

Rousseau: *The Social Contract*

Biographical History (1712–1778)

Jean-Jacques Rousseau was born in Geneva; his mother died a week later. In his early youth, he wandered around Europe, almost destitute. In 1742, he moved to Paris, where he became friends with the young Denis Diderot. In 1749, his essay, the *Discourse on the Arts and Science* (aka “The First Discourse”), an attack on the corrupting effects of civilization, won a literary prize. Rousseau composed music, and one of his operettas won acclaim. Tired of Paris, in 1754, he returned to Geneva and to the Protestant Church, having briefly been a Catholic. In his *Discourse on the Inequality Among Men* (1755), he argues that humans are naturally good, and that injustice is caused by civil society. In 1755, Rousseau and his common-law wife, Thérèse, moved to a cottage on the edge of the forest of Montmorency, where he wrote his popular and romantic novel *La Nouvelle Héloïse* (1761). In 1762, he published two of his best-known books, *The Social Contract* and *Emile*, his work on education. These works made Rousseau an outcast; his revolutionary works were banned, and he faced imprisonment for heresy. Furthermore, his Romantic naturalism and sensitive temperament brought him into conflict with the philosophers of the time, most notably Voltaire and his old friend Diderot. Whereas Voltaire argued in favor of reason and progress, Rousseau praised spontaneous feeling and nature. For a while, the naturalist philosopher David Hume

befriended Rousseau. However, they quarreled and, in 1767, after a 16-month stay in England, Rousseau and Thérèse returned illicitly to France, from which he was officially banned. His frank autobiography, the *Confessions*, was published posthumously in 1782.

Philosophical Overview

Much of Rousseau’s philosophy is contained in a contrast between an optimistic view of human nature and a pessimistic view of social history. On the one hand, like Voltaire and other French Enlightenment philosophers, Rousseau rejects much of the teaching of the Church and especially the concept of original sin, claiming that humans are by nature fundamentally good. On the other hand, Rousseau subscribes to a pessimistic view of human social history, according to which human civilization has caused us to degenerate. He denies the standard Enlightenment view advanced by Voltaire that more civilization and learning bring progress to humankind. This contrast highlights how Rousseau’s thought conflicted with both the conservative and the radical thinking of his day.

This very sharp contrast between nature and society also helps us to understand the central features of Rousseau’s philosophy. Much of Rousseau’s work praises nature and ways of life that are naturally simple. He idealizes the noble savage, who naturally loves the good and who lives freely. In contrast, Rousseau’s writings condemn cosmopolitan civilization

and corrupt commercial culture. We can find this contrast in Rousseau's views on education: children have a natural ability to learn and develop, but normally educational institutions thwart these natural tendencies by imposing adult expectations on children. We also find this general contrast in Rousseau's views on religion. Natural religion consists in a spontaneous love of the good. In contrast, the revealed religion of Scripture and the Church ends up being superstitious, dogmatic, and authoritarian.

This general contrast between nature and society defines the main problem of Rousseau's political theory. If humans are naturally good and free, then why are societies unjust, tyrannical, and corrupt? If a society were built on the right principles, then it ought to be possible for free persons to construct a social order in which they retain their freedom and natural goodness. What are the political principles that would govern such a society? The work *The Social Contract* (1762) attempts to answer this question.

The Social Contract

Rousseau's political theory is best understood as a contrast between three conditions of life: (1) the original state of nature, (2) society as it ought to be according to the social contract, and (3) society as it actually is. In their natural state, humans are different from the other animals not so much for their reasoning capacity, but rather for the soul's feeling of free will, which defies

mechanical explanation. Humans are naturally free. In their natural state, they have self-love and natural compassion, but not egoism. There is no original sin. With this portrayal of human nature, Rousseau rejects rationalism, mechanistic philosophy, Hobbes, and the teaching of the Church.

For the sake of self-preservation, humans entered into a social contract, but in order for this act of association to be justifiable, it must not diminish our natural freedom. Consequently, the social contract must consist in the formation of a collective body, or general will, which allows individual citizens to share power. Through this contract, a social morality of justice, rights, and duties replaces actions freely motivated by instinct, and, because of this, the individual citizen must be willing to follow the general will. However, this need not diminish freedom; the capacity to obey the law makes a person master of his or her own appetites, and thus freedom finds full expression in a civil society governed by the social contract. Rousseau wrote, "Obedience to a law which we prescribe to ourselves is liberty."

In sharp contrast to both of these states, actual society corrupts natural human goodness and destroys freedom. Thus, Rousseau's famous opening sentence of *The Social Contract*, "Man is born free and everywhere he is in chains," defines the problem of politics, which is the contrast between our fundamental nature and society as it actually is. The solution lies in the

nature of the social contract, which defines how society should be.

