because a newly restored magistrate starts not with the power his predecessor had but with what the law allows him. [Notice: •Rousseau evidently thinks of the periods of remission as involving a change in the membership of the tribunate; and •although the tribunate isn't part of the government its members are here called 'magistrates'.]

6. Dictatorship

The inflexibility of the laws prevents them from being adapted to circumstances, and in some situations that makes them disastrous, causing the ruin of the state at a time of crisis. They require things to be done slowly, in an orderly fashion, requiring a stretch of time that the world doesn't always provide. Countless things can happen that the legislator hasn't provided for; you can't foresee everything; and being aware of that fact is a highly necessary part of foresight!

So it is wrong to want to make political institutions so strong that their operation *can't* suspended. Even Sparta allowed its laws to lapse.

But only the greatest dangers can outweigh the danger of changing the public order; and the sacred power of the laws should never be suspended unless the existence of the country is at stake. In the rare cases where it is obvious that *is* what's at stake, •the public security is provided for by a special act entrusting •it to whoever is most worthy to have it. This can be done in either of two ways, depending on the nature of the danger.

If the trouble can be fixed by increasing •the government's activity, power is concentrated in the hands of one or two of •its members. In this case the change is not in the authority of the laws but only in the form of administering them. But if the peril is of such a kind that the apparatus of the laws is an obstacle to saving the laws, the method is to nominate a supreme ruler who is to silence all the laws and briefly suspend the sovereign authority. In such a case there's no doubt about the general will: it's clear that the people's first intention is that *the state is not to perish*. So the suspension of the legislative authority is *not* its abolition; the magistrate who keeps it quiet can't make it speak; he dominates it, but can't represent it. The only thing he can't do is to make laws. [By 'can't make it speak' Rousseau seems to mean 'can't speak for it'.]

The first method was used by the Roman senate when, in a consecrated formula [i.e. in a solemn ceremony presided over by priests], it charged the consuls with taking care of the safety of the Republic. The second was employed when one of the two consuls nominated a dictator,[25] a procedure Rome borrowed from Alba.

During the first period of the Republic they often fell back on dictatorship, because the state wasn't yet solidly grounded enough to be able to maintain itself by the strength of its constitution alone. At that time the *mœurs* made superfluous many of the precautions that would have been necessary at other times; so there was no fear that a dictator would abuse his authority or try to keep it beyond his term of office. Quite the opposite: those who had dictatorial powers found them burdensome, and got rid of them as soon as possible—as if *taking the place of the laws* had been too troublesome and too perilous a position to retain.

[25] The nomination was made secretly by night, as if there were something shameful in setting a man above the laws.

The early Roman use of this supreme magistracy—dictatorship—wasn't wise; what I hold against it is not the risk of its being abused but the risk of its of its becoming cheap. When it was being freely employed at elections, dedications and purely formal functions, there was a danger of its becoming less formidable in time of need—a danger that men would come to think of it as an empty title that was used only on occasions of empty ceremonial.

Towards the end of the Republic, the Romans, having grown more circumspect, were as unreasonably •sparing in their use of dictatorship as they had formerly been •lavish. It was easy to see that their fears were unfounded: the capital's weakness made it safe from the magistrates who lived there; a dictator might sometimes •defend the public liberty but would never be in a position to •endanger it; and Rome's chains would be forged not in Rome itself but in its armies. The weakness of Marius's resistance to Sulla, and of Pompey's to Caesar, clearly showed what could be expected from authority at home against force from abroad.

This misconception led the Romans to make great mistakes; such, for example, as the failure to nominate a dictator in the Catilinarian conspiracy. [Rousseau goes into details of this enormously complex (and still controversial) matter. He holds that a dictator could have swiftly cleaned the whole thing up, whereas in fact it was a long-drawn-out affair involving criminal trials and a mixture of good and bad behaviour by Cicero, who was a consul at the time as well as a professional litigating lawyer. That everything worked out satisfactorily from Rome's point of view, Rousseau says, was better luck than Rome deserved.]

