Jean-Jacques Rousseau

THE SOCIAL CONTRACT

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PENGUIN BOOKS
THE SOCIAL CONTRACT

him unprofitably, he destroys him by exploiting him. Hence, far from the victor having acquired some further authority besides that of force over the vanquished, the state of war between them continues; their mutual relation is the effect of war, and the continuation of the rights of war implies that there has been no treaty of peace. An agreement has assuredly been made, but that agreement, far from ending the state of war, presupposes its continuation.

Thus, however we look at the question, the 'right' of slavery is seen to be void; void, not only because it cannot be justified, but also because it is nonsensical, because it has no meaning. The words 'slavery' and 'right' are contradictory, they cancel each other out. Whether as between one man and another, or between one man and a whole people, it would always be absurd to say: 'I hereby make a covenant with you which is wholly at your expense and wholly to my advantage; I will respect it so long as I please and you shall respect it so long as I wish.'

CHAPTER 5
That We Must Always Go Back To an Original Covenant

Even if I were to concede all that I have so far refuted, the champions of despotism would be no better off. There will always be a great difference between subduing a multitude and ruling a society. If one man successively enslaved many separate individuals, no matter how numerous, he and they would never bear the aspect of anything but a master and his slaves, not at all that of a people and their ruler; an aggregation, perhaps, but certainly not an association, for they would neither have a common good nor be a body politic. Even if such a man were to enslave half the world, he would remain a private individual, and his interest, always distinct from that of the others, would never be more than a personal interest. When he died, the empire he left would be scattered for lack of any bond of union, even as an oak crumbles and falls into a heap of ashes when fire has consumed it.

'A people,' says Grotius, 'may give itself to a king.' Therefore, according to Grotius a people is a people even before the gift to the king is made. The gift itself is a civil act; it presupposes public deliberation. Hence, before considering the act by which a people submits to a king, we ought to scrutinize the act by which people become a people, for that act, being necessarily antecedent to the other, is the real foundation of society.

In fact, if there were no earlier agreement, how, unless the election were unanimous, could there be any obligation on the minority to accept the decision of the majority? What right have the hundred who want to have a master to vote on behalf of the ten who do not? The law of majority-voting itself rests on an agreement, and implies that there has been on at least one occasion unanimity.

CHAPTER 6
The Social Pact

I assume that men reach a point where the obstacles to their preservation in a state of nature prove greater than the strength that each man has to preserve himself in that state. Beyond this point, the primitive condition cannot endure, for then the human race will perish if it does not change its mode of existence.

Since men cannot create new forces, but merely combine and control those which already exist, the only way in which they can preserve themselves is by uniting their separate powers in a combination strong enough to overcome any
resistance, uniting them so that their powers are directed by a single motive and act in concert.

Such a sum of forces can be produced only by the union of separate men, but as each man’s own strength and liberty are the chief instruments of his preservation, how can he merge his with others’ without putting himself in peril and neglecting the care he owes to himself? This difficulty, in terms of my present subject, may be expressed in these words:

‘How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before.’ This is the fundamental problem to which the social contract holds the solution.

The articles of this contract are so precisely determined by the nature of the act, that the slightest modification must render them null and void; they are such that, though perhaps never formally stated, they are everywhere the same, everywhere tacitly admitted and recognized; and if ever the social pact is violated, every man regains his original rights and, recovering his natural freedom, loses that civil freedom for which he exchanged it.

These articles of association, rightly understood, are reducible to a single one, namely the total alienation by each associate of himself and all his rights to the whole community. Thus, in the first place, as every individual gives himself absolutely, the conditions are the same for all, and precisely because they are the same for all, it is in no one’s interest to make the conditions onerous for others.

Secondly, since the alienation is unconditional, the union is as perfect as it can be, and no individual associate has any longer any rights to claim; for if rights were left to individuals, in the absence of any higher authority to judge between them and the public, each individual, being his own judge in some causes, would soon demand to be his own judge in all; and in this way the state of nature would be kept in being, and the association inevitably become either tyrannical or void.

Finally, since each man gives himself to all, he gives himself to no one; and since there is no associate over whom he does not gain the same rights as others gain over him, each man recovers the equivalent of everything he loses, and in the bargain he acquires more power to preserve what he has.

