

Social Pact

All ~~Joins~~ + Individuals

JEAN-JACQUES ROUSSEAU

Surrender of General Will

Jean-Jacques Rousseau (1712–1778) was one of the most versatile and influential of modern thinkers. A figure of the Enlightenment as well as a pioneer of Romanticism, he left his mark on social philosophy, educational thought, and literature and authored the first truly modern autobiography. Of the philosophical writers in the century after Hobbes, it was he who stated the problem of civilization with the most rigor and force; indeed, more than anyone he lived out this problem in his own restless and defiant life.

Born in Geneva in 1712, Rousseau was the son of a watchmaker but was orphaned at age ten and left his native city at sixteen. A vagabond and adventurer for the rest of his life, Rousseau was to be imitated by a host of cultured travelers, especially by the Romantic poets, and his habits of direct observation were to impress and unsettle the literati of the ancien régime. From ages sixteen to twenty-nine, Rousseau worked as a footman, seminarist, music teacher, and tutor, became a Catholic convert at Turin, and found nurture and encouragement at the country house of Madame de Varennes, a hospitable widow whom he remembers fondly in his autobiography, *Les Confessions* (published 1782–1789).

In 1741 Rousseau moved on to Paris, hoping to make his name with a system of musical notation he had invented. He soon encountered the brilliant “philosophes,” among them d’Alembert, Condillac, Marivaux, and especially Diderot, who commissioned him to write the musical articles for the *Encyclopedie*. He became a secretary to the French ambassador to Venice, but after a quarrel with his superior he was dismissed, returned to Paris, and supported himself by copying music. It was the last time Rousseau ever accepted work under another person’s command.

Rousseau was lively, personable, and a brilliant if paradoxical conversationalist; his elo-

quence won him many upper-class admirers. His first opera was staged, and he was commissioned to retouch an opera ballet by Rameau for production at the court. In the meantime, he fathered five children by Therese Levasseur, a servant girl who remained with him for the rest of his life, and abandoned the children to a foundling home.

In 1749, while trudging to the prison of Vincennes to visit his friend Diderot, Rousseau experienced the bolt of inspiration that gave him both the identity he had been seeking through all of his wanderings and the theme for all of his future writings. Leafing through the newspaper, he fell upon the subject of an essay contest announced by the Academy of Dijon: “Has the advancement of civilization tended to corrupt or improve morals?” In his essay Rousseau argued that mounting corruption went hand in hand with the progress of the arts and sciences in a society lacking in justice and liberty. While primitive man had been naturally good and free, the present social order made men increasingly immoral and unhappy. Human beings must strive to recover the “rights of nature” and basic equality they once enjoyed. The sciences, industry, and the arts—here Rousseau pointed to his own friends, the proponents of Enlightenment—link men by bonds of self-interest instead of benevolence and mutual respect. With his *Discourse on the Arts and Sciences* (1750), Rousseau won the prize.

Rousseau entered a new essay contest in 1754, and the result of his meditations was the *Discourse on the Origin of Inequality*, one of his greatest works. In the state of nature, he argues, man is innocent, distinguished from the other animals only by capacities for self-improvement and compassion or sympathy. In the early stages, as human beings collaborate they develop their feelings of sympathy, but other things also ensue. Cultivation of the earth gives rise to the idea of

property, which skills, leads to wealthy enslavement arises from. With the establishment and increases and heads headlong into government by dangers. Rousseau public of Geneva his books, it were not near believe; after a in a cottage with

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property, which, given the inequality of people's skills, leads to inequality in their fortunes. The wealthy enslave the poor, conflict erupts, and demand arises for a system of law to impose order. With the establishment of law, which institutionalizes and increases inequality, human beings "run headlong into chains." They see the advantages of government but lack the experience to foresee the dangers. Rousseau dedicated this work to the Republic of Geneva, his native city. But, like most of his books, it offended the political authorities who were not nearly as democratic as he wished to believe; after a brief stay in Geneva, he took refuge in a cottage within the Forest of Montmorency.

