BACKGROUND INFORMATION

- This reading offers one of the clearest and most influential statements of the belief that people are born equal and good, and that it is a flawed or even wicked society that turns some people into criminals or slaves. (You may contrast it with the selection from Hobbes, who had a darker view of human nature.)
- Rousseau offered a striking image of the world of nations, particularly as seen by pessimists such as Hobbes or Machiavelli: “mankind is divided into herds of cattle, each herd having its master who protects it in order to devour it.” That viewpoint, he said, is wrong; governments exist to benefit the people, not the other way around.
- These are some of the ideas circulating in your own society that derive ultimately from Rousseau:
  - By proper education we can create a better society.
  - Every child deserves an equal opportunity in school.
  - Victims of bad society, conceivably women or the descendants of slaves, need special advantages that other people do not.
  - If the government does not serve the interests of people, destroy it and replace it with a better one.
  - The wars that governments start are more destructive than criminal anarchy that arises where there is no government; unless governments do good, we would be better off without them.
  - A certain amount of social disorder is normal and even good, because it makes change possible.
  - Society is to blame for the misbehavior of most criminals, because very often criminals are people who were mistreated somewhere along the way.
  - Society creates war; people are not naturally warlike.

Book I

My design in this treatise is to enquire whether, taking men such as they are, and laws such as they may be made, it is not possible to establish some just and certain rule for the administration of the civil order. In the course of my research I shall endeavour to unite what right permits with what interest prescribes, that justice and utility may not be separated.
I shall enter on my enquiry without saying anything about the importance of my subject. If I am asked whether I am a prince or a lawgiver, that I write on politics, I shall answer that I am neither, and for that reason I am a political writer. If I were a prince or a lawgiver, I should not waste in theory the time which I ought to employ in practice; I would act or I would remain silent.

Born a citizen of a free state, and, as such, a member of its sovereign, however weak the influence of my voice may prove in the determination of public affairs, the right of voting on such occasions imposes on me the duty of informing myself on the subject: and I am happy, whenever I meditate on governments, to find that my researches always afford me new reason to admire that of my own country.

Chapter I: Subject of the First Book

Man is born free, and yet we see him everywhere in chains. Those who believe themselves the masters of others cease not to be even greater slaves than the people they govern, how this happens I am ignorant; but, if I am asked what renders it justifiable, I believe it may be in my power to resolve the question.

If I were only to consider force, and the effects of it, I should say, “When a people is constrained to obey, and does obey, it does well; but as soon as it can throw off its yoke, and does throw it off, it does better: for a people may certainly use, for the recovery of their liberty, the same right that was employed to deprive them of it: it was either justifiably recovered, or unjustifiably torn from them.”

But the social order is a sacred right which serves for the basis of all others. Yet this right comes not from nature; it is therefore founded on conventions. The question is, what those conventions are. But, before I come to that point, I must establish the principles which I have just asserted.

Chapter II: Of the First Societies

The earliest and the only natural societies are families: yet the children remain attached to the father no longer than they have need for his protection. As soon as that need ceases, the bond of nature is dissolved. The child, exempt from the obedience he owed the father, and the father, from the duties he owed the child, return equally to independence. If they continue to remain together, it is not in consequence of a natural, but a voluntary union; and the family itself is maintained only by a convention.

This common liberty is a consequence of the nature of man. His first law is that of self-preservation, his first cares those which he owes to himself; and as soon as he has attained the age of reason, being the only judge of the means proper to preserve himself, he becomes at once his own master.

It appears therefore that families are the first models of political societies: the chief represents the father of the family, the children the people; and being all born equal, and all free, they in either case only alienate their liberty in order to obtain what is more useful. All the difference between the two societies is that, in the family, the gratification which paternal tenderness derives from a consciousness of benefiting those who are the objects of it makes a full amends to the father for the care he bestows on the children; while, in the state, the pleasure of commanding takes the place of that love which the chief does not feel for his people.

Grotius denies that all human power is established for the benefit of those who are governed; and he instances slavery in proof of his assertion. But his constant manner of reasoning is to establish right by fact. A more satisfactory mode might be employed, but none more favourable to tyrants.

It is therefore doubtful, according to Grotius, whether the whole human race belongs to about one hundred men, or this hundred men to the human race; and he appears throughout his book to incline to the former opinion, which is also the idea of Hobbes: so that, according to them, mankind is divided into herds of cattle, each herd having its master who protects it in order to devour it.