If, then, we eliminate from the social pact everything that is not essential to it, we find it comes down to this: ‘Each one of us puts into the community his person and all his powers under the supreme direction of the general will; and as a body, we incorporate every member as an indivisible part of the whole.’

Immediately, in place of the individual person of each contracting party, this act of association creates an artificial and corporate body composed of as many members as there are voters in the assembly, and by this same act that body acquires its unity, its common ego, its life and its will. The public person thus formed by the union of all other persons was once called the city,* and is now known as the republic or the body politic. In its passive role it is called the state, when it

* The real meaning of this word has been almost entirely lost in the modern world, when a town and a city are thought to be identical, and a citizen the same as a burgess. People forget that houses may make a town, while only citizens can make a city. The Carthaginians once paid dearly for this mistake. I have never read of the title cives being given to the subject of any prince, not even to the Macedonians in ancient times or the English today, in spite of their being closer to liberty than any other people. The French alone treat the same ‘Citizen’ with familiarity, and that is because they do not know what it means, as their Dictionaries prove; if they did know, they would be guilty, in usurping it, of lèse-majesté; as it is, they use the word to designate social status and not legal right. When Bodin wanted to speak of citizens and burgesses, he made the gross error of mistaking the one for the other. Monsieur d’Alembert avoids this mistake; and in his article on ‘Geneva’ he correctly distinguishes between the four orders of men (five, if aliens are included) which are found in our town, and of which only two compose the republic. No other French author to my knowledge has understood the real meaning of the word ‘citizen’.
THE SOCIAL CONTRACT

plays an active role it is the sovereign; and when it is compared to others of its own kind, it is a power. Those who are associated in it take collectively the name of a people, and call themselves individually citizens, in that they share in the sovereign power, and subjects, in that they put themselves under the laws of the state. However, these words are often confused, each being mistaken for another; but the essential thing is to know how to recognize them when they are used in their precise sense.

CHAPTER 7
The Sovereign

This formula shows that the act of association consists of a reciprocal commitment between society and the individual, so that each person, in making a contract, as it were, with himself, finds himself doubly committed, first, as a member of the sovereign body in relation to individuals, and secondly as a member of the state in relation to the sovereign. Here there can be no invoking the principle of civil law which says that no man is bound by a contract with himself, for there is a great difference between having an obligation to oneself and having an obligation to something of which one is a member.

We must add that a public decision can impose an obligation on all the subjects towards the sovereign, by reason of the two aspects under which each can be seen, while, contrariwise, such decisions cannot impose an obligation on the sovereign towards itself; and hence it would be against the very nature of a political body for the sovereign to set over itself a law which it could not infringe. The sovereign, bearing only one single and identical aspect, is in the position of a private person making a contract with himself, which shows that there neither is, nor can be, any kind of fundamental law binding on the people as a body, not even the social contract itself. This does not mean that the whole body cannot incur obligations to other nations, so long as those obligations do not infringe the contract; for in relation to foreign powers, the body politic is a simple entity, an individual.

However, since the body politic, or sovereign, owes its being to the sanctity of the contract alone, it cannot commit itself, even in treaties with foreign powers, to anything that would derogate from the original act of association; it could not, for example, alienate a part of itself or submit to another sovereign. To violate the act which has given it existence would be to annihilate itself; and what is nothing can produce nothing.

As soon as the multitude is united thus in a single body, no one can injure any one of the members without attacking the whole, still less injure the whole without each member feeling it. Duty and self-interest thus equally oblige the two contracting parties to give each other mutual aid; and the same men should seek to bring together in this dual relationship, all the advantages that flow from it.

Now, as the sovereign is formed entirely of the individuals who compose it, it has not, nor could it have, any interest contrary to theirs; and so the sovereign has no need to give guarantees to the subjects, because it is impossible for a body to wish to hurt all of its members, and, as we shall see, it cannot hurt any particular member. The sovereign by the mere fact that it is, is always all that it ought to be.

But this is not true of the relation of subject to sovereign. Despite their common interest, subjects will not be bound by their commitment unless means are found to guarantee their fidelity.