However this important trust is conferred, its duration should be fixed for a very brief period that is never to be prolonged. In the crises that lead to the appointment of a dictator, the state is going to be soon lost or soon saved; and when the emergency is over, the dictatorship becomes either tyrannical or idle. In Rome, where dictators held office for only six months, most of them abdicated before their time was up. If their term had been longer, they might well have tried to prolong it still further, as the decemvirs did when chosen for a year. The dictator had only time to deal with the need that had caused him to be chosen; he had no time to think of further projects.

7. Censorship

Just as the general will is declared by the law, the public judgment is declared by the censorship [see Glossary]. Public opinion is the sort of law that the censor administers; all he does is to apply it to particular cases, in the same fashion as the prince.

The censorial tribunal doesn't •pass judgment on the people's opinion; it only •declares it, and as soon as the two part company its decisions are null and void.

It's pointless to distinguish •the *mœurs* [see Glossary] of a nation from •the objects of its esteem; they both come from the same source, and can't be disentangled from one another. In every nation on earth the choice of the people's pleasures is decided not by nature but by opinion. Correct men's opinions, and their *mœurs* will purify themselves. Men always love what is good or what they find good; where they go wrong is in their judgments about what is good. What needs to be regulated, then, is this judgment. In making judgments about *mœurs* one is making judgments about what is honourable; and the basis for such judgments—the *law* that is being applied—is ·public· opinion.

[In this next sentence Rousseau speaks, oddly, of the constitution of *a people*. Elsewhere, constitutions are credited to organisms, to man as such, and to political entities.] A people's opinions come from its

constitution; although the law does not regulate •*mœurs*, it's legislation that gives •them birth. When legislation grows weak, *mœurs* degenerate; but in such cases the judgment of the censors won't succeed where the force of the laws has failed.

It follows, then, that censorship may be useful for preserving *mœurs* but never for restoring them. Set up censors while the laws are vigorous; as soon as they weaken, all hope is gone; no legitimate item retains its force when the laws have lost theirs.

The censorship upholds *mœurs* by preventing opinions from growing corrupt, by preserving their rectitude by applying them wisely, and sometimes even by fixing them when they are still uncertain. [In that sentence, the 'they' in question seems to be *mœurs*, not opinions.]

I have said elsewhere. . . .that as public opinion isn't subject to any constraint, there needn't be any trace of it in the tribunal set up to represent it. It's impossible to admire too much the skill with which the Romans and (even more) the Spartans used this resource, which we moderns have wholly lost.

When a man with bad *mœurs* made a good proposal in the Spartan Council, the Ephors ignored it and arranged for the same proposal to be made by a virtuous citizen. What a disgrace for one man, and what an honour for the other, without either of them being blamed or praised! Certain drunkards from Samos. . . .polluted the tribunal of the Ephors; the next day a public edict gave Samians permission to be disgusting. An actual punishment would have been less severe than such a 'permission'! When Sparta has pronounced on what is or isn't right, Greece doesn't appeal against its judgments. [In the preceding paragraph, Rousseau is evidently stretching the notion of censorship [see Glossary] as ancient Rome had it, to cover anything official that nudges or hooks into public opinion in some oblique way: ignoring the bad man's proposal, permitting the drunkards to be disgusting. Before coming to that, he has offered another example (not an ancient one) of that stretch.]

The use of seconds in duels, which had been carried to wild extremes in the French kingdom, was done away with merely by these words in a royal edict: 'As for those who are cowards enough to call upon seconds. . . '. This judgment, getting in ahead of •the public's judgment, immediately decided •it. But when those same edicts tried to pronounce duelling itself as cowardly (and so it is!), the public didn't take this seriously because its mind was already made up the other way.

8. Civic religion

At first men had no kings except the gods, and no government except theocracy. They reasoned like Caligula—·a Roman emperor who thought he *was* a god·—and at that period the reasoning was correct. Men's thoughts and feelings have to go through a long period of change before they can bring themselves to take their equals as masters and to expect to profit by doing so.

Simply from the fact that God was put in charge of every political society, it followed that there were as many gods as peoples. Two peoples that were strangers to one another, and nearly always enemies, couldn't go on recognising the same master for long; two armies giving battle couldn't obey the same leader. So national divisions led to polytheism, which in turn led to •theological and •civil intolerance—which, as I'll show later, are essentially the same.

The Greeks' liking for discovering their gods among •the barbarians arose from their regarding themselves as the natural sovereigns of •those peoples. But it's our own times that have produced the line of 'scholarship' that is based on

identifying gods of one nation with gods of another. 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 be any common residue in imaginary beings with different names!

