JEAN-JACQUES ROUSSEAU

The Origin of Civil Society (pp. 53–73)

Paragraphs 1–2: What is the basis of government? This inquiry examines human beings as they are and laws as they might be and considers justice and utility as inseparable. Being a citizen and a voter is enough qualification and reason to investigate the nature of public affairs.

3–7: Man is born free, and everywhere he is in chains. The social order—and its constraints—arise from conventions and not from nature. In a family, self-preservation binds children to their father; if the bond lasts after they become self-sufficient, then the family exists by choice and convention. So too with government, where both ruler and people cede their freedom only so far as it benefits them.

8–14: Some commentators, such as Grotius, take slavery as proof that political power is never exercised in the interest of the governed. In illogically deriving right from fact, they are in effect denying membership in the human race to most of humanity. Force, not nature, makes slaves.

15–18: Those who take power cannot hold it forever unless they cast might as right, and obedience as duty. This is logical gibberish, however, for might is physical, not moral, and right would be invalid if it vanished whenever might changes hands. No man is under an obligation to obey any but the legitimate power of the state—legitimacy being conferred by agreement among the people.

19–23: The argument that a people can subject themselves to a king as a slave does to a master is false—the slave surrenders his liberty for his subsistence, whereas the king subsists off the people. To be legitimate, a government must not impose more hardship than it prevents, and it must be accepted freely by each new generation.

24–30: The argument that a slave agrees to yield his liberty in exchange for his life implies that one man has the right to kill another in war. Wars, however, are between states, not individuals. We are justified in killing our enemies only while they fight as soldiers against us—that is, only when we cannot enslave them. Thus the alleged right to enslave is based on the alleged right to kill, and vice versa, proving that slavery has no validity.

31–43: Conquest may turn individuals into slaves or masters, but kingship must be conferred by the people. A group comes to function as a people by virtue of a social contract enlisting the community’s strength on behalf of each individual, while preserving individual freedom. Any abridgment of individual freedom cancels the contract.

44–47: The body politic—the entity created by and comprising the individual parties to the social contract—cannot bind itself to any agreement that would violate that contract. Any attack on one of its members is an attack on the whole body, and vice versa.

48–51: The body politic need not give a guarantee to its members, as it exists at their will and for their benefit. An individual member’s private and public interests may diverge, however. The body politic is therefore entitled to compel members’ compliance with the general will.

52–54: The passage from the state of nature to the civil state substitutes justice for instinct in individual behavior, creates a moral basis for action, and gives reason priority over desire.

55–61: With regard to property, physical strength and the right of the first-comer are replaced by the rights of ownership under the social contract. Individuals cede their property to the state, and the state legitimates their claim to it. A person’s title to land is based on the land being unoccupied and on the owner taking only as much as he needs and will use.

62: Far from destroying natural equality, the social contract substitutes for it a moral and legal equality that compensates for people’s physical and intellectual differences.
JEAN-JACQUES ROUSSEAU (1712–1778) was the son of Suzanne Bernard and Isaac Rousseau, a watchmaker in Geneva, Switzerland. Shortly after his birth, Rousseau's mother died, and a rash duel forced his father from Geneva. Rousseau was then apprenticed at age thirteen to an engraver, a master who treated him badly. He soon ran away from his master and found a home with a Catholic noblewoman who at first raised him as her son and then, when he was twenty, took him as her lover. In the process Rousseau converted from Calvinist Protestantism to Roman Catholicism. Eventually, he left Switzerland for Paris, where he won an important essay contest and became celebrated in society.

Over the course of his lifetime, Rousseau produced a wide variety of literary and musical works, including a novel, *Emile* (1762), an opera, *The Village Soothsayer* (1752), and an autobiography, *The Confessions* (published posthumously in 1789). *The Social Contract* (1762) was part of a never-completed longer work on political systems. In many ways Rousseau wrote in reaction to political thinkers such as Hugo Grotius and Thomas Hobbes, to whom he responds in the following selection. He contended that the Dutch philosopher and legal expert Grotius unquestioningly accepted the power of the aristocracy. He felt Grotius paid too much attention to what was rather than what ought to be. On the other hand, Hobbes, the English political philosopher, asserted that people had a choice of being free or being ruled. In other words, those who were members of civil society chose to give up their freedom and submit to the monarch's rule. Either they relinquished their freedom, or they removed themselves from civil society to live a brutish existence.

Rousseau argued against Grotius by examining the way things ought to be. He argued against Hobbes by asserting that both the body politic and the monarch were sovereign and that when people created a civil society they surrendered their freedom to themselves as a group. If one person acted as sovereign or lawgiver, then that lawgiver had the responsibility of acting in accord with the will of the people. In a sense, this view parallels some of the views of Lao-tzu in the Tao-te Ching.