For every individual as a man may have a private will contrary to, or different from, the general will that he has as a citizen. His private interest may speak with a very different voice from that of the public interest; his absolute and
naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution, the loss of which would be less painful for others than the payment is onerous for him; and fancying that the artificial person which constitutes the state is a mere fictitious entity (since it is not a man), he might seek to enjoy the rights of a citizen without doing the duties of a subject. The growth of this kind of injustice would bring about the ruin of the body politic.

Hence, in order that the social pact shall not be an empty formula, it is tacitly implied in that commitment – which alone can give force to all others – that whoever refuses to obey the general will shall be constrained to do so by the whole body, which means nothing other than that he shall be forced to be free; for this is the necessary condition which, by giving each citizen to the nation, secures him against all personal dependence, it is the condition which shapes both the design and the working of the political machine, and which alone bestows justice on civil contracts – without it, such contracts would be absurd, tyrannical and liable to the grossest abuse.

CHAPTER 8

Civil Society

The passing from the state of nature to the civil society produces a remarkable change in man; it puts justice as a rule of conduct in the place of instinct, and gives his actions the moral quality they previously lacked. It is only then, when the voice of duty has taken the place of physical impulse, and right that of desire, that man, who has hitherto thought only of himself, finds himself compelled to act on other principles, and to consult his reason rather than study his inclinations. And although in civil society man surrenders some of the advantages that belong to the state of nature, he gains in

return far greater ones; his faculties are so exercised and developed, his mind is so enlarged, his sentiments so ennobled, and his whole spirit so elevated that, if the abuse of his new condition did not in many cases lower him to something worse than what he had left, he should constantly bless the happy hour that lifted him for ever from the state of nature and from a stupid, limited animal made a creature of intelligence and a man.

Suppose we draw up a balance sheet, so that the losses and gains may be readily compared. What man loses by the social contract is his natural liberty and the absolute right to anything that tempts him and that he can take; what he gains by the social contract is civil liberty and the legal right of property in what he possesses. If we are to avoid mistakes in weighing the one side against the other, we must clearly distinguish between natural liberty, which has no limit but the physical power of the individual concerned, and civil liberty, which is limited by the general will; and we must distinguish also between possession, which is based only on force or the right of the first occupant, and property, which must rest on a legal title.

We might also add that man acquires with civil society, moral freedom, which alone makes man the master of himself; for to be governed by appetite alone is slavery, while obedience to a law one prescribes to oneself is freedom. However, I have already said more than enough on this subject, and the philosophical meaning of the word ‘freedom’ is no part of my subject here.

CHAPTER 9

Of Property

Every member of the community gives himself to it at the moment it is brought into being just as he is – he himself, with all his resources, including all his goods. This is not to
say that possession by this act changes its nature in changing hands and becomes property in the grasp of the sovereign; but rather, that as the resources of the nation are incomparably greater than those of an individual, public possession is in simple fact more secure and more irrevocable than private possession, without being any more legitimate — at any rate, in the eyes of foreigners; for the state, vis-à-vis its own members, becomes master of all their goods by virtue of the social contract, which serves, within the state, as the basis of all other rights; while vis-à-vis other nations, the state has only the 'right of the first occupant', which it derives from individuals.

The 'right of the first occupant', although more real than the 'right of the strongest', does not become a true right until the institution of property. Every man has a natural right to what he needs; but the positive act which makes a man the proprietor of any estate excludes him from everything else. His share having once been settled, he must confine himself to it, and he has no further right against the community. Thus we see how 'the right of the first occupant', weak as it is in the state of nature, compels in political society the respect of all men. What this right makes one aware of is less what belongs to others than what does not belong to oneself.

As a general rule, to justify the right of the first occupant to any piece of land whatever, the following conditions must obtain: first, that the land shall not already be inhabited by anyone else; secondly, that the claimant occupies no more than he needs for subsistence; thirdly, that he takes possession, not by an idle ceremony, but by actually working and cultivating the soil — the only sign of ownership which need be respected by other people in the absence of a legal title.