You may ask: 'Why were there no wars of religion in the pagan world, where each state had its own form of worship [*culte*] and its own gods?' My reply is that just because each state had its own form of worship as well as its own government, no state distinguished its gods from its laws. Political war was also theological war; the gods had, so to speak, provinces that were fixed by the boundaries of nations. The god of one people had no right over other peoples. The gods of the pagans were not jealous gods [= 'didn't demand that their followers have nothing to do with any other gods']; they shared the world among themselves. Even Moses and the Hebrews sometimes adopted that point of view by speaking of 'the God of Israel'. It's true that they regarded as powerless the gods of the Canaanites, a proscribed people condemned to destruction, whose place they were to take; but look at how they spoke of the divinities of the neighbouring peoples they were forbidden to attack! 'Isn't the territory belonging to your god Chemosh lawfully *yours*?' said Jephthah to the Ammonites. 'We have the same title to the lands that our conquering God has made his own' (*Judges* 11:24). . . . Here, I think, there is a recognition that the rights of Chemosh are on a par with those of the God of Israel.

When the Jews were subjects of the Kings of Babylon and then of the Kings of Syria, they still obstinately refused to recognise any god but their own; this 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.[26]

Thus, because every religion was attached solely to the laws of the state that prescribed it, the only way to convert a people was to enslave it, and the only missionaries there could be were conquerors. . . . So far from men fighting for the gods, the gods (as in Homer) fought for men; each man asked his god for victory, and paid for it with new altars. Before the Romans took a place, they called on its gods to abandon it; and when they left the Tarentines with their outraged gods, they regarded those gods as subject to their own and forced 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 the Romans in spreading their empire had also spread their forms of worship and their gods, and had often adopted for themselves the gods of the vanquished, granting the rights of the city to both lots of gods, the peoples of that vast empire very gradually came to have multitudes of gods and forms of worship, everywhere almost the same; and that's how it came about that paganism throughout the known world finally came to be a single religion.

This was the situation when Jesus came to set up on earth a spiritual kingdom, which, by separating the theological from the political system, destroyed the unity of the state, and caused the internal divisions that have never ceased to trouble Christian peoples. This new idea of a kingdom of 'the other world' could never have occurred to pagans, so they always regarded the Christians as really rebels, who while pretending to be submissive were only waiting for the chance to become independent and to be in charge, cunningly seizing the authority they pretended in their weakness to respect. This was the cause of the persecutions.

[26] It is utterly clear that the so-called 'Sacred war' against the Phocians was not a war of religion. Its aim was to punish acts of sacrilege, not to conquer unbelievers.

What the pagans had feared took place. Then everything was re-arranged: the humble Christians changed their way of talking, and soon this so-called kingdom of •the other world turned, under a visible leader, into the most violent despotism in •this world.

However, as there was always •a prince and civil laws ·as well as •a church·, this double power created a conflict of jurisdiction that made it impossible for Christian states to be governed well; and men never managed to discover whether they were obliged to obey the master or the priest.

Several peoples, however, even in Europe and its neighbourhood, have tried to preserve or restore the old system—tried and failed, because the spirit of Christianity has won every time. The sacred cult has always remained or again become independent of the sovereign and not essentially linked with the body of the state. Mahomet held very sound and sensible views, and made a good job of linking his political system together; and as long as the caliphs who succeeded him preserved the form of *his* government, that government had the good feature of being *one*—·a unitary government, not split between secular and religious powers·. But when the Arabs became prosperous, lettered, civilised, slack and cowardly, they were conquered by barbarians, and the division between the two powers started up again. It is less conspicuous among the Mahometans than among the Christians, but the Mahometans do have it, especially in the sect of Ali, and in some states such as Persia it is continually making itself felt.

Among us ·Europeans·, the kings of England have been made heads of the Church, and the Czars have done much the same thing; but

- •this title has made them ministers of the Church rather than its masters;
- •they have acquired the power to maintain the church rather than to change it;
- •they aren't its legislators, but only its princes.