Popularly referred to as a defender of republicanism, Rousseau looked to the Republic of Geneva, his birthplace, as a model of government. He also idealized the generally democratic government of smaller Swiss cantons, such as Neuchatel, which used a form of town meeting where people gathered face to face to settle important issues. Ironically, Geneva put out a warrant for his arrest upon the publication of The Social Contract because although it praised Geneva's republicanism, it also condemned societies that depended on rule by a limited aristocracy. Unfortunately for Rousseau, at that time Geneva was governed by a small number of aristocratic families. Rousseau was deprived of his citizenship and could not return to his native home.

Similarly, Rousseau's controversial views were not easily received by those in power in France. After the publication of Emile offended the French Parliament, Rousseau was forced to abandon his comfortable rustic circumstances—living on country estates provided by patrons from the court—and spend the rest of his life in financial uncertainty. Ironically, in 1789, ten years after his death, Rousseau's philosophy was adopted by supporters of the French Revolution in their bloody revolt against the aristocracy.

**Rousseau's Rhetoric**

Rousseau's method is in many ways antagonistic: he establishes the views of other thinkers, counters them, and then offers his own ideas. An early example appears in the opening of paragraph 8: "Grotius denies that political power is ever exercised in the interests of the governed, and quotes the institution of slavery in support of his contention. His invariable method of arguing is to derive Right from Fact." Among other things, Rousseau expects his readers to know who Grotius was and what he said. He also expects his readers to agree that Grotius derives "Right from Fact" by understanding that the fact of monarchy justifies it as being right. As Rousseau tells us, that kind of circular reasoning is especially

Rousseau uses analysis and examination of detail as his main rhetorical approaches. Whether he examines the ideas of others or presents ideas of his own, he is careful to examine the bases of the argument and to follow the arguments to their conclusions. He does this very thoroughly in his section "Of Slavery," in which he demonstrates that slavery is unacceptable no matter which of the current arguments are used to support it, including the widely held view that it was justifiable to enslave captured soldiers on the grounds that they owed their lives to their captors. Rousseau also makes careful use of aphorism and analogy. His opening statement, "Man is born free, and everywhere he is in chains," is an aphorism that has been often quoted. It is a powerful and perplexing statement. How do people who are born free lose their freedom? Is it taken from them, or do they willingly surrender it? Rousseau spends considerable time examining this point.

The use of analogy is probably most striking in his comparison of government with the family. The force of the analogy reminds us that the members of a family are to be looked after by the family. As he tells us beginning in paragraph 5, the family is the only natural form of society. But instead of stopping there, he goes on to say that children are bound to the father only as long as they need him. Once they are able to be independent, they dissolve the natural bond and "return to a condition of equal independence." This analogy differs from the existing popular view that the monarch was like the father in a family and the people like his children; in fact, the analogy works against the legitimacy of the traditional monarchy as it was known in eighteenth-century France.
Man is born free, and everywhere he is in chains. Many a man believes himself to be the master of others who is, no less than they, a slave. How did this change take place? I do not know. What can make it legitimate? To this question I hope to be able to furnish an answer.

Were I considering only force and the effects of force, I should say: "So long as a People is constrained to obey, and does, in fact, obey, it does well. So soon as it can shake off its yoke, and succeeds in doing so, it does better. The fact that it has recovered its liberty by virtue of that same right by which it was stolen, means either that it is entitled to resume it, or that its theft by others was, in the first place, without justification." But the social order is a sacred right which serves as a foundation for all other rights. This right, however, since it comes not by nature, must have been built upon conventions. To discover what these conventions are is the matter of our inquiry. But, before proceeding further, I must establish the truth of what I have so far advanced.

Of Primitive Societies

The oldest form of society—and the only natural one—is the family. Children remain bound to their father for only just so long as they feel the need of him for their self-preservation. Once that need ceases the natural bond is dissolved. From then on, the children, freed from the obedience which they formerly owed, and the father, cleared of his debt of responsibility to them, return to a condition of equal independence. If the bond remain operative it is no longer something imposed by nature, but has become a matter of deliberate choice. The family is a family still, but by reason of convention only.

This shared liberty is a consequence of man's nature. Its first law is that of self-preservation: its first concern is for what it owes itself. As soon as a man attains the age of reason he becomes his own master, because he alone can judge of what will best assure his continued existence.

We may, therefore, if we will, regard the family as the basic model of all political associations. The ruler is the father writ large: the people are, by analogy, his children, and all, ruler and people alike, alienate their freedom only so far as it is to their advantage to do so. The only difference is that, whereas in the family the father's love for his children is sufficient reward to him for the care he has lavished on them, in the State, the pleasure of commanding others takes its place, since the ruler is not in a relation of love to his people.