In studying and thinking about Rousseau's social contract theory, there are three aspects to bear in mind. First, you might pay special attention to the summary of the essence of the social compact, which Rousseau provides in Chapter 6 of Book I. Second, according to Rousseau, humans are naturally free and, consequently, it is impossible for a person to renounce his or her liberty. Nevertheless, Rousseau claims that we are obliged to enter into a social contract. How and why does this not constitute an attempt to deny or reduce one's liberty? This is an important point to look out for in reading Rousseau because that is one of the main theoretical questions that his work should answer. Third, Rousseau constructs a concept of the general will, which requires the people to rule directly themselves through a citizens' assembly rather than indirectly through elected representatives.

Rousseau: *The Social Contract*

Book 1

1 Subject of the First Book

Man is born free; and everywhere he is in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this change come about? I do not know. What can make it legitimate? That question I think I can answer.

If I took into account only force, and the effects derived from it, I should say: "As long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and shakes it off, it does still better; for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away." But the social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions. Before coming to that, I have to prove what I have just asserted.

2 The First Societies

The most ancient of all societies, and the only one that is natural, is the family: and even so the children remain attached to the father only so long as they need him for their preservation. As soon as this need ceases, the natural bond is dissolved. The children, released from the obedience they owed to the father, and the father, released from the care he owed his children, return equally to independence. If they remain united, they continue so no longer naturally, but voluntarily; and the family itself is then maintained only by convention.

This common liberty results from the nature of man. His first law is to provide for his own preservation, his first cares are those which he owes to himself; and, as soon as he reaches years of discretion, he is the sole judge of the

proper means of preserving himself, and consequently becomes his own master.

The family then may be called the first model of political societies: the ruler corresponds to the father, and the people to the children; and all, being born free and equal, alienate [i.e. give up] their liberty only for their own advantage. The whole difference is that, in the family, the love of the father for his children repays him for the care he takes of them, while, in the State, the pleasure of commanding takes the place of the love which the chief cannot have for the peoples under him.

3 The Right of the Strongest

The strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty. Hence the right of the strongest, which, though to all seeming meant ironically, is really laid down as a fundamental principle. But are we never to have an explanation of this phrase? Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will—at the most, an act of prudence. In what sense can it be a duty?

Suppose for a moment that this so-called “right” exists. I maintain that the sole result is a mass of inexplicable nonsense. For, **if force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with impunity, disobedience is legitimate; and, the strongest being always in the right, the only**

thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails? If we must inevitably obey, there is no need to obey because we ought; and if we are not forced to obey, we are under no obligation to do so. Clearly, the word “right” adds nothing to force: in this connection, it means absolutely nothing.

Obey the powers that be. If this means yield to force, it is a good precept, but superfluous: I can answer for its never being violated. All power comes from God, I admit; but so does all sickness: does that mean that we are forbidden to call in the doctor? A brigand surprises me at the edge of a wood: must I not merely surrender my purse on compulsion; but, even if I could withhold it, am I in conscience bound to give it up? For certainly the pistol he holds is also a power.

Let us then admit that **force does not create right**, and that we are obliged to obey only legitimate powers. In that case, my original question recurs.

4 Slavery

Since no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men.

As Hugo Grotius [1583–1645] notes, if an individual can alienate his liberty and make himself the slave of a master, why could not a whole people do the same and make itself subject to a king? There are in this passage plenty of ambiguous words which would need explaining; but

let us confine ourselves to the word *alienate*. To alienate is to give or to sell. Now, a man who becomes the slave of another does not give himself; he sells himself, at the least for his subsistence: but for what does a people sell itself? A king is so far from furnishing his subjects with their subsistence that he gets his own only from them; and, according to [François] Rabelais [1494–1553], kings do not live on nothing. Do subjects then give their persons on condition that the king takes their goods also? I fail to see what they have left to preserve.

It will be said that the despot assures his subjects civil tranquility. Granted; but what do they gain, if the wars his ambition brings down upon them, his insatiable enthusiasm, and the annoying conduct of his ministers press harder on them than their own disagreements would have done? What do they gain, if the very tranquility they enjoy is one of their miseries? Tranquility is found also in dungeons; but is that enough to make them desirable places to live in? The Greeks imprisoned in the cave of the Cyclops lived there very tranquilly, while they were awaiting their turn to be devoured.

To say that a man gives himself freely, is to say what is absurd and inconceivable; such an act is null and illegitimate, from the mere fact that he who does it is out of his mind. To say the same of a whole people is to suppose a people of madmen; and madness creates no right.