As the herdsman is of a nature superior to that of his cattle, so the herdsmen of men, that is, their chiefs, are of a nature superior to
their people. So reasoned, according to Philo’s account, the Emperor Caligula, who concluded very justly from analogy that either kings were gods, or men were beasts.³

The reasoning of Caligula comes to just the same point as that of Grotius and Hobbes. Aristotle had said, before any of them, that men are not naturally equal, but that some are born for slavery and others for dominion.⁴

Aristotle was right; but he mistook the effect for the cause. Nothing is more certain than that all men who are born in slavery are born for slavery. Slaves become so debased by their chains as to lose even the desire of breaking from them; they love their servitude, even as the companions of Ulysses loved their brutishness. If there are some who are slaves by nature, the reason is that men were made slaves against nature. Force made the first slaves, and slavery, by degrading and corrupting its victims, perpetuated their bondage.

I have not said anything of King Adam, or Emperor Noah, the father of three great monarchs, who parted the universe among them, like the children of Saturn, whom they are by many supposed to be. I expect to be applauded for this moderation; because, as I am descended in a direct line from one of these princes, and perhaps from the eldest branch, who can tell whether, in the verification of titles, I might not find myself the legitimate king of the human race? However it be, we can discover nothing but that Adam was sovereign of the world, as Robinson Crusoe was of his island, because he was its only inhabitant; and the happiest circumstance attending the empire was that the monarch was secure in his throne, having nothing to apprehend from rebellions, wars, or conspiracies.

Chapter III: Of the Right of the Strongest

The strongest are still never sufficiently strong to ensure them continual mastership, unless they find means of transforming force into right, and obedience into duty. Hence the right of the strongest—a right which seems ironical in appearance, but is really established as a principle. But shall we never have an explanation of this term? Force is a physical power; I do not see what morality can result from its effects. To yield to force is an act of necessity, not of inclination; or it is at best only an act of prudence. In what sense then can it be a duty?

Let us suppose for a moment the existence of this pretended right. I see nothing that can arise from it but inexplicable nonsense. For, if we admit that force constitutes right, the effect changes with the cause: all force which overcomes the first succeeds to its right. As soon as men can disobey with impunity, they can do so justifiably; and because the strongest is always in the right, strength is the only thing men should seek to acquire. But what sort of right is that which perishes with the force that gave it existence? If it is necessary to obey by force, there can be no occasion to obey from duty; and when force is no more, all obligation ceases with it. We see, therefore, that this word “right” adds nothing to force, but is indeed an unmeaning term.

If in saying, “Let us obey the powerful,” they mean to say, “Let us yield to force,” the precept is good, but it is superfluous, for it never is or can be violated. All power, we are told, comes from God. I grant it does; but all diseases likewise come from the same hand, and yet who ever forbade us to call in a physician? If a robber surprises me in a corner of a wood, is it necessary that I should not only give him my purse when forced to do so, but am I in conscience obliged to give it to him, though I should be in a position to escape? For the fact is, the pistol which he holds is also a power.

We must grant, therefore, that force does not constitute right, and that obedience is only due to legitimate powers. Thus everything goes back to my first question.

Chapter IV: Of Slavery

Since no man has any natural authority over his fellows, and since force produces no right to any, all justifiable authority among men must be established on the basis of conventions.

If an individual, says Grotius, can alienate his liberty and become the slave of a master,
why may not a whole people alienate theirs and become the subject of a king? There are some equivocal words in this sentence, which require an explanation; but I will confine myself to the word “alienate.” To alienate is to give or sell. But a man who becomes the slave of another, cannot give but must sell himself, at least for a subsistence. But for what do a people sell themselves? A king, so far from furnishing his subjects with subsistence, draws his own from them; and, according to Rabelais, a king does not subsist upon a little. Do subjects therefore give their persons on condition that the prince will condescend to accept their property also? I see nothing, after such a gratuity, that there remains for them to preserve.

We are told that a despot ensures civil tranquillity for his subjects. Be it so; but what do his subjects gain if the wars which his ambition draws them into, if his insatiable avarice, and the vexations of his administration, desolate the country even more than civil dissensions? What do they gain if this very tranquillity is one of their miseries? We find tranquillity also in dungeons; but is that enough to make them enjoyable? The Greeks enjoyed the same kind of tranquillity while they were shut up in the cave of the Cyclops, and were expecting every moment that it would be their turn to be devoured.

To say that a man gives himself gratuitously is absurd and incomprehensible; such an act is unjustifiable and void, because the person who performed it is not in his proper senses. To say the same of a whole people is to suppose the people are all mad; and folly does not make it right.