The twelve years between the winning of the Dijon prize and the publication of *The Social Contract or Principles of Political Right* (1762) were Rousseau's most creative. He worked on *Emile* (1762), his treatise on pedagogy, and on his novel, *La Nouvelle Heloise* (1761), while he was working on the *Social Contract*. In rural peace, he also wrote *Lettre à d'Alembert*, his attack on the theater; *Lettre à Voltaire*, a defense of religious faith against Voltaire's mocking humanism; a defense of Italian music against the more artificial French style; and his *Essay on the Origin of Languages*.

The Social Contract, Rousseau's best-known work, opens with the famous sentence, "Man is born free, and is everywhere in chains." Following Hobbes, he argues that the social contract completely terminates the state of nature, with its natural freedom and equality. But in its place, Rousseau insists, mankind gains something even more precious: political freedom and civil equal-

ity. Point by point, he shows how civilization takes with one hand what it gives with another: how, for example, possession, which is purely an act of force, becomes property, a right that is both guaranteed and limited by the community. Most of all, Rousseau develops his idea of the general will, a kind of moral ethos that lives inside each person as well as in society as a whole. General will explains how a person who is punished by the community for breaking the law is, as Rousseau sees it, being brought back to an awareness of his own true will. Law is a means for helping the individual in his battle against his own passions, as well as a device for protecting society against its enemies. By establishing the general will—not tradition, positive law, or even individual conscience—as the highest moral authority, Rousseau pushed the liberal idea of freedom down a more democratic path, one that was to lead even to socialism.

After 1762, Rousseau, now chronically ill, was rewarded for his labors with persecution by the governments of France and other nations, who drove him from one place of exile to another. Religious fanatics burned his books in Paris and Geneva and forced him to flee, so Rousseau took refuge for a year in England at the invitation of David Hume. Suffering pain, harassed by misfortunes, he became querulous, even paranoid, in his later years, yet still summoned the energies to write his *Confessions* (completed in 1770), a magnificent polemic entitled "Letters from the Mountain," and the poignant and wistful reminiscences known posthumously as *The Reveries of the Solitary Walker*.

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THE SOCIAL CONTRACT

1762

BOOK I

Taking men as they are and laws as they can be, I propose to inquire whether there can be any legitimate and reliable rule of administration in the civil order. In this inquiry I shall try always to combine what right permits with what interest prescribes, so that justice and utility will not be divided.

I shall go directly to my subject without first demonstrating its importance. I may be asked if I am a ruler or a lawmaker, since I am writing on politics. I answer that I am neither, and that that is why I am writing on politics. If I were a ruler or a lawmaker, I would not waste time saying what ought to be done; I would either do it or remain silent.

Having been born a citizen of a free state and a member of its sovereign, I feel that however slightly my vote may affect public affairs, the right to vote on them is enough to make it my duty to inquire into them. When I reflect on governments, I am always happy to discover that my studies have given me new reasons to love the government of my own country.

I The Subject of This First Book

Man is born free, and is everywhere in chains. This or that man may regard himself as the mas-

ter of others, but he is more of a slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can answer that question.

If I were to consider only force and the effects it produces, I would say, "As long as a people is compelled to obey and does so, it does well; as soon as it is able to throw off its yoke and does so, it does even better, for it has recovered its freedom by the same right as that by which it was taken away, so either it is justified in recovering it or there was no justification for taking it away." But the social order is a sacred right that serves as the basis of all others. Yet this right does not come from nature; it is therefore founded on agreements. The problem is to determine what those agreements are. First, however, I must substantiate what I have just stated.

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III The Right of the Strongest

The strongest man is never strong enough to maintain his mastery at all times unless he transforms his strength into right and obedience into a duty. Hence the right of the strongest, a right that is taken ironically in appearance and established as a principle in reality. But will anyone ever explain what the term means? I do not see what morality can be derived from physical force. Yielding to force is an act of necessity, not of will; at the very most, it is an act of prudence. In what sense could it be a duty?

Let us suppose right exists. I say that a mass of nonsense effect changes with time; the first will be the strongest, and one can disobey it legitimately, and so the right, one has to be the strongest. Force ceases to exist when forced to obey, he does so. It is clear that yielding to force; in that at all.