The reasoning of Caligula, of Hobbes, and of Grotius is fundamentally the same. Far earlier, Aristotle, too, had maintained that men are not by nature equal, but that some are born to be slaves, others to be masters.

Aristotle was right: but he mistook the effect for the cause. Nothing is more certain than that a man born into a condition of slavery is a slave by nature. A slave in fetters loses everything—even the desire to be freed from them. He grows to love his slavery, as the companions of Ulysses grew to love their state of brutish transformation.

If some men are by nature slaves, the reason is that they have been made slaves against nature. Force made the first slaves: cowardice has perpetuated the species.
Of the Right of the Strongest

However strong a man, he is never strong enough to remain master always, unless he transform his Might into Right, and Obedience into Duty. Hence we have come to speak of the Right of the Strongest, a right which, seemingly assumed in irony, has, in fact, become established in principle. But the meaning of the phrase has never been adequately explained. Strength is a physical attribute, and I fail to see how any moral sanction can attach to its effects. To yield to the strong is an act of necessity, not of will. At most it is the result of a dictate of prudence. How, then, can it become a duty?

Let us assume for a moment that some such Right does really exist. The only deduction from this premise is inexplicable gibeish. For to admit that Might makes Right is to reverse the process of effect and cause. The mighty man who defeats his rival becomes heir to his Right. So soon as we can disobey with impunity, disobedience becomes legitimate. And, since the Mightiest is always right, it merely remains for us to become possessed of Might. But what validity can there be in a Right which ceases to exist when Might changes hands? If a man be constrained by Might to obey, what need has he to obey by Duty? And if he is not constrained to obey, there is no further obligation on him to do so. It follows, therefore, that the word Right adds nothing to the idea of Might. It becomes, in this connection, completely meaningless.

Of Slavery

Since no man has natural authority over his fellows, and since Might can produce no Right, the only foundation left for legitimate authority in human societies is Agreement.

If a private citizen, says Grotius, can alienate his liberty and make himself another man’s slave, why should not a whole people do the same, and subject themselves to the will of a King? The argument contains a number of ambiguous words which stand in need of explanation. But let us confine our attention to one only—alienate. To alienate means to give or to sell. Now a man who becomes the slave of another does not give himself. He sells himself in return for bare subsistence, if for nothing more. But why should a whole people sell themselves? So far from furnishing subsistence to his subjects, a King draws his own from them, and from them alone. According to Rabelais, it takes a lot to keep a King. Do we, then, maintain that a subject surrenders his person on condition that his property be taken too? It is difficult to see what he will have left.

It will be said that the despot guarantees civil peace to his subjects. So be it. But how are they the gainers if the wars to which his ambition may expose them, his insatiable greed, and the vexatious demands of his Ministers cause them more loss than would any outbreak of internal dissension? How do they benefit if that very condition of civil peace be one of the causes of their wretchedness? One can live peacefully enough in a dungeon, but such peace will hardly, of itself, ensure one’s happiness. The Greeks imprisoned in the cave of Cyclops lived peacefully while awaiting their turn to be devoured.
Of the Social Fact

I assume, for the sake of argument, that a point was reached in the history of mankind when the obstacles to continuing in a state of Nature were stronger than the forces which each individual could employ to the end of continuing in it. The original state of Nature, therefore, could no longer endure, and the human race would have perished had it not changed its manner of existence.

Now, since men can by no means engender new powers, but can only unite and control those of which they are already possessed, there is no way in which they can maintain themselves save by coming together and pooling their strength in a way that will enable them to withstand any resistance exerted upon them from without. They must develop some sort of central direction and learn to act in concert.

Such a concentration of powers can be brought about only as the consequence of an agreement reached between individuals. But the self-preservation of each single man derives primarily from his own strength and from his own freedom. How, then, can he limit these without, at the same time, doing himself an injury and neglecting that care which it is his duty to devote to his own concerns? This difficulty, in so far as it is relevant to my subject, can be expressed as follows:

"Some form of association must be found as a result of which the whole strength of the community will be enlisted for the protection of the person and property of each constituent member, in such a way that each, when united to his fellows, renders obedience to his own will, and remains as free as he was before." That is the basic problem of which the Social Contract provides the solution.