Even if each man could alienate himself, he could not alienate his children: they are born

men and free; their liberty belongs to them, and no one but they has the right to dispose of it. Before they come to years of discretion, the father can, in their name, lay down conditions for their preservation and well-being, but he cannot give them irrevocably and without conditions: such a gift is contrary to the ends of nature, and exceeds the rights of paternity. It would therefore be necessary, in order to legitimize an arbitrary government, that in every generation the people should be in a position to accept or reject it; but, were this so, the government would be no longer arbitrary.

To renounce liberty is to renounce being human, to surrender the rights of humanity and even its duties. For him who renounces everything, no protection against loss is possible. Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts. Finally, it is an empty and contradictory convention that sets up, on the one side, absolute authority, and, on the other, unlimited obedience....

So, from whatever aspect we regard the question, the right of slavery is null and void, not only as being illegitimate, but also because it is absurd and meaningless. The words *slave* and *right* contradict each other, and are mutually exclusive. It will always be equally foolish for someone to say to somebody else or even to a whole people: "I make with you a convention wholly at your expense and wholly to my advantage; I shall keep it as long as I like, and you will keep it as long as I like."...

5 That We Must Always Go Back to a First Convention

A people, says Grotius, can give itself to a king. Then, according to Grotius, a people is a people before it gives itself. The gift is itself a civil act, and implies public deliberation. It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people; for this act, being necessarily prior to the other, is the true foundation of society.

Indeed, if there were no prior convention, where (unless the election were unanimous) would be the obligation on the minority to submit to the choice of the majority? How have a hundred men who wish for a master the right to vote on behalf of ten who do not? The law of majority voting is itself something established by convention, and presupposes unanimity, on one occasion at least.

6 The Social Compact

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than

the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert.

This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms:

The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before. This is the fundamental problem of which the Social Contract provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognized, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favor of which he renounced it.

These clauses, properly understood, may be reduced to one—the total alienation [or surrender] of each associate, together with all his rights, to the whole community; for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others....

If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms: “Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.” At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains votes, and receiving from this act its unity, its common identity, its life and its will. This public person, so formed by the union of all other persons formerly took the name of *city*, and now takes that of *Republic* or *body politic*; it is called by its members *State* when passive, *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, and severally are called *citizens*, as sharing in the sovereign power, and *subjects*, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how to distinguish them when they are being used with precision.

7 *The Sovereign*

This formula shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double capacity; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign. But the maxim of civil right, that no one is bound by undertakings made to himself, does not apply in this case; for there is a great difference between incurring an obligation to yourself and incurring one to a whole of which you form a part....

In fact, each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen. His particular interest may speak to him quite differently from the common interest: his absolute and naturally independent existence may make him look upon what he owes to the common cause as a gratuitous contribution, the loss of which will do less harm to others than the payment of it is burdensome to himself; and, regarding the moral person which constitutes the State as a *persona ficta* [fictional person], because not a man, he may wish to enjoy the rights of citizenship without being ready to fulfill the duties of a subject. The continuance of such an injustice could not but prove the undoing of the body politic.

In order then that the social compact may not be an empty formula, it tacitly includes the

undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence. In this lies the key to the working of the political machine; this alone legitimizes civil undertakings, which, without it, would be absurd, tyrannical, and liable to the most frightful abuses.

8 *The Civil State*

The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly lacked. Then only, when the voice of duty takes the place of physical impulses and right of appetite, does man, who so far had considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations. Although, in this state, he deprives himself of some advantages which he got from nature, he gains in return others so great, his faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took him from it forever, and, instead of a stupid and

unimaginative animal, made him an intelligent being and a man.

Let us draw up the whole account in terms easily commensurable. What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses. If we are to avoid mistake in weighing one against the other, we must clearly distinguish natural liberty, which is bounded only by the strength of the individual, from civil liberty, which is limited by the general will; and possession, which is merely the effect of force or the right of the first occupier, from property, which can be founded only on a positive title.

We might, over and above all this, add, to what man acquires in the civil state, moral liberty, which alone makes him truly master of himself; for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty. But I have already said too much on this head, and the philosophical meaning of the word *liberty* does not now concern us.

9 *Real Property*

.... I shall end this chapter and this book by remarking on a fact on which the whole social system should rest: i.e., that, instead of destroying natural inequality, the fundamental compact substitutes, for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that

men, who may be unequal in strength or intelligence, become every one equal by convention and legal right.