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Let us suppose for a moment that this alleged right exists. I say that nothing results from it but a mass of nonsense. For if might makes right, the effect changes with the cause: Any might greater than the first will take over its right. As soon as one can disobey with impunity, one can disobey legitimately, and since the strongest is always in the right, one has only to act in such a way as to be the strongest. But what kind of right is it that ceases to exist when strength perishes? If a man is forced to obey, he no longer has any obligation to do so. It is clear that the word "right" adds nothing to force; in that connection, it means nothing at all.

"Obey the powers that be." If that means "Yield to force," it is a good precept, but superfluous, and I can guarantee that it will never be violated. All power comes from God. I acknowledge that; but all disease comes from him also. Does this mean that it is forbidden to call a doctor? If a bandit waylays me in the forest, I am forced to give him my money, but if it were possible for me to keep it, would I have a moral obligation to give it to him anyway? After all, the pistol he points at me is also a form of force.

Let us agree, then, that might does not make right, and that we are obligated to obey only legitimate powers. Thus my original question returns.

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VI The Social Pact

I suppose men to have reached the point where the obstacles to their survival in the state of nature have a resistance that cannot be overcome by the forces each individual has at his disposal for preserving himself in that state. The time has thus come when that original state can subsist no longer, and the human race will perish if it does not change its way of living.

Since men cannot engender new forces, but can only unite and direct existing ones, they now have only one means of preserving themselves: to form by aggregation a sum of forces capable of

overcoming the resistance, then direct them toward a single goal and make them act together.

Such a sum of forces can be produced only by the collaboration of a group of men. But since each man's strength and freedom are his primary means of self-preservation, how can he pledge them without harming himself, without neglecting the care he owes to himself? The problem that arises here can be stated as follows: "To devise a form of association which will defend and protect the person and possessions of each associate with all the collective strength, and in which each is united with all, yet obeys only himself and remains as free as before." Such is the fundamental problem that the social contract solves.

The terms of this contract are so determined by the nature of the agreement that the slightest alteration would make them null and void, so that even though they may never have been formally enunciated, they are everywhere the same, everywhere tacitly accepted and acknowledged, as long as the social pact is not violated, in which case each man regains his original rights and returns to his natural freedom, losing the contractual freedom for which he renounced it.

These terms, properly understood, can all be reduced to one, namely, the complete surrender of each associate, with all his rights, to the whole community. For in the first place, since each man gives himself entirely, the condition is equal for all; and since the condition is equal for all, it is to no one's interest to make it burdensome for others.

Furthermore, since the surrender is made without reserve, the union is as perfect as it can be and no associate has anything more to demand, for if individuals retained any rights, each would soon be his own judge on some point or other, there being no common superior to decide between him and the public; then eventually everyone would set himself up as his own judge on all points, the state of nature would subsist, and the association would necessarily become either tyrannical or ineffectual.

Finally, in giving himself to all, each man gives himself to no one, and since he acquires the same right over all the other associates as they acquire over him, he gains the equivalent of everything he loses, plus greater power to preserve what he has.

If, then, we exclude from the social pact everything that is not essential to it, we find that it reduces itself to this formulation: "Each of us puts his person and all his power in common under the supreme control of the general will, and we collectively receive each member as an indivisible part of the whole."

In place of the individual persons of the contracting parties, the act of association immediately creates a collective, artificial body, composed of as many members as the assembly has voters, and the same act gives this body its unity, its collective self, its life, and its will. Such a public person, formed by the union of all other persons, was formerly called a *city*, and is now known as a *republic* or a *body politic*. Its members call it the *state* when it is passive, the *sovereign* when it is active and a *power* when they compare it with others of its kind. They themselves collectively take the name of the *people*, and are individually called *citizens* as sharing in the sovereign authority, and *subjects* as owing obedience to the laws of the state. But these terms are often used indiscriminately, one in place of another; it is enough to know how to distinguish them when they are used precisely.