Wherever the clergy is a corporate body,[27] 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. [Rousseau shouldn't have said 'two sovereigns'. What he has been maintaining is that England has **(i)** a sovereign and **(ii)** a government, and that **(i)** the body of the Anglican clergy is the sovereign, while **(ii)** the king is the government.]

The philosopher Hobbes is the only Christian writer who has seen the evil and seen how to remedy it, and has dared to propose bring the two heads of the eagle together again, restoring the total political unity without which no state or government will ever be rightly constituted. But he should have seen that Christianity's dominating spirit is incompatible with his system, and that the priests' side of the divide would always be stronger than the state's. What has drawn down hatred on his political theory is not so much what is false and terrible in it as what is just and true. . . .

I believe that if the study of history were developed from this point of view, it would be easy to refute the opinion of Bayle

> that no religion is useful to the body politic,

and also the opposing opinion of Warburton

> that Christianity is the body politic's strongest support.

[27] It should be noted that what binds the clergy together to constitute a body is not a formal assembly but rather the communion of churches. Communion and excommunication are the clergy's social compact, a compact that will always make them masters of peoples and kings. All priests who give or take communion together are fellow-citizens, even if they come from opposite ends of the earth. This invention is a political masterpiece; pagan priests have nothing like it, which is why they have therefore never constituted a clerical corporate body.

·Starting from the Hobbbesian viewpoint·, we would demonstrate to Bayle that no state has ever been founded without a religious basis, and to Warburton that Christian law basically weakens the state's constitution more than it helps it. To make myself understood, I have only to sharpen up a little the unduly vague ideas of religion that come up in this subject.

Religion, considered in relation to society, can be divided into two kinds. **(a)** With the relevant 'society' taken as the whole of mankind, we have the religion of **man**; **(b)** with 'society' understood at the society of this or that nation we have the religion of **the citizen** of this or that nation. **(a)** doesn't have temples, or altars or rites, and is confined •to the purely internal worship of the supreme God and •the eternal obligations of morality; it is the religion of the Gospel pure and simple, the true theism, what may be called **natural** divine law. **(b)** is codified in a single country, to which it gives its gods and its own patron saints; it has its dogmas, its rites, and its external forms of worship prescribed by law; it views all the other nations as unbelievers, foreign, barbarous; it doesn't regard the duties and rights of man as extending far beyond its own altars. The religions of early peoples were all of this sort. We could label them as civil or **positive** divine law.

[In the contrast between natural law and positive law, 'positive' means 'created by the decisions of human beings'. It was a generally understood distinction in early modern times; Rousseau is here using it to distinguish two kinds of religion, suggesting that one of them is natural—perhaps an upshot of human nature—whereas the other is artificial, something deliberately devised or invented by humans. He throws in 'divine' because the items under discussion are religions; Rousseau doesn't think that any god has anything to do with **(b)**, and the adjective-pair 'positive divine', which means 'man-made and divine' and is virtually self-contradictory, is a joke.]

There's a third bizarre sort of religion **(c)** that •gives men two codes of law, two rulers, and two countries, •imposes contradictory duties on them, and •makes it impossible for them to be believers and citizens. The religion of the Lamas is like that, and so is the religion of the Japanese. Another example is Roman ·Catholic· Christianity. We could call this sort of religion the religion of the priest. It leads to a sort of mixed and anti-social code that has no name ·analogous to 'natural divine' and 'positive divine' for the other two·.

Looked at from the political point of view, these three kinds of religion all have defects. **(c)** is so clearly bad that •passing the time proving that it is so would be •wasting time. Anything that destroys social unity is worthless; all institutions that set man in contradiction to himself are worthless.

(b) has some good features. It unites divine worship with love of the laws. By making the country the object of the citizens' adoration, it teaches them that service done to the state is service done to its guardian god. It is a form of theocracy, in which there should be no pope but the prince, and no priests but the magistrates. In this system, dying for one's country is suffering martyrdom; violating its laws is sacrilege; and subjecting a criminal to public execration is condemning him to the anger of the gods. . . .

But it is bad in that, being based on lies and error, it deceives men, makes them credulous and superstitious, and drowns the true worship of the Divinity [Rousseau's phrase] in empty ceremonies. It is also bad when by becoming tyrannical and exclusive it makes a people bloodthirsty and intolerant, breathing murder and massacre, and regarding as a sacred act the killing of anyone who doesn't believe in its gods. This puts such a people into a *natural state of war* with everyone else, so that its security is deeply endangered.