Book II

1 *That Sovereignty is Inalienable*

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

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

In reality, if it is not impossible for a particular will to agree on some point with the general will, it is at least impossible for the agreement to be lasting and constant; for the particular will tends, by its very nature, to partiality, while the general will tends to equality. It is even more impossible to have any guarantee of this agreement; for even if it should always exist, it

would be the effect not of art, but of chance. The Sovereign may indeed say: "I now will actually what this man wills, or at least what he says he wills"; but it cannot say: "What he wills tomorrow, I too shall will" because it is absurd for the will to bind itself for the future, nor is it incumbent on any will to consent to anything that is not for the good of the being who wills. If then the people promises simply to obey, by that very act it dissolves itself and loses what makes it a people; the moment a master exists, there is no longer a Sovereign, and from that moment the body politic has ceased to exist.

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

2 *That Sovereignty is Indivisible*

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

3 *Whether the General Will is Fallible*

It follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally

correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.

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

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: it may then be said that there are no longer as many votes as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer

a general will, and the opinion which prevails is purely particular....

4 The Limits of the Sovereign Power

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

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

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

The undertakings which bind us to the social body are obligatory only because they are mutual; and their nature is such that in fulfilling them we cannot work for others without working for ourselves. Why is it that the general will

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

It should be seen from the foregoing that what makes the will general is less the number of voters than the common interest uniting them; for, under this system, each necessarily submits to the conditions he imposes on others: and this admirable agreement between interest and justice gives to the common deliberations an equitable character which at once vanishes when any particular question is discussed, in the absence of a common interest to unite and identify the ruling of the judge with that of the party.

From whatever side we approach our principle, we reach the same conclusion, that the social compact sets up among the citizens an equality of such a kind, that they all bind themselves to observe the same conditions and should therefore all enjoy the same rights. Thus, from the very nature of the compact, every act of Sover-

eignty, i.e., every authentic act of the general will, binds or favors all the citizens equally; so that the Sovereign recognizes only the body of the nation, and draws no distinctions between those of whom it is made up. What, then, strictly speaking, is an act of Sovereignty? It is not a convention between a superior and an inferior, but a convention between the body and each of its members. It is legitimate, because based on the social contract, and equitable, because common to all; useful, because it can have no other object than the general good, and stable, because guaranteed by the public force and the supreme power. So long as the subjects have to submit only to conventions of this sort, they obey no one but their own will; and to ask how far the respective rights of the Sovereign and the citizens extend, is to ask up to what point the latter can enter into undertakings with themselves, each with all, and all with each.

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

When these distinctions have once been admitted, it is seen to be so untrue that there is, in the social contract, any real renunciation on the part of the individuals, that the position in

which they find themselves as a result of the contract is really preferable to that in which they were before. Instead of a renunciation, they have made an advantageous exchange: instead of an uncertain and precarious way of living they have got one that is better and more secure; instead of natural independence they have got liberty, instead of the power to harm others security for themselves, and instead of their strength, which others might overcome, a right which social union makes invincible. Their very life, which they have devoted to the State, is by it constantly protected; and when they risk it in the State's defense, what more are they doing than giving back what they have received from it? What are they doing that they would not do more often and with greater danger in the state of nature, in which they would inevitably have to fight battles at the peril of their lives in defense of that which is the means of their preservation? All have indeed to fight when their country needs them; but then no one has ever to fight for himself. Do we not gain something by running, on behalf of what gives us our security, only some of the risks we should have to run for ourselves, as soon as we lost it?

5 The Right of Life and Death

The question is often asked how individuals, having no right to dispose of their own lives, can transfer to the Sovereign a right which they do not possess. The difficulty of answering this question seems to me to lie in its being wrongly stated. Every man has a right to risk his own life

in order to preserve it. Has it ever been said that a man who throws himself out of the window to escape from a fire is guilty of suicide? Has such a crime ever been laid to the charge of him who perishes in a storm because, when he went on board, he knew of the danger?

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

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

there, he must be removed by exile as a violator of the compact, or by death as a public enemy; for such an enemy is not a moral person, but merely a man; and in such a case the right of war is to kill the vanquished....

6 Law

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

Laws are, properly speaking, only the conditions of civil association. The people, being subject to the laws, ought to be their author: the conditions of the society ought to be regulated solely by those who come together to form it....

Of itself the people wills always the good, but of itself it by no means always sees it. The general will is always upright, but the judgment which guides it is not always enlightened. It must be got to see objects as they are, and sometimes as they ought to appear to it; it must be shown the good road it is in search of, secured from the seductive influences of individual wills, taught to see the relationship of times and spaces, and made to weigh the attractions of present and sensible advantages against the danger of distant and hidden evils. The individuals see the good they reject; the

public wills the good it does not see.... This makes a legislator necessary.