VII The Sovereign

This formulation shows that the act of association involves a reciprocal commitment between the public and the individuals who compose it, and that each individual, contracting with himself, so to speak, is under a double obligation: toward other individuals, as a member of the sovereign, and toward the sovereign, as a member of the state. But the principle of common law which says that a man cannot be held to a commitment he has made to himself does not apply here, for there is a great difference between assuming an obligation

toward himself and assuming one toward a whole of which he is a part.

It should also be pointed out that while public decisions can obligate all subjects toward the sovereign, because of the two capacities in which each subject is considered, they cannot obligate the sovereign toward itself. It is therefore contrary to the nature of the body politic for the sovereign to impose a law on itself that it cannot infringe. Since it can be considered only in a single capacity, it is in the position of an individual contracting with himself. Hence we see that there neither is nor can be any kind of fundamental law binding on the people as a body—not even the social contract. This does not mean that the body politic cannot assume obligations toward others, insofar as they do not violate that contract, for in relation to outsiders it is an indivisible being, an individual.

But since the body politic or the sovereign draws its being only from the sanctity of the contract, it can never obligate itself, even to an outsider, to do anything contrary to that original agreement, such as alienating some portion of itself, or placing itself under the authority of another sovereign. To violate the agreement by which it exists would be to annihilate itself, and that which is nothing can do nothing.

Once a multitude is thus united in a body, no one can offend one of its members without attacking the body, much less offend the body without affecting its members. Duty and interest therefore equally oblige the two contracting parties to help each other, and the same men must seek to combine, in their double capacity, all the advantages that pertain to it.

The sovereign, being formed only by the individuals who compose it, neither has nor can have any interest contrary to theirs; consequently there is no need for the sovereign power to give guarantees to the subjects, because it is impossible for the body to want to harm all its members, and as we shall see later, it cannot harm any one of them in particular. Merely by virtue of existing, the sovereign is always what it should be.

This, however, is no relation to the sovereign interest, could not their obligations unless being sure of their fidelity.

Each individual can will different from or a will which he has as a may speak to him quite mon interest; his absolute existence may owes to the common contribution, loss of which wo ers than payment of it considering that the art tutes the state is an im not a man, he may wa citizen without fulfilling; injustice that would br body politic if it were t

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VIII The Civil State

The passage from the state produces a remarkable substituting justice for giving his acts the n lacked. Only then, when yielded to the voice of d does man, who so far h self, find that he is force ferent principles and to

This, however, is not true of the subjects in relation to the sovereign, which, despite the common interest, could not count on them to fulfill their obligations unless it devised means of making sure of their fidelity.

Each individual can, as a man, have a private will different from or even contrary to the general will which he has as a citizen. His private interest may speak to him quite differently from the common interest; his absolute and naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution, loss of which would be less harmful to others than payment of it is burdensome to him, and considering that the artificial person that constitutes the state is an imaginary being because it is not a man, he may want to enjoy the rights of a citizen without fulfilling the duties of a subject, an injustice that would bring about the ruin of the body politic if it were to spread.

In order, therefore, that the social pact shall not be an empty formality, it tacitly includes one stipulation without which all the others would be ineffectual: that anyone who refuses to obey the general will shall be compelled to do so by the whole body. This means nothing else than that he shall be forced to be free, for such is the condition which gives each citizen to his country and thus secures him against all personal dependence. This condition is essential to the functioning of the political machine, and it alone legitimizes civil obligations, which would otherwise be absurd, tyrannical, and subject to the most outrageous abuses.

VIII The Civil State

The passage from the state of nature to the civil state produces a remarkable change in man by substituting justice for instinct in his conduct and giving his acts the morality they previously lacked. Only then, when physical impulses have yielded to the voice of duty, and appetite to right, does man, who so far had considered only himself, find that he is forced to act according to different principles and to consult his reason before

listening to his inclinations. In this state he is deprived of some advantages given to him by nature, but he gains others so great—his faculties are exercised and developed, his ideas are broadened, his feelings are ennobled, his whole soul is uplifted—that if the abuses of this new state did not often degrade him below his previous level, he would constantly have reason to bless the happy moment when he was drawn out of the state of nature forever and changed from a stupid, shortsighted animal into an intelligent being and a man.