The clauses of this Contract are determined by the Act of Association in such a way that the least modification must render them null and void. Even though they may never have been formally

Of the Sovereign

It is clear from the above formula that the act of association implies a mutual undertaking between the body politic and its constituent members. Each individual comprising the former contracts, so to speak, with himself and has a twofold function. As a member of the sovereign people he owes a duty to each of his neighbors, and, as a Citizen, to the sovereign people as a whole. But we cannot here apply that maxim of Civil Law according to which no man can be held to an undertaking entered into with himself, because there is a great difference between a man's duty to himself and to a whole of which he forms a part.

Here it should be pointed out that a public decision which can enjoin obedience on all subjects to their Sovereign, by reason of the double aspect under which each is seen, cannot, on the contrary, bind the sovereign in his dealings with himself. Consequently, it is against the nature of the body politic that the sovereign should impose upon himself a law which he cannot infringe. For, since he can regard himself under one aspect only, he is in the position of an individual entering into a contract with himself. Whence it follows that there is not, nor can be, any fundamental law which is obligatory for the whole body of the People, not even the social contract itself. This does not mean that the body politic is unable to enter into engagements with some other Power, provided always that such engagements do not derogate from the nature of the Contract; for the relation of the body politic to a foreign Power is that of a simple individual.

But the body politic, or Sovereign, in that it derives its being simply and solely from the sanctity of the said Contract, can never bind itself, even in its relations with a foreign Power, by any decision which might derogate from the validity of the original act. It may not, for instance, alienate any portion of itself, nor make submission to any other sovereign. To violate the act by reason of which it exists would be tantamount to destroying itself, and that which is nothing can produce nothing.

As soon as a mob has become united into a body politic, any at-
important is the fact that, should any offense be committed against the body politic as a whole, the effect must be felt by each of its members. Both duty and interest, therefore, oblige the two contracting parties to render one another mutual assistance. The same individuals should seek to unite under this double aspect all the advantages which flow from it.

Now, the Sovereign People, having no existence, outside that of the individuals who compose it, has, and can have, no interest at variance with theirs. Consequently, the sovereign power need give no guarantee to its subjects, since it is impossible that the body should wish to injure all its members, nor, as we shall see later, can it injure any single individual. The Sovereign, by merely existing, is always what it should be.

But the same does not hold true of the relation of subject to sovereign. In spite of common interest, there can be no guarantee that the subject will observe his duty to the sovereign unless means are found to ensure his loyalty.

Of the Civil State

The passage from the state of nature to the civil state produces a truly remarkable change in the individual. It substitutes justice for instinct in his behavior, and gives to his actions a moral basis which formerly was lacking. Only when the voice of duty replaces physical impulse and when right replaces the cravings of appetite does the man who, till then, was concerned solely with himself, realize that he is under compulsion to obey quite different principles, and that he must now consult his reason and not merely respond to the promptings of desire. Although he may find himself deprived of many advantages which were his in a state of nature, he will recognize that he has gained others which are of far greater value. By dint of being exercised, his faculties will develop, his ideas take on a wider scope, his sentiments become ennobled, and his whole soul be so elevated, that, but for the fact that misuse of the new conditions still, at times, degrades him to a point below that from which he has emerged, he would unceasingly bless the day which freed him forever from his ancient state, and turned him from a limited and stupid animal into an intelligent being and a Man.
Of Real Property

Each individual member of the Community gives himself to it at the moment of its formation. What he gives is the whole man as he then is, with all his qualities of strength and power, and everything of which he stands possessed. Not that, as a result of this act of gift, such possessions, by changing hands and becoming the property of the Sovereign, change their nature. Just as the resources of strength upon which the City can draw are incomparably greater than those at the disposition of any single individual, so, too, is public possession when backed by a greater power. It is made more irrevocable, though not, so far, at least, as regards foreigners, more legitimate. For the State, by reason of the Social Contract which, within it, is the basis of all Rights, is the master of all its members' goods, though, in its dealings with other Powers, it is so only by virtue of its rights as first occupier, which come to it from the individuals who make it up.

The Right of "first occupancy," though more real than the "Right of the strongest," becomes a genuine right only after the right of property has been established. All men have a natural right to what is necessary to them. But the positive act which establishes a man's claim to any particular item of property limits him to that and excludes him from all others. His share having been determined, he must confine himself to that, and no longer has any claim on the property of the community. That is why the right of "first occupancy," however weak it be in a state of nature, is guaranteed to every man enjoying the status of citizen. In so far as he benefits from this right, he withholds his claim, not so much from what is another's, as from what is not specifically his.

In order that the right of "first occupancy" may be legalized, the following conditions must be present. (1) There must be no one already living on the land in question. (2) A man must occupy only so much of it as is necessary for his subsistence. (3) He must take possession of it, not by empty ceremony, but by virtue of his intention to work and to cultivate it, for that, in the absence of legal title, alone constitutes a claim which will be respected by others.