If each individual could alienate himself, he could not alienate his descendants; for, being born men and free, their liberty is their own, and no person can dispose of it but they themselves. Before they arrive at the age of reason, the father may, in his children’s name, stipulate conditions for their preservation and welfare, but not give them up irrevocably, and unconditionally; for such a gift would be contrary to the designs of nature, and exceed the rights of paternal authority. It would therefore be necessary, in order to make an arbitrary government justifiable, that each generation should be at liberty to admit or reject it: but then such a government would not be arbitrary.

To renounce our liberty is to renounce our quality of man, and with it all the rights and duties of humanity. No adequate compensation can possibly be made for a sacrifice so complete. Such a renunciation is incompatible with the nature of man; whose actions, when once he is deprived of his free will, must be destitute of all morality. Finally, a convention which stipulates absolute authority on one side, and unlimited obedience on the other, must be considered as vain and contradictory. Is it not clear that there can be no obligation to a person from whom everything may be justly required? And does not the single circumstance of there being no equivalence and no exchange also annul the act? For what right can my slave have against me, since everything that he has belongs to me, and, his right being mine, this right of mine against myself is absolute nonsense?

Grotius and others derive from war another origin for this pretended right of slavery. The victor having, according to them, a right to kill the vanquished, the latter may purchase his life at the expense of his liberty—a convention which is so much the more justifiable because it tends to benefit both parties. But it is clear that this pretended right of killing the vanquished results not in any manner from the state of war; because, while men remain in their primitive independence, there is no intercourse between them sufficiently settled to constitute either peace or war; and they are not naturally enemies. It is a concurrence of things, and not of men, that occasions war; and the state of war cannot rise out of simple personal concerns, but only out of real relations; nor can private war between man and man exist either in the state of nature, where there is no settled property, or in a civil state, where everything is under the authority of the laws.

Private combats, duels, and rencontres are acts which do not constitute a state of war; and with regard to the petty wars authorized
by the “Establishments” of Louis IX of France, and suspended by the Peace of God, they were abuses of the feudal government, a system so completely absurd that it contradicted the principles of natural right and of every sound polity.

War is therefore not a concern between man and man but between state and state, in which individuals are only enemies accidentally, not as men, or as citizens, but as soldiers; not as members of a country, but as its defenders. In fine, states can only have other states, and not men, for enemies, because there can be no true relation between things of different natures.

This principle is conformable to the established maxims of all times, and the invariable practice of all politically organized peoples. Declarations of war are not so much to inform the powers as their subjects. The stranger, be it a monarch, a private individual, or a whole people, that robs, kills, or detains the subjects of another prince, without previously declaring war against that prince, is not an enemy but a robber. Even in real war, a just prince, while he carries away whatever he can seize upon in an enemy’s country that belongs to the public, respects the persons and property of private people, because he respects the right by which he holds his own. The end of war being to subdue the hostile state, the army of one state has a right to kill the defenders of the other while they have arms in their hands; but, as soon as they lay them down and surrender themselves, they cease to be enemies or the instruments of enemies; they become simply men, and the victors have no longer any right over their lives. Sometimes it may be possible for one state to destroy another state without destroying one of its members: and war does not give a right to do anything beyond what is absolutely necessary to its end. These are not the principles of Grotius, neither are they adopted on the authority of the poets; but they are derived from the nature of things, and founded on reason.

With regard to the right of conquest, it has no other foundation than the law of the strongest. If war does not give the conqueror the right to massacre the conquered, then that right does not exist and cannot serve as a basis for the right to enslave the conquered. Men have no right to kill the enemy but at the time when it is impossible to enslave them. The right of enslaving cannot therefore be derived from the right of killing: it is therefore an iniquitous barter to make them purchase, at the price of their liberty, that life over which the conquerors have no right. In establishing the right of life and death on that of slavery, and of slavery on that of life and death, is it not clear that we become involved in a vicious circle?

But supposing that this terrible right of massacring everybody did exist, the slaves made in war, or a conquered people, could be bound by no obligation at all to their master, and would only obey him while they were compelled by force to do so. In taking his service as an equivalent for sparing his life, the victor confers no favour on the man he has vanquished: instead of killing him—from whence he could derive no advantage—he spares him that he may reap the fruits of his labour. So far, therefore, is the conqueror from having acquired, by saving the life of the conquered, any other authority over him to second that of force, that the state of war continues to subsist between them as formerly, and even their union is the effect of it; and, while the rights of war are exercised, no treaty of peace can be supposed to exist. I shall be told perhaps that they have made a convention. Be it so; but this convention is so far from terminating the state of war that it supposes the continuance of it.