It can, indeed, be said that tying 'the right of the first occupant' to need and work is stretching it as far as it will go. Can one really avoid setting limits on the right? Is it enough to put one's feet on a piece of common land in order to claim it at once as one's own? Is it enough to have the power to keep other men off for one moment in order to deprive them of the right ever to return? How could a man or a people seize a vast territory and keep out the rest of the human race except by a criminal usurpation — since the action would rob the rest of mankind of the shelter and the food that nature has given them all in common? When Nuñez Balboa stood on the shore and took possession of the southern seas and of South America in the name of the crown of Castile, was that enough to dispossess all the inhabitants and to exclude all the other princes of the world? If so, such idle ceremonies would have had no end; and the Catholic King might without leaving his royal chamber have taken possession of the whole universe, only excepting afterwards those parts of his empire already belonging to other princes.

We can see how the lands of private persons, when they are united and contiguous, become public territory; and how the right of sovereignty, extending from the subjects to the soil they occupy, covers both property and persons; it makes the owners all the more dependent, and turns their own strength into the guarantee of their fidelity. This advantage seems to have eluded the ancient monarchs, who, in calling themselves simply the King of the Persians or the Scythians or the Macedonians, appear to have regarded themselves rather as rulers of men than as masters of their countries. Monarchs of the present day call themselves more shrewdly the King of France, or of Spain, or of England and so on; in holding thus the land, they are very sure of holding the inhabitants.

What is unique about the alienation entailed by the social contract is that the community in accepting the goods of an individual is far from depriving him of them; on the contrary it simply assures him of their lawful possession; it changes usurpation into valid right and mere enjoyment into legal
ownership. Since every owner is regarded as a trustee of the public property, his rights are respected by every other member of the state, and protected with its collective force against foreigners; men have, by a surrender which is advantageous to the public and still more to themselves, acquired, so to speak, all that they have given up – a paradox which is easily explained by the distinction between the rights which the sovereign has and which the owner has over the same property, as will be seen later.

It may also happen that men begin to unite before they possess anything, and spreading over a territory large enough for them all, proceed to enjoy it in common, or, alternatively, divide it among themselves either equally or in shares determined by the sovereign. In whatever manner this acquisition is made, the right of any individual over his own estate is always subordinate to the right of the community over everything; for without this there would be neither strength in the social bond nor effective force in the exercise of sovereignty.

I shall end this chapter – and Book I – with an observation which might serve as a basis for the whole social system: namely, that the social pact, far from destroying natural equality, substitutes, on the contrary, a moral and lawful equality for whatever physical inequality that nature may have imposed on mankind; so that however unequal in strength and intelligence, men become equal by covenant and by right.*

* Under a bad government, this equality is only an appearance and an illusion; it serves only to keep the poor in their wretchedness and sustain the rich in their usurpation. In truth, laws are always useful to those with possessions and harmful to those who have nothing; from which it follows that the social state is advantageous to men only when all possess something and none has too much.

**BOOK II**

**CHAPTER I**

*That Sovereignty is Inalienable*

The first and most important consequence of the principles so far established is that the general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve – the common good; for if conflict between private interests has made the setting up of civil societies necessary, harmony between those same interests has made it possible. It is what is common to those different interests which yields the social bond; if there were no point on which separate interests coincided, then society could not conceivably exist. And it is precisely on the basis of this common interest that society must be governed.

My argument, then, is that sovereignty, being nothing other than the exercise of the general will, can never be alienated; and that the sovereign, which is simply a collective being, cannot be represented by anyone but itself – power may be delegated, but the will cannot be.

For indeed while it is not impossible for a private will to coincide with the general will on some point or other, it is impossible for such a coincidence to be regular and enduring; for the private will inclines by its very nature towards partiality, and the general will towards equality. It is even more inconceivable that there could be a guarantee of harmony between the private and the general will, even if it were to continue always, for such lasting harmony would be the result of chance and not of design. The sovereign might say: ‘What I want at present is precisely what this man wants, or at least what he says he wants’; but no sovereign could say:
THE SOCIAL CONTRACT

‘What this man is going to want tomorrow I too shall want’, for it is absurd that anyone should wish to bind himself for the future, and it is a contradiction in terms to say that any human being should wish to consent to something that is the reverse of his own good. If a people promises simply and solely to obey, it dissolves itself by that very pledge; it ceases to be a people; for once there is a master, there is no longer a sovereign, and the body politic is therefore annihilated.