There remains **(a)** the religion of man, i.e. Christianity—not today's Christianity but the entirely different Christianity of the Gospel. By means of this holy, sublime, and genuine religion all men, as children of one God, acknowledge one another as brothers, and the society that unites them isn't dissolved even at death.

But this religion, having no special relation to the body politic, leaves the laws with only the force they draw from themselves without adding anything to it; which means that one of the great bonds for uniting the society of the given country is left idle. Worse: so far from binding the citizens' hearts to •the state, it detaches them from •that and from all earthly things. I know of nothing more contrary to the social spirit.

They tell us that a populace of true Christians would form the most perfect society imaginable. I see in only one great difficulty about this idea, namely that a society of true Christians wouldn't be a society of men.

I go further: such a society, with all its perfection, wouldn't be the strongest or the most durable; its very perfection would deprive it of its bond of union; the flaw that would destroy it would lie in its perfection.

Everyone would do his duty; the people would be law-abiding; the rulers would be just and temperate, and the magistrates upright and incorruptible; the soldiers would regard death as a minor thing; there would be no vanity or extravagant luxury. So far, so good; but let's look further.

Christianity is an entirely spiritual religion, occupied solely with heavenly things; the Christian's country is not of this world. He does his duty, certainly, but does it with a deep lack of interest in whether the work he has put in has produced good or bad results. Provided he has nothing to reproach himself with, it doesn't matters much to him whether things go well or ill here below. If the state prospers, he hardly dares to share in the public happiness, for fear he may become puffed up with pride in his country's glory; if the state goes downhill, he blesses the hand of God that is hard upon His people.

For the society to be peaceable and for harmony to be maintained, *all* the citizens would have to be equally good Christians. If there happened to 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 doesn't make it easy for a man to think ill of another man. As soon as our bad man has worked out a way of •deceiving everyone else and •getting hold of a share in the public authority, you have

> a man established in dignity; God wants us to respect him.

Then before long, you have

> a power; God wants us to obey it.

If the person who has the power abuses it, that is the whip God uses to punish his children. There would be scruples about driving out the usurper: it would involve disturbing public peace, using violence, spilling blood; none of this squares with Christian gentleness; and anyway what does it matter in this vale of sorrows whether we are free men or serfs? The essential thing is to get to heaven, and resignation—·i.e. putting up with hardship patiently and without complaining·—is just one more way of getting there.

If a foreign war breaks out, 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 how to die better than they know how to conquer. What does it matter whether they win or lose? Doesn't Providence know better than they do what should happen to them? Imagine what a proud, impetuous and passionate enemy could make of this ·Christian· stoicism! Set this Christian army against the

deep-feeling peoples who were consumed by ardent love of glory and of their country; imagine your Christian republic up against Sparta or Rome: the pious Christians will be beaten, crushed and destroyed, before they know where they are; or they'll be safe only because their enemy regarded them as negligible. . . .

But I'm wrong to speak of a *Christian republic*—those two 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. Genuine Christians are made to be slaves, and they know it and don't much mind: this short life counts for too little in their eyes.

Christian troops are excellent, we are told. I deny it. Show me an example! For my part, I don't know of any Christian troops. The Crusades? Without disputing the courage of the Crusaders, I answer that far from being Christians they were the priests' troops, they were citizens of the Church: they fought for their spiritual country, which the Church had *somehow* made temporal. Properly understood, this goes back to paganism: because the Gospel doesn't establish any national religion, there can't possibly be a holy war among Christians.

Under the pagan emperors, the Christian soldiers were fine; every Christian writer says so, and I believe it; they were honourably modelling themselves on the pagan troops. As soon as the emperors were Christian, this modelling was extinguished; and when the cross had driven out the eagle, Roman valour wholly disappeared.

Let us now set political considerations aside and come back to ·questions about· what is right, and settle our principles on this important point. [In this passage, 'right' translates *droit*, which can also mean 'law'.] The right that the social compact gives the sovereign over the subjects does not, we have seen, include anything that isn't good for the public.[28] The subjects then owe the sovereign an account of their opinions only insofar as the opinions matter to the community. Now, it matters very much to the community that each citizen should have a religion that makes him love his duty; but that religion's •dogmas are no concern of the state's or of its members' except insofar as •they involve morality and the believer's duties towards others. In addition to all that, a man may have any opinions he likes without that being any of the sovereign's business. Having no standing in the other world, the sovereign has no concern with what may lie in wait for its subjects in the life to come, provided they are good citizens in this life.