Thus, in whatever light we view things, the right of slavery is found to be null, not only because it is unjustifiable but because it is absurd and has no meaning. The terms “slavery” and “right” contradict and exclude each other. Be it from man to man, or from a man to a people, it would be equally nonsensical to say: “I make a covenant with you entirely at your expense, and for my benefit; I will observe it as far as my inclination leads me, and you shall observe it as far as I please.”
Chapter V: That We Must Always Go Back to a First Convention

Had I granted all which I have refuted, the favourers of despotism would not have found their cause advanced by it. There will always be a great difference between subduing a multitude and governing a society. When unorganized men are successively subdued by one individual, whatever number there may be of them, they appear to me only as a master and slaves; I cannot regard them as a people and their chief; they are, if you please, an aggregation, but they are not as yet an association; for there is neither public property, nor a political body, among them. A man may have enslaved half the world, and yet continue only a private individual; his interest is separate from that of others, and confined to himself alone. When such a man falls, his empire remains unconnected and without any bond of union, as an oak dissolves and becomes a mass of ashes when consumed by fire.

"A people," says Grotius, "can give themselves to a king." According to Grotius, then, they are a people before they give themselves to a king. The donation itself is a civil act, and supposes a public consultation. It would therefore be better, before we examine the act by which they elected a king, to enquire into that by which they became a people; for that act, being necessarily anterior to the other, is the true foundation of society.

In fact, if there was no prior convention, where would be—unless the election was unanimous—the obligation which should bind the minority to submit to the choice of the majority? And whence would a hundred men, who wish to submit to a master, derive the right of binding by their votes ten other men who were not disposed to acknowledge any chief? The law which gives the majority of votes the power of deciding for the whole body can only be established by a convention, and proves that there must have been unanimity at one time at least.

Chapter VI: Of the Social Compact

I will suppose that men in the state of nature are arrived at that crisis when the strength of each individual is insufficient to overcome the resistance of the obstacles to his preservation. This primitive state can therefore subsist no longer; and the human race would perish unless it changed its manner of life.

As men cannot create for themselves new forces, but merely unite and direct those which already exist, the only means they can employ for their preservation is to form by aggregation an assemblage of forces that may be able to overcome the resistance, to be put in motion as one body, and to act in concert.

This assemblage of forces must be produced by the concurrence of many; but as the force and the liberty of each man are the chief instruments of his preservation, how can he engage them elsewhere without danger to himself, and without neglecting the care which is due himself? This difficulty, which leads directly to my subject, may be expressed in these words:

"Where shall we find a form of association which will defend and protect with the whole common force the person and the property of each associate, and by which every person, while uniting himself with all, shall obey only himself and remain as free as before?" Such is the fundamental problem of which the social contract gives the solution.

The articles of this contract are so unalterably fixed by the nature of the act that the least modification renders them vain and of no effect; so that they are the same everywhere, and are everywhere tacitly understood and admitted, even though they may never have been formally announced; until, the social compact being violated, each individual is restored to his original rights, and resumes his native liberty, while losing the conventional liberty for which he renounced it.

The articles of the social contract will, when clearly understood, be found reducible to this single point: the total alienation of each associate, and all his rights, to the whole
community; for, in the first place, as every individual gives himself up entirely, the condition of every person is alike; and being so, it would not be to the interest of any one to render that condition offensive to others.

Nay, more than this, the alienation being made without any reserve, the union is as complete as it can be, and no associate has any further claim to anything: for if any individual retained rights not enjoyed in general by all, as there would be no common superior to decide between him and the public, each person being in some points his own judge, would soon pretend to be so in everything; and thus would the state of nature be continued and the association necessarily become tyrannical or be annihilated.

Finally, each person gives himself to all, and so not to any one individual; and as there is no one associate over whom the same right is not acquired which is ceded to him by others, each gains an equivalent for what he loses, and finds his force increased for preserving that which he possesses.

If, therefore, we exclude from the social compact all that is not essential, we shall find it reduced to the following terms:

Each of us places in common his person and all his power under the supreme direction of the general will,10 and as one body we all receive each member as an indivisible part of the whole.