Let us reduce the balance to terms that can be easily compared. What man loses by the social contract is his natural freedom and an unlimited right to anything he wants and can get. What he gains is civil freedom and ownership of everything he possesses. To avoid error in evaluating this exchange, we must make two clear distinctions: first, between natural freedom, which is limited only by the individual's power, and civil freedom, which is limited by the general will; and second, between possession, which results only from force or the right of first occupancy, and ownership, which can be based only on juridical title.

Another gain can be added to those that come with the civil state: moral freedom, which alone makes man truly his own master, for impulsion by appetite alone is slavery, and obedience to self-imposed law is freedom. But I have already said too much on this point, and the philosophical meaning of the word "freedom" is not part of my subject here.

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BOOK II

III Whether the General Will Can Err

It follows from what has been said above that the general will is always well-meaning and always tends toward the public good; but it does not follow that all decisions made by the people are equally sound. We always will our own good, but we do not always see what it is. The people is

Gen. Will wins
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never corrupted, but it is often misled, and only then does it seem to will what is bad.

There is often a great difference between the will of all and the general will. The latter looks only to the common interest, while the former looks to private interest and is only a sum of individual wills. But take away from those same wills the pluses and minuses that cancel each other out, and the general will remains as the sum of the differences.

If the people always decided on the basis of adequate information, and with no discussion among the citizens beforehand, the general will would always result from the larger number of small differences and the decision would always be right. But when there are factions, lesser associations detrimental to the greater one, the will of each of them becomes general in relation to its members and particular in relation to the state. It can then be said that there are no longer as many voters as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Finally, when one of these associations is so large that it prevails over all the others, the result is no longer a sum of small differences, but a single difference; there is then no longer a general will, and the opinion that prevails is only a particular one.

Therefore, if the general will is to be clearly expressed, it is important that there be no partial societies within the state, and that each citizen form his opinion independently. Such was the unique and sublime system established by the great Lycurgus. When partial societies do exist, they must be made numerous and prevented from being unequal, as was done by Solon, Numa, and Servius. These are the only effective precautions that can be taken to ensure that the general will is always enlightened and the people never mistaken.

IV Limits of the Sovereign Power

If the state or body politic is only an artificial person whose life is in the union of its members, and if its most important concern is its own preserva-

tion, it must have a universal coercive power in order to move and direct each part in the manner most advantageous to the whole. Just as nature gives each man absolute power over the parts of his body, the social pact gives the body politic absolute power over its members, and it is this same power which, under the direction of the general will, bears the name of sovereignty, as I have already said.

But besides this public person, we must also consider the private persons who compose it, and whose life and freedom are naturally independent of it. We must therefore distinguish between the respective rights of the citizens and the sovereign, as well as between the duties which the citizens must fulfill as subjects and the natural rights they should enjoy as men.

It is acknowledged that the social pact requires each individual to relinquish only that part of his power, possessions, and freedom which it is important for the community to control; but it must also be acknowledged that the sovereign is the sole judge of that importance.

If a citizen is able to render certain services to the state, it is his duty to render them as soon as the sovereign requests them. But the sovereign, for its part, cannot place the subjects under any constraint useless to the community; it cannot even will to do so, for under the law of reason, as under the law of nature, nothing can occur without a cause.

The commitments that bind us to the social body are obligatory only because they are mutual, and their nature is such that, in fulfilling them, one cannot work for others without also working for oneself. Why is the general will always well-meaning, and why does everyone constantly will the happiness of each individual, if not because everyone applies the word "each" to himself and thinks of himself when he votes for the good of all? This proves that equality of rights, and the notion of justice it produces, stem from the preference that each man gives to himself, and therefore from the nature of man. It proves that in order to be truly general, the general will must be general

in its object as well as in its origin; it must come from everyone if it is to be general, and that it loses its nature if it is directed toward a specific individual. It is the principle of judging something alien to the principle of equity to guide

BOOK IV

I The General Will

As long as a number of men are united together, consider themselves as one people, and have only one will, which is the general will, common security and the preservation of the state are the principles of the law. These principles are clear and simple, but when they are tangled, conflicting interests are always so obvious that they can be seen with common sense. The enemies of political liberty are the enemies of the law; toward men are difficult to govern with very simplicity. They are the enemies of the law, and their artifices and devious schemes are so sophisticated to be difficult to detect. The happiest nation, one so devoted to the affairs of the state, and always acting wisely, is the one that despising the refinements of the law, make themselves illiterate and mysterious.