So there's a purely *civil* profession of faith, the content of which should be fixed by the sovereign—not exactly as religious dogmas, but as social sentiments that are needed for to be a good citizen and a faithful subject.[29] While it can't compel anyone to believe them, it can banish from the state anyone who doesn't believe them—banishing him not for impiety but for being anti-social, incapable of truly loving the laws and justice, and if necessary sacrificing his life to his duty. If anyone publicly recognises these dogmas and then behaves as if he doesn't believe them, let him be punished by death: he has committed the worst of all crimes—lying before the law.

[28] 'In the republic,' says the Marquis d'Argenson, 'each man is perfectly free in what doesn't harm others.' That is the invariable limit; I can't define it more exactly. . . .

[29] Caesar, arguing for the defence in Catiline's trial, tried to establish the dogma that the soul is mortal. Cato and Cicero, speaking for the prosecution, didn't waste time in philosophising, and simply argued that Caesar had spoken like a bad citizen, pushing a doctrine that would be harmful to the state. *That*, and not a problem of theology, was what the Roman senate had to judge.

The dogmas of civil religion ought to be few, simple, and exactly worded, with no explanation or commentary. Its positive dogmas are:

- 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.

And just one dogma of exclusion, namely the exclusion of intolerance, which is a feature of the cults we have rejected.

Those who distinguish •civil from •theological intolerance are, to my mind, mistaken. The two intolerances are inseparable. You can't possibly live at peace with people you regard as damned; loving them would be hating God who punishes them: we absolutely *must* either reform them or torment them. Wherever theological intolerance is admitted, it must inevitably have some civil effect;[30] and as soon as it *does* the sovereign is no longer sovereign even in the temporal sphere; from then on, priests are the real masters, and kings only their ministers.

Now that there no longer are, and no longer can be, any exclusive national religions, tolerance should be given to all •religions that tolerate others, so long as •their dogmas contain nothing contrary to the duties of citizenship. Anyone who ventures to say: 'Outside the Church is no salvation' should be driven from the state, unless the state is the Church and the prince the pope. Such a dogma is good only in a theocratic government; in any other it is fatal. The reason Henry IV is said to have had for embracing the Roman religion—·namely that the Roman Catholics did, while the Protestants didn't, say 'Our faith is the only possible route to heaven'·—ought to make every honest man leave it, especially any prince who knows how to reason.

9. Conclusion

Now that I have laid down the true principles of political right, and tried to plant the state on its own base, the next task would be to strengthen it by its foreign relations. That would bring in the law of nations, commerce, the right of war and conquest, public law, leagues, negotiations, treaties, etc. But all this adds up to a new subject that is far too vast for my narrow scope. As it is, I have ranged further afield than I ought to have.

[30] Marriage, for instance, being a civil contract, has civil effects without which society can't even subsist. Now, suppose that the clergy collectively claim the sole right of permitting this act, a right that every intolerant religion is bound to claim. Isn't it obvious that in establishing the Church's authority in this respect, it will be destroying the prince's, letting him now have only as many subjects as the clergy are willing to allow him? Being in a position to marry or not to marry people according to

- their acceptance of such and such a doctrine,
- their admission or rejection of such and such a formula,
- their greater or less piety,

isn't it obvious that if the Church is prudent and firm it can come to have sole control of all inheritances, offices and citizens, and even of the state itself? ·Doing all this through marriage? But what if people don't marry but have children all the same? That is not a solution, because· the state couldn't survive if it were composed entirely of bastards. 'But', I shall be told, 'people can appeal on the grounds of abuse, create delays, issue decrees, work the controls of the whole temporal (see Glossary) legal machine.' How pathetic! The clergy will take no notice and go its way; to do this it won't even need courage, merely a little good sense. It will calmly allow appeals, delays, decrees and seizings of the controls, and still end up as the master. It is not, I think, a great sacrifice to give up a part, when one is sure of securing all.