From that moment, instead of as many separate persons as there are contracting parties, this act of association produces a moral and collective body, composed of as many members as there are votes in the assembly, which from this act receives its unity, its common self, its life, and its will. This public person, which is thus formed by the union of all other persons, took formerly the name of “city,” and now takes that of “republic” or “body politic.” It is called by its members “state” when it is passive, “sovereign” when in activity; and, whenever it is compared with other bodies of a similar kind, it is denominated “power.” The associates take collectively the name of “people,” and separately, that of “citizens,” as participating in the sovereign authority, and of “subjects,” because they are subjected to the laws of the state. But these terms are frequently confounded and used one for the other; and it is enough that a man understands how to distinguish them when they are employed in all their precision.

Chapter VII: Of the Sovereign

It appears from this formula that the act of association contains a reciprocal engagement between the public and individuals, and that each individual, contracting, as it were, with himself, is engaged tinder a double character; that is, as a member of the sovereign engaging with individuals, and as a member of the state engaged with the sovereign. But we cannot apply here the maxim of civil right, that no person is bound by any engagement which he makes with himself; for there is a material difference between an obligation to oneself individually, and an obligation to a collective body of which oneself constitutes a part.

It is necessary to observe here that public deliberation, which can bind all the subjects to the sovereign, in consequence of the double character under which the members of that body appear, cannot, for the opposite reason, bind the sovereign to itself; and consequently that it is against the nature of the body politic for the sovereign power to impose on itself any law which it cannot break. Being able to consider itself as acting under one character only, it is in the situation of an individual forming a contract with himself; and we see therefore that there neither is nor can be any kind of fundamental law obligatory for the body of the people, not even the social contract itself. But this does not mean that this body could not very well engage itself to others in any manner which would not derogate from the contract; for, with respect to what is external to it, it becomes a simple being, an individual. But the body politic, or the sovereign, which derives its existence from the sacredness of the contract, can never bind
itself, even towards outsiders, in anything that would derogate from the original act, such as alienating any portion of itself, or submitting to another sovereign. To violate the contract by which it exists would be to annihilate itself; and that which is nothing can produce nothing.

As soon as this multitude is united in one body, you cannot offend one of its members without attacking the body; much less can you offend the body without incurring the resentment of all the members. Thus duty and interest equally oblige the two contracting parties to lend aid to each other; and the same men must endeavour to unite under this double character all the advantages which attend it.

Further, the sovereign, being formed only of the individuals who compose it, neither has, nor can have, any interest contrary to theirs; consequently, the sovereign power need give no guarantee to its subjects, because it is impossible that the body should seek to injure all its members; and we shall see presently that it can do no injury to any individual in particular. The sovereign, by its nature, is always everything it ought to be.

Notes

2. Thomas Hobbes (1588–1679) was an English philosopher. [D.C.A.]
3. Philo Judaeus (about 13 B.C.E.–45 C.E.) was a Jewish philosopher from Alexandria, Egypt; Caligula (12–41 C.E.) was the Roman emperor from 37 to 41. [D.C.A.]
6. François Rabelais (about 1483–1553) was a French writer. [D.C.A.]
8. Louis IX (1214–1270) reigned from 1229 to 1270. [D.C.A.]
10. general will: the will for the good of society as a whole; contrasted with the individual will, which is directed to one’s private interests [D.C.A.]
Thinking and Writing Assignment: 15 points

Complete the notes and analysis assignment given below and post it at the discussion forum called FORUM 9. Complete the critique assignment below and post it as a reply to one of your colleagues’ entries at FORUM 9.

Notes

The purpose of this exercise is to ensure that you have understood the reading assignment. Please answer each of the questions below with a clearly written sentence or sentences.

1. According to Rousseau, why do people need a government?
2. According to Rousseau, when does a state of war exist between the rulers and ruled?
3. According to Rousseau, are some people slaves by nature? Why, or why not?
4. According to Rousseau, how do a mere group of people become a community?

Analysis

The purpose of the exercise below is to give you opportunity to apply the insights gained from the reading assignment through critical analysis. Please answer each of the questions below with a clearly written sentence or sentences. Think carefully, and express yourself with precision.

1. Explain: “Man is born free, yet we see him everywhere in chains.”
2. Restate the “social contract” in your own words.
3. Do you agree that “the sovereign, by its nature, is always everything it ought to be?” Explain.
4. Could Rousseau’s arguments be used to justify the Confederate States of America? Explain.

Critique

1. READ the submissions of your colleagues carefully.
2. THINK about what they are saying.
3. FIND at least one idea you do NOT agree with.
4. WRITE a clear response to that submission, in which you explain politely what you disagree with and why.
5. POST your statement as a REPLY to the submission to which it responds.