A state so governed is the most just, and whenever there is a need, that need is applied to the law, who proposes them is the law, else already feels, a consequence plays any part in the law, each has already resolved, sure that others will do the same.

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in its object as well as in its essence, that it must come from everyone if it is to apply to everyone, and that it loses its natural rectitude when it tends toward a specific individual object, for we are then judging something alien to us, with no true principle of equity to guide us.

BOOK IV

I The General Will Is Indestructible

As long as a number of men, having joined together, consider themselves a single body, they have only one will, which is directed toward the common security and well-being. The forces that move the state are then simple and vigorous; its principles are clear and illuminating; there are no tangled, conflicting interests; the common good is always so obvious that it can be seen by anyone with common sense. Peace, unity, and equality are enemies of political guile. Simple, straightforward men are difficult to deceive because of their very simplicity. They are not taken in by blandishments and devious arguments; they are too unsophisticated to be dupes. When, in the world's happiest nation, one sees groups of peasants conducting the affairs of the state under an oak tree and always acting wisely, how can one help despising the refinements of other nations, which make themselves illustrious and wretched by such artful and mysterious means?

A state so governed requires very few laws, and whenever there is a need to promulgate new ones, that need is apparent to all. The first man who proposes them is only saying what everyone else already feels, and neither intrigue nor eloquence plays any part in enacting into law what each has already resolved to do as soon as he is sure that others will do the same.

What misleads glib theorists is that, seeing only states which were badly constituted from the start, they are struck by the impossibility of conducting the affairs of such states in the way I have

described. They laugh when they imagine all the foolish acts into which a clever scoundrel or an ingratiating orator could lead the people of Paris or London. They do not know that Cromwell would have been put to forced labor by the people of Berne, and the Duc de Beaufort imprisoned by the Genevans.

But when the social bond begins to loosen and the state to weaken, when private interests make themselves felt and smaller associations begin to influence the whole society, then the common interest becomes distorted and encounters opposition, voting is no longer unanimous, the general will is no longer the will of all, conflicts and debates arise, and even the wisest opinions are disputed.

Finally, when the state is close to ruin and exists only in an empty, illusory form, when the social bond has been broken in all hearts, when the vilest self-interest brazenly adorns itself with the sacred name of the public good, then the general will becomes mute, each man is guided by secret motives, the opinions he expresses are no more those of a citizen than if the state had never existed, and unjust decrees that have no other object than private interest are falsely presented as laws.

Does it follow from all this that the general will is annihilated or corrupted? No: It is still changeless, incorruptible, and pure; but it is subordinated to other wills that prevail over it. In detaching his interest from the common interest, each man clearly sees that he cannot separate the two completely, but his share of the public evil seems negligible to him, compared with the exclusive good that he intends to obtain for himself. Except where this private good is concerned, he wills the general good, in his own interest, as strongly as anyone else. Even if he sells his vote for money, he does not extinguish the general will in himself; he evades it. The transgression he commits is to change the formulation of the question, so that his answer concerns something other than what he was asked to decide; that is, instead of saying by his vote, "It is advantageous to the state," he says, "It is advantageous to a certain man or a certain

faction that such and such a measure be adopted." Therefore the purpose of rules for regulating public assemblies is less to uphold the general will in them than to make sure that it is always questioned and always replies.

There are many observations that I could make here about the simple right of voting in every act of sovereignty, a right which nothing can take away from the citizens, and about the right of expressing opinions, making proposals, analyzing, and discussing, which the government always makes great efforts to reserve only for its members: but that important subject would require a separate treatise, and I cannot say everything in this one.