This is not to say that the commands of leaders may not pass for the general will if the sovereign, while free to oppose them, does not do so. In such a case the silence of the people permits the assumption that the people consents. This will be explained more fully in a later chapter.

CHAPTER 2
That Sovereignty is Indivisible

Just as sovereignty is inalienable, it is for the same reason indivisible; for either the will is general* or it is not; either it is the will of the body of the people, or merely that of a part. In the first case, a declaration of will is an act of sovereignty and constitutes law; in the second case, it is only a declaration of a particular will or an act of administration, it is at best a mere decree.

Nevertheless, our political theorists, unable to divide the principle of sovereignty, divide it in its purpose; they divide it into power and will, divide it, that is, into executive and legislative, into the rights of levying taxation, administering justice and making war, into domestic jurisdiction and the power to deal with foreign governments. Sometimes our theorists confuse all the parts and sometimes they separate

* For the will to be general, it does not always have to be unanimous; but all the votes must be counted. Any formal exclusion destroys its universality.

BOOK II

them. They make the sovereign a creature of fantasy, a patchwork of separate pieces, rather as if they were to construct a man of several bodies – one with eyes, one with legs, the other with feet and nothing else. It is said that Japanese mountebanks can cut up a child under the eyes of spectators, throw the different parts into the air, and then make the child come down, alive and all of a piece. This is more or less the trick that our political theorists perform – after dismembering the social body with a sleight of hand worthy of the fairground, they put the pieces together again anyhow.

The mistake comes from having no precise notion of what sovereign authority is, and from taking mere manifestations of authority for parts of the authority itself. For instance, the acts of declaring war and making peace have been regarded as acts of sovereignty, which they are not; for neither of these acts constitutes a law, but only an application of law, a particular act which determines how the law shall be interpreted – and all this will be obvious as soon as I have defined the idea which attaches to the word ‘law’.

If we were to scrutinize in the same way the other supposed divisions of sovereignty, we should find that whenever we thought that sovereignty was divided, we had been mistaken, for the rights which are taken to be part of that sovereignty prove in fact to be subordinate to it, and presuppose the existence of a supreme will which they merely serve to put into effect.

This want of precision has obfuscated immeasurably the conclusions of our legal theorists when they have come to apply their own principles to determine the respective rights of kings and of peoples. Every reader of the third and fourth chapters of the first book of Grotius can see how that learned man and his translator, Barbeyrac, are trapped in their own sophisms, frightened of saying either too much or alternatively too little (according to their prejudices) and so
offending the interests they wish to flatter. Grotius, a refugee in France, discontented with his own country and out to pay court to Louis XIII, to whom his book is dedicated, spares no pains to rob peoples of all their rights and to invest those rights, by every conceivable artifice, in kings. This would have been very much to the taste of Barbeyrac, who dedicated his translation of Grotius to the King of England, George I. But unfortunately the expulsion of James II—which Barbeyrac calls an 'abdicatior—obliged him to speak with a marked reserve, to hesitate and equivocate, so as not to suggest that William III was a usurper. If these two writers had adopted sound principles, all their difficulties would have vanished, and their arguments would have been logical; but then they would, alas for them, have told the truth and paid court only to the people. The truth brings no man a fortune; and it is not the people who hand out embassies, professorships and pensions.

CHAPTER 3

Whether the General Will Can Err

It follows from what I have argued that the general will is always right and always tends to the public good; but it does not follow that the deliberations of the people are always equally right. We always want what is advantageous to us but we do not always discern it. The people is never corrupted, but it is often misled; and only then does it seem to will what is bad.

There is often a great difference between the will of all [what all individuals want] and the general will; the general will studies only the common interest while the will of all studies private interest, and is indeed no more than the sum of individual desires. But if we take away from these same wills, the pluses and minuses which cancel each other out, the balance which remains is the general will.*

From the deliberations of a people properly informed, and provided its members do not have any communication among themselves, the great number of small differences will always produce a general will and the decision will always be good. But if groups, sectional associations are formed at the expense of the larger association, the will of each of these groups will become general in relation to its own members and private in relation to the state; we might then say that there are no longer as many votes as there are men but only as many votes as there are groups. The differences become less numerous and yield a result less general. Finally, when one of these groups becomes so large that it can outweigh the rest, the result is no longer the sum of many small differences, but one great divisive difference; then there ceases to be a general will, and the opinion which prevails is no more than a private opinion.

Thus if the general will is to be clearly expressed, it is imperative that there should be no sectional associations in the state, and that every citizen should make up his own mind for himself†—such was the unique and sublime invention of the great Lycurgus. But if there are sectional associations, it is wise to multiply their number and to prevent inequality

* 'Every interest,' says the Marquis d'Argenson, 'has its different principles. Harmony between two interests is created by opposition to that of a third.' He might have added that the harmony of all interests is created by opposition to those of each. If there were no different interests, we should hardly be conscious of a common interest, as there would be no resistance to it; everything would run easily of its own accord, and politics would cease to be an art.

† 'Divisions,' says Machiavelli, 'sometimes injure and sometimes aid a republic. The injury is done by cabals and factions; the service is rendered by a party which maintains itself without cabals and factions. Since, therefore, it is impossible for the founder of a republic to provide against enemies, he must make the best provision he can against factions.' History of Florence, Book vii. [Original in Italian. Trans.]
among them, as Solon, Numa and Servius did. These are the only precautions which can ensure that the general will is always enlightened and the people protected from error.

CHAPTER 4

The Limits of Sovereign Power

If the state, or the nation, is nothing other than an artificial person the life of which consists in the union of its members and if the most important of its cares is its preservation, it needs to have a universal and compelling power to move and dispose of each part in whatever manner is beneficial to the whole. Just as nature gives each man an absolute power over all his own limbs, the social pact gives the body politic an absolute power over all its members; and it is this same power which, directed by the general will, bears, as I have said, the name of sovereignty.

However, we have to consider beside the public person those private persons who compose it, and whose life and liberty are naturally independent of it. Hence we have to distinguish clearly the respective rights of the citizen and of the sovereign,* and distinguish those duties which the citizens owe as subjects from the natural rights which they ought to enjoy as men.

We have agreed that each man alienates by the social pact only that part of his power, his goods and his liberty which is the concern of the community; but it must also be admitted that the sovereign alone is judge of what is of such concern.

Whatever services the citizen can render the state, he owes

* Please, attentive reader, do not hasten to accuse me of contradiction. I cannot avoid a contradiction of words, because of the poverty of language; but wait.
the general will, so too the general will changes its nature if it seeks to deal with an individual case; it cannot as a general will give a ruling concerning any one man or any one fact. When the people of Athens, for example, appointed or dismissed its leaders, awarding honours to one, inflicting penalties on another, and by a multitude of particular decrees indiscriminately exercised all the functions of an administration, then the people of Athens no longer had what is correctly understood as a general will and ceased to act as sovereign and acted instead as magistrate. All this may seem at variance with commonly accepted notions; but I must be given time to expound my own.

It should nevertheless be clear from what I have so far said that the general will derives its generality less from the number of voices than from the common interest which unites them – for the general will is an institution in which each necessarily submits himself to the same conditions which he imposes on others; this admirable harmony of interest and justice gives to social deliberations a quality of equity which disappears at once from the discussion of any individual dispute precisely because in these latter cases there is no common interest to unite and identify the decision of the judge with that of the contending parties.

Whichever way we look at it, we always return to the same conclusion: namely that the social pact establishes equality among the citizens in that they all pledge themselves under the same conditions and must all enjoy the same rights. Hence by the nature of the compact, every act of sovereignty, that is, every authentic act of the general will, binds or favours all the citizens equally, so that the sovereign recognizes only the whole body of the nation and makes no distinction between any of the members who compose it. What then is correctly to be called an act of sovereignty? It is not a covenant between a superior and an inferior, but a covenant of the body with each of its members. It is a legitimate covenant, because its basis is the social contract; an equitable one, because it is common to all; a useful one, because it can have no end but the common good; and it is a durable covenant because it is guaranteed by the armed forces and the supreme power. So long as the subjects submit to such covenants alone, they obey nobody but their own will; and to ask how far the respective rights of the sovereign and the citizen extend is to ask how far these two can pledge themselves together, each to all and all to each.