II Voting

From what has been said in the preceding chapter it can be seen that the manner in which public affairs are conducted is a reliable indication of the current state of public morality and the health of the body politic. **The more agreement there is in the assemblies, that is, the closer opinions come to being unanimous, the more the general will is dominant; but long debates, dissension, and tumult herald the ascendancy of private interests and the decline of the state.**

This seems less obvious when two or more orders enter into the constitution of the state. In Rome, for example, the assemblies were often disturbed by quarrels between the patricians and the plebeians, even in the finest days of the Republic. But this exception is more apparent than real, for in such cases, because of an inherent defect in the body politic, there are, so to speak, two states in one, and what is not true of both together is true of each separately. Even in the stormiest times, the decrees of the Roman people, when the Senate did not interfere, were always promulgated peacefully and by a large majority of votes. Since the citizens had only one interest, the people had only one will.

Unanimity returns at the opposite extreme, when the citizens have fallen into servitude and no longer have either freedom or will. Fear and ob-

sequiousness then change voting into acclamation; there is no longer deliberation, but only worship or damnation. Such was the vile way in which the Roman Senate expressed itself under the emperors. It was sometimes done with ridiculous precautions: Tacitus writes that, during the reign of Otho, when the senators heaped abuse on Vitellius they made a great uproar at the same time, so that if he should happen to gain control of the empire he would not be able to learn what each of them had said.

These various considerations give rise to the principles by which the counting of votes and the comparing of opinions should be conducted, depending on the ease with which the general will can be recognized, and the extent to which the state is declining.

There is only one law which by its nature requires unanimous assent: the social pact. For civil association is the most voluntary act in the world; since each man is born free and his own master, no one can bind him to anything, on any pretext whatever, without his consent. To decide that the son of a slave woman is born a slave is to decide that he is not born human.

If, then, there are those who oppose the social pact at the time when it is made, their opposition does not invalidate the contract: It only excludes them from it. They are foreigners among the citizens. When the state is instituted, residence indicates consent; to live in its territory is to acknowledge the authority of its sovereign.

Apart from this original contract, the decision of the majority is always binding on the minority. This is a consequence of the contract itself. But it may be asked how a man can be free, and at the same time be forced to conform to wills that are not his own. How can dissenters be both free and subject to laws to which they have not consented?

I answer that the question is wrongly formulated. The citizen consents to all the laws, even those that are passed against his opposition, and even those that punish him if he dares to violate one of them. The unequivocal will of all the members of the state is the general will; it is through it

that they are citizens posed in their assembly not precisely whether the proposal, but whether the general will that is given his opinion on the variation of the general will of the votes. When, contrary to mine prevail mistaken, that what I was not. If my private would have done something willed, and then I would

This presupposes, characteristics of the general majority; when they determine what decision is in freedom.

When I showed others were substituted for their decisions, I spoke at some means of preventing them to them later. As for

that they are citizens and free. When a law is proposed in their assembly, what is asked of them is not precisely whether they accept or reject the proposal, but whether it is in conformity with the general will that is theirs. In voting, each man gives his opinion on this question, and the declaration of the general will is drawn from the count of the votes. When, therefore, the opinion contrary to mine prevails, it proves only that I was mistaken, that what I thought was the general will was not. If my private opinion had prevailed, I would have done something other than what I had willed, and then I would not have been free.

This presupposes, it is true, that all the characteristics of the general will are still present in the majority; when they cease to be there, no matter what decision is made, there is no longer any freedom.

When I showed earlier how particular wills were substituted for the general will in public decisions, I spoke at some length about the practical means of preventing that abuse, and I shall return to them later. As for the proportion of votes

needed to declare the general will, I have also given the principles by which it can be determined. A difference of one vote breaks a tie, and one dissenting vote breaks unanimity; but between a tie and unanimity there are many unequal divisions, any one of which may be made the required proportion, depending on the condition and needs of the body politic.

Two general maxims may be used to determine the proportion. The first is that the more serious and important the decision is, the closer the prevailing opinion should approach unanimity. The second is that the shorter the time in which the decision must be made, the more the required majority should be reduced; in matters that must be decided without delay, a difference of one vote should be enough. The first of these maxims seems better suited to enacting laws, the second to conducting public affairs. In any case, it is by a combination of both that the best proportion to require for a decisive majority can be determined.

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Any Society will have
General Will