From this it is clear that the sovereign power, wholly absolute, wholly sacred, wholly inviolable as it is, does not go beyond and cannot go beyond the limits of the general covenants; and thus that every man can do what he pleases with such goods and such freedom as is left to him by these covenants; and from this it follows that the sovereign has never any right to impose greater burdens on one subject than on another, for whenever that happens the matter becomes private and is outside the sovereign’s competence.

Granted these distinctions, it becomes manifestly false to assert that individuals make any real renunciation by the social contract; indeed, as a result of the contract they find themselves in a situation preferable in real terms to that which prevailed before; instead of alienation, they have profitably exchanged an uncertain and precarious life for a better and more secure one; they have exchanged natural independence for freedom, the power to injure others for the enjoyment of their own security; they have exchanged their own strength which others might overcome for a right which the social union makes invincible. Their very lives, which they have pledged to the state, are always protected by it; and even when they risk their lives to defend the state, what more are they
THE SOCIAL CONTRACT

doing but giving back what they have received from the state? What are they doing that they would not do more often, and at greater peril, in the state of nature, where every man is inevitably at war and at the risk of his life, defends whatever serves him to maintain life? Assuredly, all must now fight in case of need for their country, but at least no one has any longer to fight for himself. And is there not something to be gained by running, for the sake of the guarantee of safety, a few of those risks we should each have to face alone if we were deprived of that assurance?

CHAPTER 5

The Right of Life and Death

It will be asked how individuals, who have no right whatever to take their own lives, can transfer to the sovereign a right they do not possess. This question looks difficult to answer only because it is badly formulated. Every man has the right to risk his own life in order to preserve it. Has it ever been said that a man who leaps out of a window to escape from a fire is guilty of suicide? Would the same crime be imputed to a man who perishes in a storm on the grounds that he knew of the danger when he embarked?

The purpose of the social treaty is the preservation of the contracting parties. Whoever wills the end wills also the means, and certain risks, even certain casualties are inseparable from these means. Whoever wishes to preserve his own life at the expense of others must give his life for them when it is necessary. Now, as citizen, no man is judge any longer of the danger to which the law requires him to expose himself, and when the prince says to him: 'It is expedient for the state that you should die', then he should die, because it is only on such terms that he has lived in security as long as he has and also

BOOK II

because his life is no longer the bounty of nature but a gift he has received conditionally from the state.

The death-penalty inflicted on criminals may be seen in much the same way: it is in order to avoid becoming the victim of a murderer that one consents to die if one becomes a murderer oneself. Far from taking one's life under the social treaty, one thinks only of assuring it, and we shall hardly suppose that any of the contracting parties contemplates being hanged.

Moreover, since every wrongdoer attacks the society's law, he becomes by his deed a rebel and a traitor to the nation; by violating its law, he ceases to be a member of it; indeed, he makes war against it. And in this case, the preservation of the state is incompatible with his preservation; one or the other must perish; and when the guilty man is put to death, it is less as a citizen than as an enemy. Trial and judgement are the proof and declaration that he has broken the social treaty, and is in consequence no longer a member of the state. And since he has accepted such membership, if only by his residence, he must either be banished into exile as a violator of the social pact or be put to death as a public enemy: such an enemy is not a fictitious person, but a man, and therefore the right of war makes it legitimate to kill him.

But, it will be said, the condemnation of a criminal is an individual act. Agreed; and it follows that such duties do not pertain to the sovereign; condemnation of criminals is a right the sovereign can confer but not exercise himself. All my ideas hold together, but I cannot elaborate them all at once.

In any case, frequent punishments are a sign of weakness or slackness in the government. There is no man so bad that he cannot be made good for something. No man should be put to death, even as an example, if he can be left to live without danger to society.

As for the right of pardon, or of exempting a guilty man from